

CITY COUNCIL MEETING
WEDNESDAY, FEBRUARY 6, 2019

CITY COUNCIL CONVENED IN REGULAR SESSION AND WAS CALLED TO ORDER BY PRESIDENT DEMAINE KITCHEN. ON A CALL OF THE ROLL THE FOLLOWING MEMBERS RESPONDED TO THEIR NAMES: BASIA ADAMCZAK, ANITA DAVIS, JULIUS OLIVER, LAUREN MCNALLY, NATE PINKARD, MIKE RAY, TJ RODGERS, AND DEMAINE KITCHEN, 8. COUNCIL SWORE ALLEGIANCE TO THE FLAG. THE MINUTES FROM JANUARY 16, 2019 WERE APPROVED.

COMMUNICATIONS

COM-19-16 BOARD OF CONTROL MEETING WAS HELD JANUARY 24, 2019. WAS READ AND UPON MOTION OF MR. PINKARD WAS RECEIVED AND FILED. CARRIED

COM-19-17 MAYOR JAMAE TITO BROWN LETTER RE: REENGAGEMENT OF MICHAEL ABOURSERHAL AS FINANCIAL CONSULTANT WITH THE CITY OF YOUNGSTOWN. WAS READ AND UPON MOTION OF MR. PINKARD WAS RECEIVED AND FILED. CARRIED

COM-19-18 DESIGN REVIEW COMMITTEE MEETING WAS HELD FEBRUARY 5, 2019. WAS READ AND UPON MOTION OF MR. PINKARD WAS RECEIVED AND FILED. CARRIED

COM-19-19 DESIGN REVIEW COMMITTEE 2018 ACTIVITY REPORT. WAS READ AND UPON MOTION OF MR. PINKARD WAS RECEIVED AND FILED. CARRIED

COM-19-20 MAHONING COUNTY COMMISSIONERS' BOARD MEETING WAS HELD JANUARY 17, 2019. WAS READ AND UPON MOTION OF MR. PINKARD WAS RECEIVED AND FILED. CARRIED

COM-19-21 MAHONING COUNTY COMMISSIONERS' BOARD MEETING WAS HELD JANUARY 24, 2019. WAS READ AND UPON MOTION OF MR. PINKARD WAS RECEIVED AND FILED. CARRIED

COM-19-22 MAHONING COUNTY COMMISSIONERS' BOARD MEETING WAS HELD JANUARY 31, 2019. WAS READ AND UPON MOTION OF MR. PINKARD WAS RECEIVED AND FILED. CARRIED

COM-19-23 MAHONING VALLEY SANITARY DISTRICT MEETING WAS HELD JANUARY 30, 2019. WAS READ AND UPON MOTION OF MR. PINKARD WAS RECEIVED AND FILED. CARRIED

COM-19-24 OHIO DIVISION OF LIQUOR CONTROL NOTICE RE: TRFL -- FROM: VIR CLEVELAND CORP. DBA OHIO GAS MART, 2637 GLENWOOD AVE., YOUNGSTOWN,

OH 44511, PERMIT # 92837900005; TO: VIR CLEVELAND CORP. DBA HAPPY GAS MART, 5192 MAHONING AVE., YOUNGSTOWN, OH 44515 PERMIT # 92837900006. WAS READ AND UPON MOTION OF MR. PINKARD WAS RECEIVED AND FILED. CARRIED

COM-19-25 MAYOR BROWN IS UNABLE TO ATTEND CITY COUNCIL MEETING ON FEBRUARY 6, 2019. WAS READ AND UPON MOTION OF MR. PINKARD WAS RECEIVED AND FILED. CARRIED

COM-19-26 PARK DIRECTOR DAWN TURNAGE IS UNABLE TO ATTEND CITY COUNCIL MEETING ON FEBRUARY 6, 2019. WAS READ AND UPON MOTION OF MR. PINKARD WAS RECEIVED AND FILED. CARRIED

COM-19-27 MARY SUE HAMMOND REQUESTS PERMISSION TO ADDRESS CITY COUNCIL ON FEBRUARY 6, 2019. WAS READ AND UPON MOTION OF MR. PINKARD WAS RECEIVED AND FILED. CARRIED

COM-19-28 KHALID PIERCE REQUESTS PERMISSION TO ADDRESS CITY COUNCIL ON FEBRUARY 6, 2019. WAS READ AND UPON MOTION OF MR. PINKARD WAS RECEIVED AND FILED. CARRIED

COM-19-29 DR. ROSIE TAYLOR REQUESTS PERMISSION TO ADDRESS CITY COUNCIL ON FEBRUARY 6, 2019. WAS READ AND UPON MOTION OF MR. PINKARD WAS RECEIVED AND FILED. CARRIED

COM-19-30 PASTOR DERRICK ANDERSON REQUESTS PERMISSION TO ADDRESS CITY COUNCIL ON FEBRUARY 6, 2019. WAS READ AND UPON MOTION OF MR. PINKARD WAS RECEIVED AND FILED. CARRIED

COM-19-31 JACK DAUGHERTY REQUESTS PERMISSION TO ADDRESS CITY COUNCIL ON FEBRUARY 6, 2019. WAS READ AND UPON MOTION OF MR. PINKARD WAS RECEIVED AND FILED. CARRIED

COM-19-32 JEFF RICKERMAN REQUESTS PERMISSION TO ADDRESS CITY COUNCIL ON FEBRUARY 6, 2019. WAS READ AND UPON MOTION OF MR. PINKARD WAS RECEIVED AND FILED. CARRIED

REPORTS

REP-19-08 PLANNING COMMISSION RECOMMENDED APPROVAL OF ORD-18-382 ENTITLED: "AUTHORIZING THE CITY OF YOUNGSTOWN, PURSUANT TO OHIO REVISED CODE 723.05 AND 723.07, TO PROVIDE FOR THE VACATION OF BUNDY AVENUE, A 40.18 FOOT X 339.19 FOOT PUBLIC RIGHT-OF-WAY, AS SHOWN ON THE ATTACHED MAP MARKED EXHIBIT "A"." WAS READ AND UPON MOTION OF MR. PINKARD WAS RECEIVED AND FILED. CARRIED

REP-19-09 COMMUNITY, PLANNING & ECONOMIC DEVELOPMENT COMMITTEE SIGNED OUT ORD-18-382 ENTITLED: "AUTHORIZING THE CITY OF YOUNGSTOWN, PURSUANT TO OHIO REVISED CODE 723.05 AND 723.07, TO PROVIDE FOR THE VACATION OF BUNDY AVENUE, A 40.18 FOOT X 339.19 FOOT PUBLIC RIGHT-OF-WAY, AS SHOWN ON THE ATTACHED MAP MARKED EXHIBIT "A"." WAS READ AND UPON MOTION OF MR. PINKARD WAS RECEIVED AND FILED. CARRIED

REP-19-10 COMMUNITY, PLANNING & ECONOMIC DEVELOPMENT COMMITTEE SIGNED OUT ORD-19-07 ENTITLED: "AMENDING THE CODIFIED ORDINANCES OF THE CITY OF YOUNGSTOWN: **ENACTING CHAPTER 550, LAND INSTALLMENT CONTRACTS.**" WAS READ AND UPON MOTION OF MR. PINKARD WAS RECEIVED AND FILED. CARRIED

ORDINANCES

ORD-19-17 AUTHORIZING THE BOARD OF CONTROL OF THE CITY OF YOUNGSTOWN TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH TERRILL VIDALE AND 2DEEP ENTERTAINMENT FOR A PERIOD OF TWELVE (12) MONTHS COMMENCING RETROACTIVELY ON JANUARY 1, 2019 AND ENDING DECEMBER 31, 2019 TO SERVE AS COORDINATOR OF DOWNTOWN EVENTS AND CITYWIDE SPECIAL PROJECTS. COST SHALL NOT EXCEED \$42,436.56; 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. PINKARD WAS **MOVED TO THE FINANCE COMMITTEE.**

ORD-19-18 AUTHORIZING THE BOARD OF CONTROL OF THE CITY OF YOUNGSTOWN TO SOLICIT BIDS FOR A NEW LAARS HEATING BOILER AND ENTER INTO A CONTRACT NOT TO EXCEED \$33,000.00 FOR THE REMOVAL, PURCHASE AND INSTALLATION AT THE CITY-OWNED COVELLI CENTRE; 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. PINKARD 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-19-19 AUTHORIZING THE BOARD OF CONTROL OF THE CITY OF YOUNGSTOWN TO WAIVE FORMAL BIDDING PURSUANT TO SECTION 735.051 OF THE OHIO REVISED CODE, AND MAKE PAYMENT TO MARUCCI AND GAFFNEY EXCAVATING COMPANY IN THE AMOUNT OF \$583,576.32 FOR EMERGENCY REPAIRS TO THE CRAB CREEK OVERFLOW AND SIPHONS; 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. PINKARD 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-19-20 AUTHORIZING THE BOARD OF CONTROL OF THE CITY OF YOUNGSTOWN TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT TO PROVIDE CONSTRUCTION INSPECTION AND TESTING SERVICES FOR 2019 PAVING OPERATIONS. COST WILL NOT EXCEED \$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. PINKARD 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-19-21 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 2019 STREET RESURFACING PROGRAM. COST WILL BE APPROXIMATELY \$1,100,000.00; 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. PINKARD 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-19-22 AUTHORIZING THE CITY OF YOUNGSTOWN TO APPROVE EXPENDITURES NOT TO EXCEED \$1,500.00 FROM FUND 2103.30_5107 THE LAW ENFORCEMENT OPERATING SERVICES FUND FOR FOOD SERVICES FOR THE 2018 AND 2019 POLICE MEMORIAL WEEK LUNCHEONS; 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. PINKARD 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-19-23 APPROPRIATING \$1,500.00 INTO 2103.30_5107 THE LAW ENFORCEMENT OPERATING SERVICES FUND TO BE USED FOR PAYMENT FOR THE 2018 AND 2019 POLICE MEMORIAL WEEK LUNCHEONS; 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. PINKARD 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-19-24 APPROPRIATING \$360,000.00 FOR THE FOLLOWING LINE ITEMS THAT WERE REALLOCATED TO THE POLICE PROJECT RESERVE FUND (SPEEDING FINES) FOR A SECOND YEAR FROM THE POLICE DEPARTMENT BUDGET REQUEST FROM FUND 2101; 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. PINKARD 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-19-25 APPROPRIATING \$52,899.00 INTO THE COURT'S CAPITAL IMPROVEMENT FUND UNDER 4001.30_5601, TRANSFERS, PER JOURNAL ENTRY FROM THE COURT PURSUANT TO THE SUPREME COURT CASE AND YOUNGSTOWN ORDINANCE 15-187; 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. PINKARD 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-19-26 APPROPRIATING \$119,852.00 INTO THE COURT'S SPECIAL PROJECTS FUND UNDER 4001.30_5601, TRANSFERS, PER JOURNAL ENTRY FROM THE COURT PURSUANT TO THE SUPREME COURT CASE AND YOUNGSTOWN ORDINANCE 15-187; 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. PINKARD 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-19-27 APPROPRIATING \$368,858.00 IN UNENCUMBERED FUNDS TO FUND 5001.16.161_5809, WATER PROJECT EXPENSE FOR FERNDAL WATERLINE REPLACEMENT; 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. PINKARD 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-19-28 AUTHORIZING THE ACCEPTANCE OF FUNDS IN THE AMOUNT OF \$7,000.00 FOR THE YOUNGSTOWN CITY HEALTH DISTRICT'S MINORITY HEALTH MONTH EVENTS; 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. PINKARD 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-19-29 INCREASING THE APPROPRIATION TO FUND 2405.30_5802 MINORITY HEALTH PLANNING GRANT BY \$7,000.00 TO SUPPORT THE MINORITY HEALTH MONTH; 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. PINKARD 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-19-30 APPROPRIATING FUNDS FROM VARIOUS HEALTH DISTRICT FUNDS TO VARIOUS CODES WITHIN SAID FUNDS, AS LISTED, TO ESTABLISH 2019 BUDGETS;

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. PINKARD 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-19-31 INCREASING APPROPRIATIONS BY \$873,002.00 IN CODE 4102.30_5804, CAPITAL PROJECTS – PW.MISC EXP_PW CAP PROJECT EXPENSE; 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. PINKARD 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-19-32 AUTHORIZING THE CITY OF YOUNGSTOWN TO WAIVE THE PROVISIONS OF OHIO REVISED CODE SECTION 4117.14(G)(11) AND EXTEND THE PERIOD FOR THE ISSUANCE OF A FACT FINDING REPORT UNTIL MARCH 31, 2019, WITH REGARDS TO LABOR NEGOTIATIONS WITH THE YOUNGSTOWN WASTE WATER EMPLOYEES LOCAL 725; 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. PINKARD 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-19-33 AUTHORIZING THE BOARD OF CONTROL OF THE CITY OF YOUNGSTOWN TO DIRECT THE OHIO EDISON COMPANY TO INSTALL ONE (1) 100W STANDARD LIGHT WITH A 6 FOOT ARM AT 1924 MELVINA AVENUE, POLE NO. 121-268. OHIO EDISON'S ESTIMATED "RELATED CAPITAL CHARGE" WILL BE APPROXIMATELY \$1,686.27. THE APPROXIMATE MONTHLY OPERATING COST WILL BE \$8.18; 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. PINKARD 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-19-34 AUTHORIZING THE BOARD OF CONTROL OF THE CITY OF YOUNGSTOWN TO DIRECT THE OHIO EDISON COMPANY TO INSTALL ONE (1) 100W STANDARD LIGHT WITH A 12 FOOT BRACKET AND A 120 FOOT STREET LIGHT CABLE AT 3816 MCGUFFEY, POLE NO. 26-11. OHIO EDISON'S ESTIMATED "RELATED CAPITAL CHARGE" WILL BE APPROXIMATELY \$2,101.70. THE APPROXIMATE MONTHLY OPERATING COST WILL BE \$8.18; 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. PINKARD 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-19-35 AUTHORIZING THE CITY OF YOUNGSTOWN TO ACCEPT THE DEDICATION OF STRIP OF LAND, A 185.44 FOOT X 30 FOOT RECTANGULAR STRIP OF LAND, 0.1277 ACRES ALONG CITY LOT NUMBER 54622, FOR MCGUFFEY ROAD, AS CURRENTLY LAID OUT. AND RIGHT-OF-WAY DEDICATION OF A STRIP OF LAND, A 193.65 FOOT X 26.12 FOOT TRAPEZOIDAL STRIP OF LAND, 0.1111 ACRES ALONG CITY LOT NUMBER 54622, FOR RIDLEY AVENUE, AS CURRENTLY LAID OUT; 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. PINKARD 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-19-36 CHANGING THE ZONE CLASSIFICATION OF THE PROPERTY LOCATED AT PARK AVENUE, CITY LOT NUMBERS 12928, 12929 AND 12930; ALSO PROPERTY LOCATED ON BALDWIN STREET, CITY LOT NUMBERS 3740, 3741, 3742, 3743, 3733, 3732 AND 62441 CURRENTLY ZONED RM 1.5 (MULTI-FAMILY RESIDENTIAL) TO: MU-N (MIXED USE NEIGHBORHOOD); 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. PINKARD **WAS MOVED TO THE PLANNING COMMISSION.**

ORD-19-37 CHANGING THE ZONED CLASSIFICATION OF THE PROPERTY LOCATED AT 1613 SALT SPRINGS ROAD, CITY LOT NUMBERS 22301 & 22300 CURRENTLY ZONED RS-7.2 (SINGLE FAMILY RESIDENTIAL) TO: RT 5.5 (ONE AND TWO FAMILY RESIDENTIAL); 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. PINKARD **WAS MOVED TO THE PLANNING COMMISSION.**

ORD-19-38 CHANGING THE ZONE CLASSIFICATION OF THE PROPERTY LOCATED AT 121 N. DUNLAP AVENUE, CITY LOT NUMBER 30125 CURRENTLY ZONED RS-7.2 (SINGLE FAMILY RESIDENTIAL) TO: RT 5-5 (ONE AND TWO FAMILY RESIDENTIAL); 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. PINKARD **WAS MOVED TO THE PLANNING COMMISSION.**

SIGNED OUT OF COMMITTEE

ORD-18-382 AUTHORIZING THE CITY OF YOUNGSTOWN, PURSUANT TO OHIO REVISED CODE 723.05 AND 723.07, TO PROVIDE FOR THE VACATION OF BUNDY AVENUE, A 40.18 FOOT X 339.19 FOOT PUBLIC RIGHT-OF-WAY, AS SHOWN ON THE ATTACHED MAP MARKED 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 SECOND TIME AND UPON MOTION OF MR. PINKARD 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.

LATE

SIGNED OUT OF COMMITTEE

ORD-19-07 AMENDING THE CODIFIED ORDINANCES OF THE CITY OF YOUNGSTOWN: **ENACTING CHAPTER 550, LAND INSTALLMENT CONTRACTS;** 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 SECOND TIME AND UPON MOTION OF MS. ADAMCZAK WAS AMENDED TO ADD:

550.02(13) A PROVISION THAT THE VENDOR PROVIDE EVIDENCE OF APPRAISAL VALUE OF THE REAL PROPERTY. EVIDENCE OF APPRAISAL VALUE IS SATISFIED IF THE MAHONING COUNTY AUDITORS TAX STATEMENT IS PROVIDED.

550.04(1) PRIVATE CAUSES OF ACTION:

(a) WHERE THE VIOLATION WAS AN ACT PROHIBITED BY THIS ORDINANCE, THE VENDEE MAY, IN AN INDIVIDUAL ACTION, RESCIND THE TRANSACTION OR RECOVER THE VENDEE'S ACTUAL ECONOMIC DAMAGES PLUS AN AMOUNT NOT TO EXCEED FIVE THOUSAND DOLLARS IN NONECONOMIC DAMAGES.

(b) WHERE THE VIOLATION WAS AN ACT OR PRACTICE DETERMINED TO BE UNCONSCIONABLE BY THE COURT OF THIS STATE, THE VENDEE MAY RESCIND THE TRANSACTION OR RECOVER THREE TIMES THE AMOUNT OF THE VENDEE'S ACTUAL ECONOMIC DAMAGES OR TWO HUNDRED DOLLARS, WHICHEVER IS GREATER, PLUS AN AMOUNT NOT TO EXCEED FIVE THOUSAND DOLLARS IN NONECONOMIC DAMAGES.

(2) CIVIL ACTION FOR LOSS:

(a) ANY VENDEE MAY BRING A CIVIL ACTION IN A COURT OF COMMON PLEAS OR OTHER COURT OF COMPETENT JURISDICTION AGAINST ANY VENDOR IF THE VENDOR FAILS TO COMPLY WITH THIS ORDINANCE AND, IN ADDITION TO THE RELIEF TO WHICH THE VENDEE IS ENTITLED UNDER THAT SECTION, SHALL BE ENTITLED TO RECOVER REASONABLE ATTORNEY'S FEES AND ALL COURT COSTS.

THE MOTION TO AMEND PASSED BY YEAS, 7. NAYS, NONE. THE RULES OF COUNCIL WERE SUSPENDED BY A VOTE OF YEAS, 7. NAYS, NONE.

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

PUBLIC HEARINGS

ORD-18-384 CHANGING THE ZONE CLASSIFICATION OF THE PROPERTY LOCATED AT E. WOODLAND AVENUE, CITY LOT NUMBERS 1673, 1668 SEC PT, 10679 SEC RR 1672 SEC RR, 1671 SEC RR, 5564 SEC RR, 5565 AND 1670 CURRENTLY ZONED MU-C (MIXED USE COMMUNITY) TO: RS 7.2 (SINGLE FAMILY RESIDENTIAL); 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. **PUBLIC HEARING IS SET FOR WEDNESDAY, FEBRUARY 20, 2019 @ 2:30 P.M.**

ORD-18-385 CHANGING THE ZONE CLASSIFICATION OF THE PROPERTY LOCATED AT 3718 SHERIDAN ROAD, CITY LOT NUMBER 26738 AND PROPERTY LOCATED ON

SOUTH HEIGHTS AVENUE CITY LOT NO. 26737 CURRENTLY ZONED RS 7.2 (SINGLE FAMILY RESIDENTIAL) TO: MU-C (MIXED USE COMMUNITY); 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. **PUBLIC HEARING IS SET FOR WEDNESDAY, FEBRUARY 20, 2019 @ 2:35 P.M.**

UPON MOTION COUNCIL ADJOURNED.

APPROVED: WEDNESDAY, FEBRUARY 20, 2019


CLERK


PRESIDENT OF COUNCIL