

YOUNGSTOWN CITY COUNCIL SPECIAL MEETING
WEDNESDAY, AUGUST 23, 2017
AGENDA

COMMUNICATIONS

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| COM-17-162 | 1. | Notice of Special City Council meeting for Wednesday, August 23, 2017. |
| COM-17-163 | 2. | Board of Control meeting was held August 3, 2017. |
| COM-17-164 | 3. | Board of Control meeting was held August 17, 2017. |
| COM-17-165 | 4. | Design Review Committee meeting was held August 1, 2017. |
| COM-17-166 | 5. | City Planning Commission meeting was held August 15, 2017. |
| COM-17-167 | 6. | City Planning Commission recommended approval of Referral No. 11-17, request by Thomas Brothers for a waiver to establish a regulated use (taproom/bar) within a 500 foot radius of other regulated uses in the Entertainment District at 101 W. Federal Street. |
| COM-17-168 | 7. | City Planning Commission recommended approval of Referral No. 15-17, request by Kimberly S. Strupkus for an approval of a Conditional Use Permit for non-domesticated animals (goats) at 155 Millet Avenue. |
| COM-17-169 | 8. | Human Relations Commission meeting moved from August 8, 2017 to August 22, 2017. |
| COM-17-170 | 9. | Mahoning County Commissioners' Board meeting was held July 27, 2017. |
| COM-17-171 | 10. | Mahoning County Commissioners' Board cancelled meeting for August 3, 2017. |
| COM-17-172 | 11. | Mahoning County Commissioners' Board meeting was held August 10, 2017. |
| COM-17-173 | 12. | Mahoning County Commissioners Resolution revising Resolution No. 16-12-033 to include two additional dates to close the Mahoning County Courthouse. |
| COM-17-174 | 13. | Mahoning County Commissioners' Board meeting was held August 15, 2017. |
| COM-17-175 | 14. | Mahoning Valley Sanitary District Board meeting was held July 25, 2017. |
| COM-17-176 | 15. | Eastgate Regional Council of Governments Annual Report. |
| COM-17-177 | 16. | Charter Communications letter regarding cable channel changes and service upgrade. |
| COM-17-178 | 17. | Chief Robin Lees is unable to attend City Council meeting on August 23, 2017. |
| COM-17-179 | 18. | CPED Director T. Sharon Woodberry is unable to attend City Council meeting on August 23, 2017. |
| COM-17-180 | 19. | Appointment of two Councilmembers to the Committee to review Community Outreach sub-contract agreement within the JAC contract. <u>ROLL CALL VOTE</u> |

REPORTS

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| REP-17-18 | 20. | Planning Commission recommended approval of ORD-17-284, Referral No. 14-17 "Amending Section 1103.01, <u>Permitted Use Table</u> , of the Youngstown Redevelopment Code, of the Codified Ordinances of the City of Youngstown, which was enacted by Youngstown City Council on April 17, 2013. The amendment adds the term "Medical Marijuana Dispensary" to the permitted use table under Section 1103.01." |
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- REP-17-19 21. Planning Commission recommended **approval** of ORD-17-286, Referral No. 14-17 “Amending Section 1106.03, **Definitions**, of the Youngstown Redevelopment Code, of the Codified Ordinances of the City of Youngstown, which was enacted by Youngstown City Council on April 17, 2013. The amendment adds the definition of Medical Marijuana Dispensary and adds the term “Medical Marijuana Dispensary” to the list of regulated uses under Section 1106.03.”
- REP-17-20 22. Planning Commission recommended **approval** of ORD-17-285, Referral No. 12-17 “Amending Section 1105.05(c)(2), **Pre-Existing Uses**, under the Youngstown Redevelopment Code of the Codified Ordinances of the City of Youngstown.”
- REP-17-21 23. Planning Commission recommended **denial** of ORD-17-288, Referral No. 13-17 “Authorizing the City of Youngstown, pursuant to Ohio Revised Code 723.06, to provide for the vacation of 25 feet of the western portion of Quebec Avenue pursuant to O.R.C. 723.04 and 723.06 a 50 foot public right-of-way from Ottawa Drive extending north approximately 200 feet to the southern property line of Out Lot 1105.”
- REP-17-22 24. Safety Committee signed out ORD-17-284 entitled “Amending Section 1103.01, **Permitted Use Table**, of the Youngstown Redevelopment Code, of the Codified Ordinances of the City of Youngstown, which was enacted by Youngstown City Council on April 17, 2013. The amendment adds the term “Medical Marijuana Dispensary” to the permitted use table under Section 1103.01.”
- REP-17-23 25. Safety Committee signed out ORD-17-286 entitled “Amending Section 1106.03, **Definitions**, of the Youngstown Redevelopment Code, of the Codified Ordinances of the City of Youngstown. The amendment adds the definition of Medical Marijuana Dispensary and adds the term “Medical Marijuana Dispensary” to the list of regulated uses under Section 1106.03.”
- REP-17-24 26. Safety Committee signed out ORD-17-285 entitled “Amending Section 1105.05(c)(2), **Pre-Existing Uses**, under the Youngstown Redevelopment Code of the Codified Ordinances of the City of Youngstown.”
- REP-17-25 27. Safety Committee signed out ORD-17-288 entitled “Authorizing the City of Youngstown, pursuant to Ohio Revised Code 723.06, to provide for the vacation of 25 feet of the western portion of Quebec Avenue pursuant to O.R.C. 723.04 and 723.06 a 50 foot public right-of-way from Ottawa Drive extending north approximately 200 feet to the southern property line of Out Lot 1105.”

CERTIFICATES

- CERT-17-01 28. Fiscal Officer’s Certificate dated August 23, 2017: to pay a portion of the costs of constructing the City’s Convocation Center, including related public parking facilities and public plaza improvements and the acquisition of real estate and site preparation related thereto.
- CERT-17-02 29. Fiscal Officer’s Certificate dated August 23, 2017: to pay cost of renovating City Hall Annex.
- CERT-17-03 30. Fiscal Officer’s Certificate dated August 23, 2017: to pay costs of acquiring vehicles for the City Service Department, including front-end loaders, tractors and trailers.

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- CERT-17-04 31. Fiscal Officer's Certificate dated August 23, 2017: to pay costs of acquiring a fire truck.

RESOLUTIONS

COUNCIL AS A WHOLE:

- RES-17-30 1. Supporting the renaming of the Arlington Heights Recreation Center to the Eugenia Atkinson Recreation Center.
- RES-17-31 2. Honoring Community Development Agency Director William D'Avignon on his retirement from the City of Youngstown.
- RES-17-32 3. Honoring Rita Finelli as the 2017 Greater Youngstown Italian Fest Woman of the Year.
- RES-17-33 4. Honoring Aldo R. D'Amato as the 2017 Greater Youngstown Italian Fest Man of the Year.
- RES-17-34 5. Honoring Neil L. Patrone as the 26th Annual Brier Hill Italian Fest 2017 Man of the Year.

ORDINANCES

MAYOR McNALLY:

- ORD-17-291 6. Providing for the issuance and sale of notes in the principal amount of \$100,000 in anticipation of the issuance of bonds, to pay costs of acquiring a fire truck.
- ORD-17-292 7. Providing for the issuance and sale of notes in the principal amount of \$900,000 in anticipation of the issuance of bonds, to pay costs of acquiring vehicles for the City Service Department, including front-end loaders, tractors and trailers.
- ORD-17-293 8. Providing for the issuance and sale of notes in the principal amount of \$5,600,000 in anticipation of the issuance of bonds, to pay costs of renovating City Hall Annex.
- ORD-17-294 9. Providing for the issuance and sale of \$9,160,000 principal amount of notes of the City of Youngstown, Ohio, in anticipation of the issuance of bonds, to pay a portion of the costs of constructing the City's Convocation Center, including related public parking facilities and public plaza improvements and the acquisition of real estate and site preparation related thereto.
- ORD-17-295 10. Authorizing the Board of Control of the City of Youngstown to advertise for bids and enter into a contract with the lowest and best bidder who is responsible for the fabrication and installation of the downtown Youngstown Wayfinding Signage Program.
- ORD-17-296 11. Authorizing the Board of Control of the City of Youngstown to enter into a Pre-Development Agreement with Fresh Coast Capital, LLC for the purpose of preliminary planning and analysis for a Citywide Green Infrastructure Program. City share of cost no more than \$350,000.
- ORD-17-297 12. Authorizing the Board of Control of the City of Youngstown to enter into an interlocal agreement with Mahoning County in order to apply for the FY2017 Edward Byrne Memorial JAG Grant in the amount of \$48,214.00, Application Number 2017-OH-DJ.

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- ORD-17-298 13. Authorizing the Board of Control of the City of Youngstown to enter into a final construction agreement with the State of Ohio, Director of Transportation for Project MAH-SR-616, PID No. 102420. Project consists of fine graded polymer overlay, and cost will not exceed \$55,600.00.
- ORD-17-299 14. Authorizing the Board of Control of the City of Youngstown to enter into a Cooperation Agreement, as hereto attached as Exhibit "A", for relocation of utilities between the City of Youngstown and the East Ohio Gas Company (dba Dominion Energy Ohio). Funding in the amount of \$150,000 is available in Fund 5101.17 or 2302.30.
- OLIVER:**
- ORD-17-300 15. Authorizing the Board of Control of the City of Youngstown to make application with Eastgate Regional Council of Governments for two Transportation Alternative Program Grants. Scope of work will include installation of safety lighting and multi-use paths for 5th Avenue Rehab. Project in 2019. Required local match will be \$120,000.
- MAYOR McNALLY:**
- ORD-17-301 16. Authorizing the acceptance of \$20,668.00 in Community Development Block Grant (CDBG) Funds to support the South Avenue Corridor Improvement Project.
- ORD-17-302 17. Authorizing the acceptance of \$50,000.00 in Community Development Block Grant (CDBG) Funds to support the Litter Control Enforcement Program.
- ORD-17-303 18. Authorizing the acceptance of the Minority Health Grant, in the amount of \$52,500.00 awarded to the Youngstown City Health District by the Ohio Commission on Minority Health for the grant period July 1, 2017 through June 30, 2018.
- ORD-17-304 19. Appropriating \$52,500.00 to 2405.30_5802, Minority Health. Funds will be used to continue the Local Office on Minority Health for the grant period July 1, 2017 through June 30, 2018.
- ORD-17-305 20. Appropriating Community Development Block Grant (CDBG) Program Income to the following CDA 41st Yr – 41 CDBG (Community Development Block Grant) Activities: COY ECON DEV \$35,445.00 and COY DEMOLITION \$133,325.00.
- OLIVER:**
- ORD-17-306 21. Authorizing the expenditure in the amount of \$300.00 from the First Ward Discretionary Fund to defray costs of landscaping and maintenance of the grounds for the Wedge in place project by The Colony Youngstown.
- ORD-17-307 22. Authorizing the expenditure in the amount of \$1,000.00 from the First Ward Discretionary Fund to defray costs of purchasing lawn equipment used for neighborhood community clean-ups.
- ORD-17-308 23. Authorizing the Director of Finance to transfer the amount of \$400.00 from the First Ward Expense Code 1001.01.001_5107, Operating Services into Park and Recreation Expense Code 2301.11.111_5107, Operating Services. Funds to be used for animal trapping services around South Fieldhouse.

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RODGERS:

- ORD-17-309 24. Authorizing the expenditure in the amount of \$300.00 from the Second Ward Discretionary Fund to the Lincoln Knolls Better Block Watch.

PINKARD:

- ORD-17-310 25. Authorizing the expenditure in the amount of \$1,000.00 from the Third Ward Discretionary Fund to support the goal of purchasing 400 youth football helmets as part of the Heads Up Youth Sports Initiative.

RAY:

- ORD-17-311 26. Authorizing the Director of Finance to transfer the amount of \$1,000.00 from the Fourth Ward Expense Code 1001.04.001_5107, Operating Services into Federal Plaza Fund 1006.30_5703 for costs associated with the Mahoning Avenue Fall Fest.

DAVIS:

- ORD-17-312 27. Authorizing the expenditure in the amount of \$500.00 from the Sixth Ward Discretionary Fund to defray costs of the annual Fallen Officer Memorial Event.
- ORD-17-313 28. Authorizing the expenditure in the amount of \$500.00 from the Sixth Ward Discretionary Fund to defray costs of the materials and supplies for the Hope for Newport Community Garden and Apple Orchard.

ADAMCZAK:

- ORD-17-314 29. Authorizing the expenditure in the amount of \$2,100.00 from the Seventh Ward Discretionary Fund to purchase a zero turn lawn mower to be used by Taft School Area Block Watch for maintenance of vacant lots around Taft School Promise Neighborhood.

MAYOR McNALLY:

- ORD-17-315 30. Amending Section 163.63(b)(11), **Violence and Bullying in the Workplace Policy**, of the codified ordinances of the City of Youngstown. The amendment being: to insert protected classes. **MOVED TO COMMITTEE OF THE WHOLE**
- ORD-17-316 31. Enacting Section 163.67.1, **Military Leave and Re-Employment Rights Policy**, of the Codified Ordinances of the City of Youngstown.

MOVED TO COMMITTEE OF THE WHOLE

- ORD-17-317 32. Amending Section 541.08(a), **Ethnic Intimidation**, under the Youngstown Chapter 541, Property Offenses, of the Codified Ordinances of the City of Youngstown. The amendment being: to insert protected classes.

MOVED TO COMMITTEE OF THE WHOLE

- ORD-17-318 33. Amending Section 547.02(d) and 547.02(n), **General Definitions**, under Chapter 547, Unfair Practices, of the Codified Ordinances of the City of Youngstown. The amendment being: to insert protected classes.

MOVED TO COMMITTEE OF THE WHOLE

- ORD-17-319 34. Amending Section 547.03, **Unlawful Discriminatory Practices: Employment**, under Chapter 547, Unfair Practices, of the Codified Ordinances of the City of Youngstown. The amendment being: to insert protected classes.

MOVED TO COMMITTEE OF THE WHOLE

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- ORD-17-320 35. Amending Section 547.04(a)(1) and 547.04(a)(2), **Unlawful Discriminatory Practices: Public Accommodations**, under Chapter 547, Unfair Practices, of the Codified Ordinances of the City of Youngstown. The amendment being: to insert protected classes. **MOVED TO COMMITTEE OF THE WHOLE**
- ORD-17-321 36. Amending Section 547.06, **Unlawful Discriminatory Practices: Credit Transactions**, under Chapter 547, Unfair Practices, of the Codified Ordinances of the City of Youngstown. The amendment being: to insert protected classes. **MOVED TO COMMITTEE OF THE WHOLE**
- ORD-17-322 37. Amending Section 547.09, **Purpose of the Human Relations Commission**, under Chapter 547, Unfair Practices, of the Codified Ordinances of the City of Youngstown. The amendment being: to insert protected classes. **MOVED TO COMMITTEE OF THE WHOLE**
- ORD-17-323 38. Amending Section 547.14(a) and 547.14(j), **Powers and Duties of Commission**, under Chapter 547, Unfair Practices, of the Codified Ordinances of the City of Youngstown. The amendment being: to insert protected classes. **MOVED TO COMMITTEE OF THE WHOLE**
- ORD-17-324 39. Amending Section 548.17(a), **Prohibitions against Real Estate Steering**, under Chapter 548, Unlawful Discriminatory Housing Practices, of the Codified Ordinances of the City of Youngstown. The amendment being: to insert protected classes. **MOVED TO COMMITTEE OF THE WHOLE**
- ORD-17-325 40. Amending Section 547.18(f), **Complaint Procedure**, under Chapter 547, Unfair Practices, of the Codified Ordinances of the City of Youngstown. The amendment being: to insert protected classes. **MOVED TO COMMITTEE OF THE WHOLE**
- ORD-17-326 41. Amending Sections 547.21(a) and 547.21(b), **Equal Employment Opportunity Provisions Required**, under Chapter 547, Unfair Practices, of the Codified Ordinances of the City of Youngstown. The amendment being: to insert protected classes. **MOVED TO COMMITTEE OF THE WHOLE**
- ORD-17-327 42. Amending Sections 547.23(a) and 547.23(b), **Addendum to Information for Bidders**, under Chapter 547, Unfair Practices, of the Codified Ordinances of the City of Youngstown. The amendment being: to insert protected classes. **MOVED TO COMMITTEE OF THE WHOLE**
- ORD-17-328 43. Amending Section 548.01, **Purpose**, under Chapter 548, Unlawful Discriminatory Housing Practices, of the Codified Ordinances of the City of Youngstown. The amendment being: to insert protected classes. **MOVED TO COMMITTEE OF THE WHOLE**
- ORD-17-329 44. Amending Section 548.02(l), **Definitions**, under Chapter 548, Unlawful Discriminatory Housing Practices, of the Codified Ordinances of the City of Youngstown. The amendment being: to insert protected classes. **MOVED TO COMMITTEE OF THE WHOLE**
- ORD-17-330 45. Amending Section 548.05, **Unlawful Discriminatory Housing Practices**, under Chapter 548, Unlawful Discriminatory Housing Practices, of the Codified Ordinances of the City of Youngstown. The amendment being: to insert protected classes. **MOVED TO COMMITTEE OF THE WHOLE**

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- ORD-17-331 46. Amending Section 548.15, **Intimidation or Interference in Housing**, under Chapter 548, Unlawful Discriminatory Housing Practices, of the Codified Ordinances of the City of Youngstown. The amendment being: to insert protected classes. **MOVED TO COMMITTEE OF THE WHOLE**
- ORD-17-332 47. Providing that an amendment to the Charter of the City of Youngstown shall be submitted to the electors of the City of Youngstown for adoption or rejection, at the next regularly-scheduled election to be held on November 7, 2017, pursuant to Section 120 of the Charter of the City of Youngstown and Article XVIII, Sections 8 and 9 of the Constitution of the State of Ohio to **Amend the Charter of the City of Youngstown by adding Section 133, Younstown (sic) Drinking Water Protection Bill of Rights, upon Petitions Signed by Ten Percent of the Electors, based upon the Total Vote Cast at the Last Preceding General Municipal Election,** shall as herein described.
- ORD-17-333 48. Providing that an amendment to the Charter of the City of Youngstown shall be submitted to the electors of the City of Youngstown for adoption or rejection, at the next regularly-scheduled election to be held on November 7, 2017, pursuant to Section 120 of the Charter of the City of Youngstown and Article XVIII, Sections 8 and 9 of the Constitution of the State of Ohio to **Amend the Charter of the City of Youngstown by adding Section 69.1, People's Bill of Rights for Fair Elections and Access to Local Government, upon Petitions Signed by Ten Percent of the Electors, based upon the Total Vote Cast at the Last Preceding General Municipal Election,** shall as herein described.
- ORD-17-334 49. Levying a Special Assessment for costs associated with the demolition, grass cutting, and boarding up that was assessed by the City of Youngstown for the properties and amounts listed in Exhibit "A", which is attached hereto.
- ORD-17-335 50. Removing a Special Assessment in accordance with Ordinance 16-278 for costs associated with the demolition, grass cutting, and boarding up that was assessed by the City of Youngstown for the properties and amounts listed in Exhibit "A", which is attached hereto.

SIGNED OUT OF COMMITTEE

- ORD-17-284 Amending Section 1103.01, **Permitted Use Table**, of the Youngstown Redevelopment Code, of the Codified Ordinances of the City of Youngstown, which was enacted by Youngstown City Council on April 17, 2013. The amendment adds the term "Medical Marijuana Dispensary" to the permitted use table under Section 1103.01.
- ORD-17-285 Amending Section 1105.05(c)(2), **Pre-Existing Uses**, under the Youngstown Redevelopment Code of the Codified Ordinances of the City of Youngstown.
- ORD-17-286 Amending Section 1106.03, **Definitions**, of the Youngstown Redevelopment Code, of the Codified Ordinances of the City of Youngstown. The amendment adds the definition of Medical Marijuana Dispensary and adds the term "Medical Marijuana Dispensary" to the list of regulated uses under Section 1106.03.
- ORD-17-288 Authorizing the City of Youngstown, pursuant to Ohio Revised Code 723.06, to provide for the vacation of 25 feet of the western portion of Quebec Avenue

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pursuant to O.R.C. 723.04 and 723.06 a 50 foot public right-of-way from Ottawa Drive extending north approximately 200 feet to the southern property line of Out Lot 1105.

DEFEATED

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