

SPECIAL CITY COUNCIL MEETING

MONDAY, NOVEMBER 13, 2023

***MEETING HELD AT COVELLI CENTRE COMMUNITY ROOM**

CITY COUNCIL CONVENED IN SPECIAL SESSION AT 5:30 PM AND WAS CALLED TO ORDER BY PRESIDENT TOM HETRICK. ON A CALL OF THE ROLL, THE FOLLOWING MEMBERS RESPONDED TO THEIR NAMES: BASIA ADAMCZAK, ANITA DAVIS, JIMMY HUGHES, PATRICK KELLY, JULIUS OLIVER, MIKE RAY, SAMANTHA TURNER AND TOM HETRICK, 8. THE MINUTES FROM NOVEMBER 1, 2023 WERE APPROVED. COUNCIL SWORE ALLEGIANCE TO THE FLAG.

COMMUNICATIONS

COM-23-228 NOTICE OF SPECIAL COUNCIL MEETING TO BE HELD NOVEMBER 13, 2023. WAS READ AND UPON MOTION OF MR. RAY WAS RECEIVED AND FILED.
CARRIED

COM-23-229 BOARD OF CONTROL MEETING WAS HELD NOVEMBER 2, 2023. WAS READ AND UPON MOTION OF MR. RAY WAS RECEIVED AND FILED. CARRIED

COM-23-230 DESIGN REVIEW COMMITTEE MEETING WAS HELD NOVEMBER 7, 2023. WAS READ AND UPON MOTION OF MR. RAY WAS RECEIVED AND FILED.
CARRIED

COM-23-231 MAHONING COUNTY COMMISSIONERS BOARD MEETING WAS HELD NOVEMBER 2, 2023. WAS READ AND UPON MOTION OF MR. RAY WAS RECEIVED AND FILED. CARRIED

COM-23-232 MAHONING COUNTY COMMISSIONERS BOARD MEETING WAS HELD NOVEMBER 9, 2023. WAS READ AND UPON MOTION OF MR. RAY WAS RECEIVED AND FILED. CARRIED

COM-23-233 JAC MANAGEMENT GROUP, LLC'S PRESIDENT ERIC RYAN LETTER RE: COVELLI CENTRE, YOUNGSTOWN FOUNDATION AMPHITHEATRE AND WEAN PARK'S 2023 THIRD QUARTER OPERATIONAL FINANCIAL STATEMENT. WAS READ AND UPON MOTION OF MR. RAY WAS RECEIVED AND FILED. CARRIED

RESOLUTION

RES-23-20 HONORING PENELOPE "PENNY WELLS". WAS READ THE FIRST TIME AND UPON MOTION OF MR. RAY THE RULES OF COUNCIL WERE SUSPENDED BY A VOTE OF YEAS, 7. NAYS, NONE.

THE RESOLUTION WAS THEN PLACED BEFORE COUNCIL AND PASSED BY A VOTE OF YEAS, 7. NAYS, NONE.

ORDINANCES

ORD-23-419 AUTHORIZING THE BOARD OF CONTROL OF THE CITY OF YOUNGSTOWN TO MAKE PAYMENT TO QUALITY TRUCK BODY, IN THE AMOUNT OF \$39,849.00, FOR THE PURCHASE OF FOUR (4) SNOWPLOWS FOR THE STREET DEPARTMENT; AND PROVIDING THAT THIS ORDINANCE SHALL BE AN EMERGENCY MEASURE IF IT RECEIVES THE AFFIRMATIVE VOTE OF SIX MEMBERS OF COUNCIL; OTHERWISE, IT SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER THE EARLIEST PERIOD ALLOWED BY LAW. WAS READ THE FIRST TIME AND UPON MOTION OF MR. RAY THE RULES OF COUNCIL WERE SUSPENDED BY A VOTE OF YEAS, 7. NAYS, NONE.

THE ORDINANCE WAS THEN PLACED BEFORE COUNCIL AND PASSED BY A VOTE OF YEAS, 7. NAYS, NONE.

ORD-23-420 AUTHORIZING THE BOARD OF CONTROL OF THE CITY OF YOUNGSTOWN TO MAKE PAYMENT, NOT TO EXCEED \$50,000.00 FOR 2023, TO TIPALTI FOR YO! APP REWARDS; AND PROVIDING THAT THIS ORDINANCE SHALL BE AN EMERGENCY MEASURE IF IT RECEIVES THE AFFIRMATIVE VOTE OF SIX MEMBERS OF COUNCIL; OTHERWISE, IT SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER THE EARLIEST PERIOD ALLOWED BY LAW. WAS READ THE FIRST TIME AND UPON MOTION OF MR. RAY THE RULES OF COUNCIL WERE SUSPENDED BY A VOTE OF YEAS, 7. NAYS, NONE.

THE ORDINANCE WAS THEN PLACED BEFORE COUNCIL AND PASSED BY A VOTE OF YEAS, 7. NAYS, NONE.

ORD-23-421 AUTHORIZING THE BOARD OF CONTROL OF THE CITY OF YOUNGSTOWN TO ENTER INTO ALL NECESSARY PROFESSIONAL SERVICES AGREEMENTS TO PROVIDE PLANNING, INSPECTION AND CONSTRUCTION ADMINISTRATIVE SERVICES, AND TESTING SERVICES FOR MAH-MAHONING AVE ROADWAY PID 112622 & 112623. THE CITY'S LOCAL SHARE WILL BE \$40,000.00; AND PROVIDING THAT THIS ORDINANCE SHALL BE AN EMERGENCY MEASURE IF IT RECEIVES THE AFFIRMATIVE VOTE OF SIX MEMBERS OF COUNCIL; OTHERWISE, IT SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER THE EARLIEST PERIOD

ALLOWED BY LAW. WAS READ THE FIRST TIME AND UPON MOTION OF MR. RAY THE RULES OF COUNCIL WERE SUSPENDED BY A VOTE OF YEAS, 7. NAYS, NONE.

THE ORDINANCE WAS THEN PLACED BEFORE COUNCIL AND PASSED BY A VOTE OF YEAS, 7. NAYS, NONE.

ORD-23-422 AUTHORIZING THE BOARD OF CONTROL OF THE CITY OF YOUNGSTOWN TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH A QUALIFIED CONSULTANT FOR DESIGN SERVICES AND PREPARATION OF BID DOCUMENTS FOR THE REDONDO ROAD STORM SEWER, CATCH BASINS AND DRAINAGE IMPROVEMENTS PROJECT. TOTAL COST OF THE AGREEMENT WILL NOT EXCEED \$65,000.00; AND PROVIDING THAT THIS ORDINANCE SHALL BE AN EMERGENCY MEASURE IF IT RECEIVES THE AFFIRMATIVE VOTE OF SIX MEMBERS OF COUNCIL; OTHERWISE, IT SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER THE EARLIEST PERIOD ALLOWED BY LAW. WAS READ THE FIRST TIME AND UPON MOTION OF MR. RAY THE RULES OF COUNCIL WERE SUSPENDED BY A VOTE OF YEAS, 7. NAYS, NONE.

THE ORDINANCE WAS THEN PLACED BEFORE COUNCIL AND PASSED BY A VOTE OF YEAS, 7. NAYS, NONE.

ORD-23-423 AUTHORIZING THE BOARD OF CONTROL OF THE CITY OF YOUNGSTOWN TO ENTER INTO A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH G. STEPHENS INC., FOR PROJECT MANAGEMENT, CONSTRUCTION ADMINISTRATION AND FIELD INSPECTION FOR THE MAHONING AVENUE LEAD SERVICE LINE REPLACEMENT PROJECT. COST OF SERVICES WILL NOT EXCEED \$236,498.00; AND PROVIDING THAT THIS ORDINANCE SHALL BE AN EMERGENCY MEASURE IF IT RECEIVES THE AFFIRMATIVE VOTE OF SIX MEMBERS OF COUNCIL; OTHERWISE, IT SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER THE EARLIEST PERIOD ALLOWED BY LAW. WAS READ THE FIRST TIME AND UPON MOTION OF MR. RAY THE RULES OF COUNCIL WERE SUSPENDED BY A VOTE OF YEAS, 7. NAYS, NONE.

THE ORDINANCE WAS THEN PLACED BEFORE COUNCIL AND PASSED BY A VOTE OF YEAS, 7. NAYS, NONE.

ORD-23-424 AUTHORIZING THE BOARD OF CONTROL OF THE CITY OF YOUNGSTOWN TO ENTER INTO ALL NECESSARY AGREEMENTS AND PROVIDE CONSENT, PURSUANT TO O.R.C. 5521.01, FOR ODOT PROJECT DO4 BH FY2024 (EAST) PID 107246. THE PROJECT WILL CONSIST OF DECK SEALING OF SFN 5008662 MAH-US 62-18.245 OVER SR 289, MAHONING RIVER, CSX AND NORFOLK SOUTHERN RAILROADS, AND SFN 5008301 MAH-SR 711-1.269 OVER THE NORFOLK SOUTHERN RAILROAD IN THE CITY OF YOUNGSTOWN. THE STATE SHALL ASSUME AND BEAR 100% OF ALL THE COSTS OF THE IMPROVEMENT; AND THE CITY AGREES TO PAY 100% OF THE COST OF THOSE FEATURES REQUESTED BY THE CITY OF YOUNGSTOWN WHICH ARE DETERMINED BY THE STATE AND FEDERAL HIGHWAY

ADMINISTRATION TO BE UNNECESSARY FOR THE PROJECT; AND PROVIDING THAT THIS ORDINANCE SHALL BE AN EMERGENCY MEASURE IF IT RECEIVES THE AFFIRMATIVE VOTE OF SIX MEMBERS OF COUNCIL; OTHERWISE, IT SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER THE EARLIEST PERIOD ALLOWED BY LAW. WAS READ THE FIRST TIME AND UPON MOTION OF MR. RAY THE RULES OF COUNCIL WERE SUSPENDED BY A VOTE OF YEAS, 7. NAYS, NONE.

THE ORDINANCE WAS THEN PLACED BEFORE COUNCIL AND PASSED BY A VOTE OF YEAS, 7. NAYS, NONE.

ORD-23-425 AUTHORIZING THE BOARD OF CONTROL OF THE CITY OF YOUNGSTOWN TO DIRECT THE OHIO EDISON COMPANY TO INSTALL ONE (1) 100W STANDARD LIGHT WITH 6' MAST ARM IN 2415 STOCKER AVENUE (POLE #22-332.) OHIO EDISON'S ESTIMATED "RELATED CAPITAL CHARGE" WILL BE \$3,048.26 FOR INSTALLATION; AND PROVIDING THAT THIS ORDINANCE SHALL BE AN EMERGENCY MEASURE IF IT RECEIVES THE AFFIRMATIVE VOTE OF SIX MEMBERS OF COUNCIL; OTHERWISE, IT SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER THE EARLIEST PERIOD ALLOWED BY LAW. WAS READ THE FIRST TIME AND UPON MOTION OF MR. RAY THE RULES OF COUNCIL WERE SUSPENDED BY A VOTE OF YEAS, 7. NAYS, NONE.

THE ORDINANCE WAS THEN PLACED BEFORE COUNCIL AND PASSED BY A VOTE OF YEAS, 7. NAYS, NONE.

ORD-23-426 AUTHORIZING THE BOARD OF CONTROL OF THE CITY OF YOUNGSTOWN TO DIRECT THE OHIO EDISON COMPANY TO INSTALL ONE (1) 100W STANDARD LIGHT WITH 6' MAST ARM IN 1736 RICHMOND AVENUE (POLE #18-1071.) AND ONE (1) 100W STANDARD LIGHT WITH 6' MAST ARM IN 1748 RICHMOND AVENUE (POLE #18-1070) OHIO EDISON'S ESTIMATED "RELATED CAPITAL CHARGE" WILL BE \$6,096.52 FOR INSTALLATION; AND PROVIDING THAT THIS ORDINANCE SHALL BE AN EMERGENCY MEASURE IF IT RECEIVES THE AFFIRMATIVE VOTE OF SIX MEMBERS OF COUNCIL; OTHERWISE, IT SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER THE EARLIEST PERIOD ALLOWED BY LAW. WAS READ THE FIRST TIME AND UPON MOTION OF MR. RAY THE RULES OF COUNCIL WERE SUSPENDED BY A VOTE OF YEAS, 7. NAYS, NONE.

THE ORDINANCE WAS THEN PLACED BEFORE COUNCIL AND PASSED BY A VOTE OF YEAS, 7. NAYS, NONE.

ORD-23-427 AUTHORIZING THE BOARD OF CONTROL OF THE CITY OF YOUNGSTOWN TO DIRECT THE OHIO EDISON COMPANY TO INSTALL ONE (1) 100W STANDARD LIGHT WITH 6' MAST ARM IN 3112 POWERS WAY (POLE #20-388) OHIO EDISON'S ESTIMATED "RELATED CAPITAL CHARGE" WILL BE \$3,048.26 FOR INSTALLATION; AND PROVIDING THAT THIS ORDINANCE SHALL BE AN EMERGENCY MEASURE IF IT RECEIVES THE AFFIRMATIVE VOTE OF SIX MEMBERS OF COUNCIL; OTHERWISE, IT SHALL TAKE EFFECT AND BE IN FORCE FROM AND

AFTER THE EARLIEST PERIOD ALLOWED BY LAW. WAS READ THE FIRST TIME AND UPON MOTION OF MR. RAY THE RULES OF COUNCIL WERE SUSPENDED BY A VOTE OF YEAS, 7. NAYS, NONE.

THE ORDINANCE WAS THEN PLACED BEFORE COUNCIL AND PASSED BY A VOTE OF YEAS, 7. NAYS, NONE.

ORD-23-428 AMENDING SECTION 163.05.01, BONUS FOR NON-USE OF SICK LEAVE, OF THE CODIFIED ORDINANCES OF THE CITY OF YOUNGSTOWN. AMENDED TO READ: EFFECTIVE JANUARY 1, 2024, \$400.00; AND PROVIDING THAT THIS ORDINANCE SHALL BE AN EMERGENCY MEASURE IF IT RECEIVES THE AFFIRMATIVE VOTE OF SIX MEMBERS OF COUNCIL; OTHERWISE, IT SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER THE EARLIEST PERIOD ALLOWED BY LAW. WAS READ THE FIRST TIME AND UPON MOTION OF MR. RAY THE RULES OF COUNCIL WERE SUSPENDED BY A VOTE OF YEAS, 7. NAYS, NONE.

THE ORDINANCE WAS THEN PLACED BEFORE COUNCIL AND PASSED BY A VOTE OF YEAS, 7. NAYS, NONE.

ORD-23-429 AMENDING SUB-SECTION (B) OF SECTION 163.30, LONGEVITY PAYMENT, OF THE CODIFIED ORDINANCES OF THE CITY OF YOUNGSTOWN. AMENDED TO READ: EFFECTIVE JANUARY 1, 2023; AND PROVIDING THAT THIS ORDINANCE SHALL BE AN EMERGENCY MEASURE IF IT RECEIVES THE AFFIRMATIVE VOTE OF SIX MEMBERS OF COUNCIL; OTHERWISE, IT SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER THE EARLIEST PERIOD ALLOWED BY LAW. WAS READ THE FIRST TIME AND UPON MOTION OF MR. RAY THE RULES OF COUNCIL WERE SUSPENDED BY A VOTE OF YEAS, 7. NAYS, NONE.

THE ORDINANCE WAS THEN PLACED BEFORE COUNCIL AND PASSED BY A VOTE OF YEAS, 7. NAYS, NONE.

ORD-23-430 AMENDING SECTION 163.54, COLLEGE EDUCATION BONUS FOR MANAGEMENT EMPLOYEES, OF THE CODIFIED ORDINANCES OF THE CITY OF YOUNGSTOWN. AMENDED TO READ: ANNUAL BONUS FOR CALENDAR YEAR 2023; AND PROVIDING THAT THIS ORDINANCE SHALL BE AN EMERGENCY MEASURE IF IT RECEIVES THE AFFIRMATIVE VOTE OF SIX MEMBERS OF COUNCIL; OTHERWISE, IT SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER THE EARLIEST PERIOD ALLOWED BY LAW. WAS READ THE FIRST TIME AND UPON MOTION OF MR. RAY THE RULES OF COUNCIL WERE SUSPENDED BY A VOTE OF YEAS, 7. NAYS, NONE.

THE ORDINANCE WAS THEN PLACED BEFORE COUNCIL AND PASSED BY A VOTE OF YEAS, 7. NAYS, NONE.

ORD-23-431 AMENDING ORDINANCE 23-98, PASSED BY YOUNGSTOWN CITY COUNCIL ON MARCH 15, 2023, WHICH AUTHORIZED THE BOARD OF CONTROL OF

THE CITY OF YOUNGSTOWN TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT, IN AN AMOUNT NOT TO EXCEED \$45,000.000 WITH CLEMANS, NELSON & ASSOCIATES, INC FOR NEGOTIATION AND CONSULTATION SERVICES RELATIVE TO THE CITY OF YOUNGSTOWN'S BARGAINING AGREEMENTS FOR A ONE-YEAR PERIOD. THE AMENDMENT BEING: TO INCREASE THE NOT TO EXCEED AMOUNT TO \$60,000.00; AND PROVIDING THAT THIS ORDINANCE SHALL BE AN EMERGENCY MEASURE IF IT RECEIVES THE AFFIRMATIVE VOTE OF SIX MEMBERS OF COUNCIL; OTHERWISE, IT SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER THE EARLIEST PERIOD ALLOWED BY LAW. WAS READ THE FIRST TIME AND UPON MOTION OF MR. RAY THE RULES OF COUNCIL WERE SUSPENDED BY A VOTE OF YEAS, 7. NAYS, NONE.

THE ORDINANCE WAS THEN PLACED BEFORE COUNCIL AND PASSED BY A VOTE OF YEAS, 7. NAYS, NONE.

ORD-23-432 AUTHORIZING AN AMENDMENT TO ORDINANCE NO. 10-386 TO EXTEND THE TERM OF THE TAX INCREMENT FINANCING FOR THE V & M STAR TIF FOR AN ADDITIONAL 30-YEARS PURSUANT TO OHIO REVISED CODE SECTION 5709.51; AUTHORIZING OTHER RELATED ACTIONS PURSUANT TO OHIO REVISE CODE SECTIONS 5709.40 (B), 5709.42, 5709.43, AND RELATED LAWS TO CAPTURE ADDITIONAL TAX INCREMENT FINANCING REVENUE TO FINANCE THE VARIOUS PUBLIC IMPROVEMENTS IDENTIFIED IN EXHIBIT B OF THE ORIGINAL TIF ORDINANCE; AND PROVIDING THAT THIS ORDINANCE SHALL BE AN EMERGENCY MEASURE IF IT RECEIVES THE AFFIRMATIVE VOTE OF SIX MEMBERS OF COUNCIL; OTHERWISE, IT SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER THE EARLIEST PERIOD ALLOWED BY LAW. WAS READ THE FIRST TIME AND UPON MOTION OF MR. RAY **MOVED TO A SECOND READING.**

ORD-23-433 AUTHORIZING THE ACCEPTANCE OF FUNDS IN THE AMOUNT OF \$4,000.00, DONATED BY CARESOURCE, FOR USE IN THE MINORITY HEALTH DIVISION OF THE YOUNGSTOWN CITY HEALTH DISTRICT; AND PROVIDING THAT THIS ORDINANCE SHALL BE AN EMERGENCY MEASURE IF IT RECEIVES THE AFFIRMATIVE VOTE OF SIX MEMBERS OF COUNCIL; OTHERWISE, IT SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER THE EARLIEST PERIOD ALLOWED BY LAW. WAS READ THE FIRST TIME AND UPON MOTION OF MR. RAY THE RULES OF COUNCIL WERE SUSPENDED BY A VOTE OF YEAS, 7. NAYS, NONE.

THE ORDINANCE WAS THEN PLACED BEFORE COUNCIL AND PASSED BY A VOTE OF YEAS, 7. NAYS, NONE.

ORD-23-434 INCREASING APPROPRIATIONS TO FUND 2400.007.200_5703, HEALTH FUND BY \$4,000.00; AND PROVIDING THAT THIS ORDINANCE SHALL BE AN EMERGENCY MEASURE IF IT RECEIVES THE AFFIRMATIVE VOTE OF SIX MEMBERS OF COUNCIL; OTHERWISE, IT SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER THE EARLIEST PERIOD ALLOWED BY LAW. WAS READ THE FIRST TIME AND

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UPON MOTION OF MR. RAY THE RULES OF COUNCIL WERE SUSPENDED BY A VOTE OF YEAS, 7. NAYS, NONE.

THE ORDINANCE WAS THEN PLACED BEFORE COUNCIL AND PASSED BY A VOTE OF YEAS, 7. NAYS, NONE.

ORD-23-435 AUTHORIZING THE ACCEPTANCE OF FUNDS IN THE AMOUNT OF \$22,500.00 FROM THE MAHONING COUNTY DISTRICT BOARD OF HEALTH, FOR CONTINUATION OF THE YOUNGSTOWN HEALTH IMPROVEMENT ZONE (YHIZ) PROJECT; AND PROVIDING THAT THIS ORDINANCE SHALL BE AN EMERGENCY MEASURE IF IT RECEIVES THE AFFIRMATIVE VOTE OF SIX MEMBERS OF COUNCIL; OTHERWISE, IT SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER THE EARLIEST PERIOD ALLOWED BY LAW. WAS READ THE FIRST TIME AND UPON MOTION OF MR. RAY THE RULES OF COUNCIL WERE SUSPENDED BY A VOTE OF YEAS, 7. NAYS, NONE.

THE ORDINANCE WAS THEN PLACED BEFORE COUNCIL AND PASSED BY A VOTE OF YEAS, 7. NAYS, NONE.

ORD-23-436 APPROPRIATING \$22,500.00 TO 2408.30_5802, YOUNGSTOWN HEALTH IMPROVEMENT ZONE (YHIZ) PROJECT; AND PROVIDING THAT THIS ORDINANCE SHALL BE AN EMERGENCY MEASURE IF IT RECEIVES THE AFFIRMATIVE VOTE OF SIX MEMBERS OF COUNCIL; OTHERWISE, IT SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER THE EARLIEST PERIOD ALLOWED BY LAW. WAS READ THE FIRST TIME AND UPON MOTION OF MR. RAY THE RULES OF COUNCIL WERE SUSPENDED BY A VOTE OF YEAS, 7. NAYS, NONE.

THE ORDINANCE WAS THEN PLACED BEFORE COUNCIL AND PASSED BY A VOTE OF YEAS, 7. NAYS, NONE.

ORD-23-437 APPROPRIATING \$29,000.00 INTO THE MUNICIPAL COURT PROBATION FUND UNDER 2904.30_5205, FOR THE PURCHASE OF A VEHICLE FOR THE COURT'S SERVICE BAILIFFS; AND PROVIDING THAT THIS ORDINANCE SHALL BE AN EMERGENCY MEASURE IF IT RECEIVES THE AFFIRMATIVE VOTE OF SIX MEMBERS OF COUNCIL; OTHERWISE, IT SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER THE EARLIEST PERIOD ALLOWED BY LAW. WAS READ THE FIRST TIME AND UPON MOTION OF MR. RAY THE RULES OF COUNCIL WERE SUSPENDED BY A VOTE OF YEAS, 7. NAYS, NONE.

THE ORDINANCE WAS THEN PLACED BEFORE COUNCIL AND PASSED BY A VOTE OF YEAS, 7. NAYS, NONE.

ORD-23-438 APPROPRIATING \$7,000.00 FROM THE LAW ENFORCEMENT FUND 2103.30_5108, OPERATING SUPPLIES, TO THE APPROPRIATE FUND(S) FOR THE PURCHASE OF A LITTLE HELIOS POLICE STATION DRUG BARREL BURNER, FOR THE VICE UNIT; AND PROVIDING THAT THIS ORDINANCE SHALL BE AN EMERGENCY

MEASURE IF IT RECEIVES THE AFFIRMATIVE VOTE OF SIX MEMBERS OF COUNCIL; OTHERWISE, IT SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER THE EARLIEST PERIOD ALLOWED BY LAW. WAS READ THE FIRST TIME AND UPON MOTION OF MR. RAY THE RULES OF COUNCIL WERE SUSPENDED BY A VOTE OF YEAS, 7. NAYS, NONE.

THE ORDINANCE WAS THEN PLACED BEFORE COUNCIL AND PASSED BY A VOTE OF YEAS, 7. NAYS, NONE.

ORD-23-439 LEVYING SPECIAL ASSESSMENTS FOR COSTS ASSOCIATED WITH DEMOLITION, GRASS, CUTTING, BOARDING UP, EXCESSIVE WASTE, AND ABATEMENT THAT WERE ASSESSED BY THE CITY OF YOUNGSTOWN FOR THE PROPERTIES AND AMOUNTS LISTED IN ATTACHED EXHIBIT "A"; AND PROVIDING THAT THIS ORDINANCE SHALL BE AN EMERGENCY MEASURE IF IT RECEIVES THE AFFIRMATIVE VOTE OF SIX MEMBERS OF COUNCIL; OTHERWISE, IT SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER THE EARLIEST PERIOD ALLOWED BY LAW. WAS READ THE FIRST TIME AND UPON MOTION OF MR. RAY THE RULES OF COUNCIL WERE SUSPENDED BY A VOTE OF YEAS, 7. NAYS, NONE.

THE ORDINANCE WAS THEN PLACED BEFORE COUNCIL AND PASSED BY A VOTE OF YEAS, 7. NAYS, NONE.

ORD-23-440 DECLARING VACANT REAL PROPERTY, UNDER SECTION 3, ARTICLE XVIII OF THE OHIO CONSTITUTION AND SECTION 1 AND SECTION 2 OF THE CITY CHARTER, KNOWN AS PARCEL NUMBER 53-011-0-065.00-0 (39 SARANAC AVENUE) IS NO LONGER NECESSARY FOR MUNICIPAL PURPOSES. FURTHER, AUTHORIZING THE DIRECTOR OF FINANCE TO CAUSE THE SALE AND TRANSFER OF SAID VACANT REAL PROPERTY, FOR THE APPRAISED VALUE OF \$420.00, FOR USE IN CONNECTION WITH ECONOMIC DEVELOPMENT PURPOSES. FURTHER, AUTHORIZING THE BOC TO ENTER AND EXECUTE ALL NECESSARY INSTRUMENTS REQUIRED TO ACCOMPLISH THE SALE AND TRANSFER OF THE PROPERTY, AND TO BE DEEDED TO STEPHEN A. SCOTT; AND PROVIDING THAT THIS ORDINANCE SHALL BE AN EMERGENCY MEASURE IF IT RECEIVES THE AFFIRMATIVE VOTE OF SIX MEMBERS OF COUNCIL; OTHERWISE, IT SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER THE EARLIEST PERIOD ALLOWED BY LAW. WAS READ THE FIRST TIME AND UPON MOTION OF MR. RAY THE RULES OF COUNCIL WERE SUSPENDED BY A VOTE OF YEAS, 7. NAYS, NONE.

THE ORDINANCE WAS THEN PLACED BEFORE COUNCIL AND PASSED BY A VOTE OF YEAS, 7. NAYS, NONE.

ORD-23-441 DECLARING VACANT REAL PROPERTY, UNDER SECTION 3, ARTICLE XVIII OF THE OHIO CONSTITUTION AND SECTION 1 AND SECTION 2 OF THE CITY CHARTER, KNOWN AS PARCEL NUMBER 53-034-0-018.00-0 (WILSON AVENUE) IS NO LONGER NECESSARY FOR MUNICIPAL PURPOSES. FURTHER AUTHORIZING THE DIRECTOR OF FINANCE TO CAUSE SALE AND TRANSFER OF SAID VACANT REAL

PROPERTY, FOR THE APPRAISED VALUE OF \$2,220.00, FOR USE IN CONNECTION WITH ECONOMIC DEVELOPMENT PURPOSES. FURTHER, AUTHORIZING THE BOC TO ENTER AND EXECUTE ALL NECESSARY INSTRUMENTS REQUIRED TO ACCOMPLISH THE SALE AND TRANSFER OF THE PROPERTY, AND TO BE DEEDED TO NIKI DATRI ENTERPRISES, INC.; AND PROVIDING THAT THIS ORDINANCE SHALL BE AN EMERGENCY MEASURE IF IT RECEIVES THE AFFIRMATIVE VOTE OF SIX MEMBERS OF COUNCIL; OTHERWISE, IT SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER THE EARLIEST PERIOD ALLOWED BY LAW. WAS READ THE FIRST TIME AND UPON MOTION OF MR. RAY THE RULES OF COUNCIL WERE SUSPENDED BY A VOTE OF YEAS, 7. NAYS, NONE.

THE ORDINANCE WAS THEN PLACED BEFORE COUNCIL AND PASSED BY A VOTE OF YEAS, 7. NAYS, NONE.

ORD-23-442 AUTHORIZING THE EXPENDITURE OF \$394.00 FROM THE SIXTH WARD DISCRETIONARY FUND. FUNDS WILL BE USED TO DEFRAY COSTS ASSOCIATED WITH THE EBONY LADIES GOLF & YOUTH FOUNDATION HOLIDAY BREAKFAST; AND PROVIDING THAT THIS ORDINANCE SHALL BE AN EMERGENCY MEASURE IF IT RECEIVES THE AFFIRMATIVE VOTE OF SIX MEMBERS OF COUNCIL; OTHERWISE, IT SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER THE EARLIEST PERIOD ALLOWED BY LAW. WAS READ THE FIRST TIME AND UPON MOTION OF MR. RAY THE RULES OF COUNCIL WERE SUSPENDED BY A VOTE OF YEAS, 7. NAYS, NONE.

THE ORDINANCE WAS THEN PLACED BEFORE COUNCIL AND PASSED BY A VOTE OF YEAS, 7. NAYS, NONE.

ORD-23-443 AUTHORIZING THE EXPENDITURE OF \$1,200.00 FROM THE SIXTH WARD DISCRETIONARY FUND. FUNDS WILL BE BY THE MISTLETOE NEIGHBORS ASSOCIATION FOR NEIGHBORHOOD BEAUTIFICATION PROJECTS; AND PROVIDING THAT THIS ORDINANCE SHALL BE AN EMERGENCY MEASURE IF IT RECEIVES THE AFFIRMATIVE VOTE OF SIX MEMBERS OF COUNCIL; OTHERWISE, IT SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER THE EARLIEST PERIOD ALLOWED BY LAW. WAS READ THE FIRST TIME AND UPON MOTION OF MR. RAY THE RULES OF COUNCIL WERE SUSPENDED BY A VOTE OF YEAS, 7. NAYS, NONE.

THE ORDINANCE WAS THEN PLACED BEFORE COUNCIL AND PASSED BY A VOTE OF YEAS, 7. NAYS, NONE.

ORD-23-444 AUTHORIZING THE DIRECTOR OF FINANCE TO TRANSFER \$2,000.00 FROM THE PRESIDENT OF COUNCIL'S DISCRETIONARY FUND 1001.01.008_5107, OPERATING SERVICES INTO THE YOUNGSTOWN CITY HEALTH DISTRICT FUND 2400.07.200_5108, OPERATING SUPPLIES, FOR THE PURCHASE OF SUPPLIES FOR THE COMMUNITY WOMEN'S PANTRY; AND PROVIDING THAT THIS ORDINANCE SHALL BE AN EMERGENCY MEASURE IF IT RECEIVES THE AFFIRMATIVE VOTE OF SIX MEMBERS OF COUNCIL; OTHERWISE, IT SHALL TAKE EFFECT AND BE IN FORCE

FROM AND AFTER THE EARLIEST PERIOD ALLOWED BY LAW. WAS READ THE FIRST TIME AND UPON MOTION OF MR. RAY THE RULES OF COUNCIL WERE SUSPENDED BY A VOTE OF YEAS, 7. NAYS, NONE.

THE ORDINANCE WAS THEN PLACED BEFORE COUNCIL AND PASSED BY A VOTE OF YEAS, 7. NAYS, NONE.

REMARKS

COUNCILMAN RAY MOTIONED THAT CITY COUNCIL ENTER INTO EXECUTIVE SESSION TO DISCUSS THE MATTER OF COMPENSATION OF A PUBLIC EMPLOYEE.

COUNCILWOMAN DAVIS SECONDED.

ATTORNEY LIMBIAN STATED THAT WITH WHAT LITTLE HE KNOWS ABOUT THIS, HE URGES THAT COUNCIL NOT GO INTO EXECUTIVE SESSION ON THIS MATTER.

CITY CLERK MARROW NOTED THAT A ROLL CALL VOTE IS NEEDED REGARDING THE MOTION TO ENTER INTO EXECUTIVE SESSION.

ROLL CALL VOTE TO ENTER EXECUTIVE SESSION, YEAS, 7. NAYS, NONE.

MOTION CARRIED

COUNCILMAN RAY RECOGNIZED ATTORNEY LIMBIAN TO SPEAK ON THE MATTER.

ATTORNEY LIMBIAN NOTED THAT FROM WHAT VERY LITTLE HE KNOWS ABOUT THIS OTHER THAN WHAT WAS SUGGESTED TO HIM TONIGHT, IN HIS ESTIMATION IT DOES NOT FALL WITHIN THE AMBIT OF PARAMETERS OF WHAT AN "EXECUTIVE SESSION" SHOULD BE ABOUT. HE WOULD URGE THAT IT IS A PUBLIC MATTER, NOT A PRIVATE MATTER, AND THERE SHOULD NOT BE AN ABROGATION OF THE OHIO OPEN MEETING LAWS.

CLERK MARROW NOTED THAT COUNCILMAN RAY'S MOTION WAS CORRECT.

COUNCILMAN RAY STATED THAT HE WOULD DEFER TO HIS COLLEAGUES AND THE PRESIDING OFFICER OF THIS BODY, WHAT THE LAW SAYS ABOUT COMPENSATION OF A PUBLIC EMPLOYEE.

COUNCILWOMAN DAVIS ASKED ATTORNEY LIMBIAN IF ACCORDING TO A PIECE SHE JUST READ WOULD IT MAKE A DIFFERENCE IF IT STATES EITHER A PUBLIC EMPLOYEE OR AN ELECTED OFFICIAL.

ATTORNEY LIMBIAN ANSWERED THAT IT WOULD BE HIS SUGGESTION THAT IT IS NOT ABOUT COMPENSATION BUT ABOUT PROCESS. PROCESS IS NOT A MATTER THAT SHOULD BE DISCUSSED IN PRIVATE. JUST BECAUSE THE

GENERAL AMBIT TANGENTIALLY REFERS TO COMPENSATION, IT'S NOT A DISCUSSION ABOUT COMPENSATION, IT IS A DISCUSSION ABOUT THE PROCESS WHERE SOMEONE WOULD WORK THROUGH THE STATUTORY PROCEDURE TO ACCOMPLISH THAT, AND THAT IS NOT A PRIVATE MATTER.

COUNCILMAN RAY ASKED IF HIS COLLEAGUES WANT TO RECONSIDER THE MOTION, BASED ON LEGAL ADVICE GIVEN.

COUNCILWOMAN DAVIS STATED SHE WILL ADHERE TO COUNSEL'S ADVICE, AND ASKED WHAT THE PROCESS WOULD BE THEN.

PRESIDENT HETRICK NOTED THAT THE VOTE COULD BE RECONSIDERED.

COUNCILMAN RAY ASKED IF THE PERSON WHO MADE THE ORIGINAL MOTION MUST BE THE ONE WHO OFFERS RECONSIDERATION, OR MAY ANYONE MAKE THE MOTION TO RECONSIDER.

CLERK MARROW NOTED THAT IF THEY WANT TO REMOVE THE MOTION, THEY WOULD RESCIND THE ORIGINAL MOTION.

COUNCILMAN OLIVER ASKS IF LEGAL COUNSEL STATES THAT THIS IS A PUBLIC MATTER, THEN ARE WE OPEN FOR PUBLIC DISCUSSION NOW OR AT A LATER TIME.

COUNCILMAN RAY ASKED ATTORNEY LIMBIAN IF IT IS APPROPRIATE WITH THE LIMITED KNOWLEDGE HE DOES HAVE, AS THE CITY ATTORNEY DOES HE WANT TO SIT DOWN WITH THE PARTIES INVOLVED AND HAVE DISCUSSION, AS HE FEELS THAT IS THE BETTER REMEDY.

ATTORNEY LIMBIAN ANSWERED ABSOLUTELY.

COUNCILWOMAN TURNER STATED THAT THE MOTION STATES THAT IT IS FOR A PUBLIC OFFICIAL REGARDING COMPENSATION, THEN ASKED WHY IF THAT IS EXACTLY THE MATTER AT HAND, SHOULD THEY NOT GO INTO EXECUTIVE SESSION IF IT CLEARLY REFLECTS THAT MATTER.

ATTORNEY LIMBIAN REPLIED THAT IT IS A STATUTORILY DETERMINED COMPENSATION, AND ANY DISCUSSION ABOUT THAT WOULD NOT BE ABOUT THE COMPENSATION, IT WOULD BE ABOUT THE PROCESS TO GET TO THAT COMPENSATION OR INCREASE THAT COMPENSATION. THERE'S NO DISCUSSION TO BE HAD ABOUT THAT. THE OHIO LEGISLATURE HAS DETERMINED WHAT THAT COMPENSATION IS. IT IS JUST THE PROCESS BY WHICH THE ELECTED OFFICIAL WOULD SEEK TO HAVE THAT IMPLEMENTED, AND HE SUGGESTS THAT IS NOT A PRIVATE MATTER OR SOMETHING FOR EXECUTIVE SESSION.

CLERK MARROW SUGGESTED THAT COUNCIL SHOULD NOT KEEP WITH THE LINE OF QUESTIONING BUT DETERMINE WHETHER TO GO INTO EXECUTIVE SESSION OR NOT.

COUNCILWOMAN TURNER NOTED THAT HER OPINION IS TO GO INTO EXECUTIVE SESSION AND HEAR THE GRIEVANCE.

COUNCILWOMAN DAVIS MADE A MOTION TO RESCIND THE VOTE TO ENTER INTO EXECUTIVE SESSION.

COUNCILWOMAN ADAMCZAK SECONDED.

ROLL CALL TO RESCIND THE VOTE TO ENTER INTO EXECUTIVE SESSION YEAS, 4.
NAYS, 3. **MOTION RESCINDED**

PRESIDENT HETRICK ANNOUNCES THAT THE MOTION TO MOVE INTO EXECUTIVE SESSION HAS BEEN RESCINDED.

COUNCILMAN RAY STATED FOR THE RECORD, THAT RESCINDING THE MOTION TO ENTER INTO EXECUTIVE SESSION, WAS BASED ON LEGAL ADVICE GIVEN TO THIS BODY BY OUR LAW DIRECTOR. HE'D LIKE TO MEET WITH THE LAW DIRECTOR ON THIS MATTER AT THE FIRST AVAILABLE TIME IN A FASHION THAT COMPLIES WITH THE LAW.

ATTORNEY LIMBIAN STATED HIS DOOR IS ALWAYS OPEN AND ALWAYS HAS BEEN.

COUNCILMAN HUGHES STATED IN THE PAST, WHEN A MATTER APPEARS TO BE GOING TOWARDS LITIGATION, THE LAW DIRECTOR WOULD GIVE COUNCIL DIRECTION IN AN EXECUTIVE SESSION. HE DISAGREES WITH THE LAW DIRECTOR, AS THIS MATTER COULD BE PART OF CONTENTIOUS LITIGATION, AND COUNCIL HAS GONE INTO EXECUTIVE SESSION SEVERAL TIMES ON SIMILAR MATTERS.

COUNCILWOMAN DAVIS ASKED THE LAW DIRECTOR HOW DO THEY PROCEED FROM HERE. IF WE HAVE TO BE OPEN AND TRANSPARENT, THEN DO WE MOVE THIS TO THE NEXT FINANCE MEETING.

ATTORNEY LIMBIAN ANSWERED THAT THEY COULD, OR COULD CONSIDER IT AS POTENTIAL LEGISLATION.

COUNCILMAN RAY STATED IF FURTHER DISCUSSION IS HAD, SOME SENSITIVE MATTERS MIGHT REQUIRE PRIVACY BETWEEN THE PARTIES AND THE LAW DEPARTMENT, BUT IT CAN ALSO BE DISCUSSED AT A FINANCE COMMITTEE AS WELL.

ATTORNEY LIMBIAN STATED THIS IS MAKING A MOUNTAIN OUT OF A MOLE HILL, THIS IS REALLY NOTHING.

COUNCILMAN OLIVER ASKED IF THEY DO MOVE IT TO ANOTHER MEETING, IF NEED BE, CAN THEY GO INTO EXECUTIVE SESSION THEN.

ATTORNEY LIMBIAN ANSWERED ABSOLUTELY, BUT THAT THIS IS SUCH A SIMPLE MATTER IT IS RIDICULOUS.

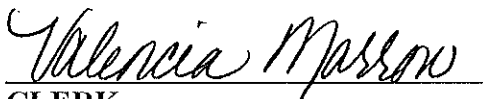
COUNCILWOMAN DAVIS NOTED THAT THIS MATTER WAS DROPPED ON THEM AND THE LAW DIRECTOR WITHOUT MUCH ADVANCE NOTICE.

COUNCILWOMAN DAVIS MADE A MOTION TO ADJOURN.

COUNCILWOMAN ADAMCZAK SECONDED.

UPON MOTION COUNCIL ADJOURNED

APPROVED: WEDNESDAY, DECEMBER 6, 2023


CLERK


PRESIDENT OF COUNCIL