

CITY COUNCIL MEETING
WEDNESDAY, MARCH 1, 2023

CITY COUNCIL CONVENED IN REGULAR 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 FEBRUARY 1, 2023 WERE APPROVED. COUNCIL SWORE ALLEGIANCE TO THE FLAG.

COMMUNICATIONS

COM-23-31 BOARD OF CONTROL MEETING WAS HELD FEBRUARY 23, 2023. WAS READ AND UPON MOTION OF MR. RAY WAS RECEIVED AND FILED. CARRIED

COM-23-32 WATER COMMISSIONER HARRY JOHNSON LETTER RE: MVSD EMAIL NOTING NO REASON TO BELIEVE MVSD'S WATER SOURCE WAS IMPACTED BY THE NORFOLK SOUTHERN TRAIN DERAILMENT IN EAST PALESTINE, OHIO ON FEBRUARY 3, 2023. WAS READ AND UPON MOTION OF MR. RAY WAS RECEIVED AND FILED. CARRIED

COM-23-33 MAHONING COUNTY COMMISSIONERS BOARD MEETING WAS HELD FEBRUARY 16, 2023. WAS READ AND UPON MOTION OF MR. RAY WAS RECEIVED AND FILED. CARRIED

COM-23-34 MAHONING COUNTY COMMISSIONERS BOARD MEETING WAS HELD FEBRUARY 23, 2023. WAS READ AND UPON MOTION OF MR. RAY WAS RECEIVED AND FILED. CARRIED

COM-23-35 MAHONING VALLEY SANITARY DISTRICT BOARD MEETING WAS HELD FEBRUARY 22, 2023. WAS READ AND UPON MOTION OF MR. RAY WAS RECEIVED AND FILED. CARRIED

COM-23-36 OHIO DIVISION OF LIQUOR CONTROL NOTICE RE: STCK TO: TEENIES TAVERN & SPORT SHOP, INC. DBA TEENIES TAVERN, 3011 SOUTH AVE., YOUNGSTOWN, OH 44502, PERMIT #8832584. WAS READ AND UPON MOTION OF MR. RAY WAS RECEIVED AND FILED. CARRIED

COM-23-37 OHIO DIVISION OF LIQUOR CONTROL NOTICE RE: TREX TO: BULL & BEAR RESTAURANT GROUP, LLC, 318 ELM ST. YOUNGSTOWN, OH 44503, PERMIT #1091090. FROM: XPRESS FUEL MART, INC. SOUTH END OF BLDG., 1090 BOARDMAN

POLAND RD., BOARDMAN, OH 44514. WAS READ AND UPON MOTION OF MR. RAY WAS RECEIVED AND FILED. CARRIED

COM-23-38 COUNCILMAN MIKE RAY WAS UNABLE TO ATTEND THE CITY COUNCIL MEETING ON FEBRUARY 15, 2023. WAS READ AND UPON MOTION OF MR. RAY WAS RECEIVED AND FILED. CARRIED

COM-23-39 FRED D'AMICO REQUESTS PERMISSION TO SPEAK BEFORE CITY COUNCIL ON MARCH 1, 2023. WAS READ AND UPON MOTION OF MR. RAY WAS RECEIVED AND FILED. CARRIED

ORDINANCES

ORD-23-73 AUTHORIZING THE BOARD OF CONTROL OF THE CITY OF YOUNGSTOWN TO APPROVE THE PURCHASE OF A NEW PUMP FOR THE MYRTLE PUMPING STATION DUE TO A RECENT PUMP FAILURE, AND MAKE PAYMENT TO NORTH SHORE PUMP AND EQUIPMENT IN THE AMOUNT OF \$31,182.00; 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-23-74 AUTHORIZING THE BOARD OF CONTROL OF THE CITY OF YOUNGSTOWN TO RENEW THE CITY'S LIABILITY AND CASUALTY COVERAGE WITH JACKSON-DIEKEN AND ASSOCIATES FOR CALENDAR YEAR 2023 AND EXECUTE A NEW CONTRACT IN THE AMOUNT OF \$1,059,418.00; 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-23-75 AUTHORIZING THE BOARD OF CONTROL OF THE CITY OF YOUNGSTOWN TO ENTER INTO A CONTRACT WITH UNITED HEALTHCARE FOR THE ADMINISTRATION OF THE CITY OF YOUNGSTOWN SELF-INSURED HEALTH CARE

PLAN FOR EMPLOYEES FROM FEBRUARY 2023 THROUGH JANUARY 2024. TOTAL CONTRACT COSTS SHALL NOT EXCEED \$1,000,000.00; 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-23-76 AUTHORIZING THE BOARD OF CONTROL OF THE CITY OF YOUNGSTOWN TO ENTER INTO A CONTRACT WITH ANTHEM FOR THE ADMINISTRATION OF THE CITY OF YOUNGSTOWN SELF-INSURED DENTAL AND VISION CARE PLANS FOR EMPLOYEES FROM MARCH 2023 THROUGH FEBRUARY 2024. TOTAL CONTRACT COSTS SHALL NOT EXCEED \$28,000.00 FOR DENTAL, AND \$12,000.00 FOR VISION; 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-23-77 AMENDING ORDINANCE 22-297, PASSED BY YOUNGSTOWN CITY COUNCIL ON AUGUST 24, 2022, WHICH AUTHORIZED THE BOARD OF CONTROL OF THE CITY OF YOUNGSTOWN TO EXECUTE AN EXCESS SALES CONTRACT BETWEEN MCDONALD'S USA, LLC AND THE CITY OF YOUNGSTOWN FOR THE PURCHASE OF REAL ESTATE LOCATED AT THE APPROXIMATE ADDRESS OF 2525 MARKET ST., COUNTY OF MAHONING, STATE OF OHIO. THE AMENDMENT BEING: TO INCREASE THE NOT TO EXCEED AMOUNT TO \$161,792.00 IN THE SECOND PARAGRAPH OF THE CAPTION, SECTION 2 AND SECTION 3; 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, 6. NAYS, 1.

REMARKS

COUNCILWOMAN TURNER: NOTED THAT THEY HAVE NOT YET RECEIVED AN APPROXIMATE AMOUNT OF COST NOR A PLAN OF ACTION FOR THE DEVELOPMENT OF THE SPACE, AND UNTIL THOSE THINGS ARE RECEIVED, SHE THINKS THE PROJECT SHOULD BE HELD OR NOT GO FORWARD.

COUNCILMAN RAY: STATED HE FEELS THIS IS THE NORMAL DUE PROCESS OF PROJECTS AND PLANNING AND HE THINKS THE MAJORITY OF HIS COLLEAGUES SUPPORT IT.

FINANCE DIRECTOR MIASEK: STATED THAT IN A PRIOR COUNCIL MEETING, COUNCIL AS A WHOLE VOTED TO APPROPRIATE THOSE FUNDS, AND THE ADMINISTRATION IN COOPERATION PURCHASED THAT PROPERTY UNDER THAT DIRECTION. THIS REQUEST IS TO ADJUST THIS APPROPRIATION TO INCLUDE THE CLOSING COSTS. FOR A COUNCILMEMBER TO OBJECT TO THIS AMENDMENT IS A CONFLICT, AS THE BODY ASKED THEM TO MOVE FORWARD TO PURCHASE THE PROPERTY.

COUNCILMAN HUGHES: ASKED WHOSE FAULT WAS IT FOR NOT INCLUDING THE CLOSING COSTS.

FINANCE DIRECTOR MIASEK: ANSWERED THAT CLOSING COSTS AREN'T KNOWN UNTIL TRANSACTION COMPLETES.

COUNCILWOMAN TURNER: NOTED THAT SHE WAS NOT IN AGREEMENT WITH THE PREVIOUS LEGISLATION.

THE ORDINANCE WAS THEN PLACED BEFORE COUNCIL AND PASSED BY A VOTE OF YEAS, 6. NAYS, 1.

ORD-23-78 AMERICAN RESCUE PLAN: AUTHORIZING THE ACCEPTANCE OF THE CITY OF YOUNGSTOWN'S HOME ARP PLAN FOR 2023-2024, WHICH WILL ALLOW THE CITY TO SUBMIT THE PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) AS THE CITY'S APPLICATION FOR FEDERAL FUNDING, TO RECEIVE HOME ARP FUNDS IN THE AMOUNT OF \$2,516,342.00; 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-23-79 **AMERICAN RESCUE PLAN:** AUTHORIZING THE APPROPRIATION AND DISBURSEMENT OF \$2,390,525.00 IN THE COMMUNITY DEVELOPMENT DIVISION'S SECOND (2ND) YEAR (JULY 1, 2023 THROUGH JUNE 30, 2024) HOME ARP GRANT PROGRAM PER ATTACHED EXHIBIT "A". FURTHER, AUTHORIZING THE BOARD OF CONTROL OF THE CITY OF YOUNGSTOWN TO SOLICIT PROPOSALS AND/OR ADVERTISE FOR BIDS, AND ENTER INTO THE NECESSARY AGREEMENTS AS PROVIDED FOR IN 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-23-80 APPROPRIATING \$42,125.00 INTO THE COURT'S CAPITAL IMPROVEMENTS FUND UNDER 4001.30_5601, TRANSFERS. THIS TRANSFER IS PER THE JOURNAL ENTRY FROM THE COURT PURSUANT TO THE SUPREME COURT CASE AND YOUNGSTOWN ORDINANCE 15-187. THE 2022 YEAR-END AMOUNT SHALL BE USED FOR DEBT RETIREMENT FOR THE YOUNGSTOWN MUNICIPAL COURT 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-23-81 APPROPRIATING \$82,624.00 INTO THE COURT'S SPECIAL PROJECTS FUND UNDER 4003.30_5601, TRANSFERS. THIS TRANSFER IS PER THE JOURNAL ENTRY FROM THE COURT PURSUANT TO THE SUPREME COURT CASE AND YOUNGSTOWN ORDINANCE 15-187. THE 2022 YEAR-END AMOUNT SHALL BE USED FOR DEBT RETIREMENT FOR THE YOUNGSTOWN MUNICIPAL COURT 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-23-82 TRANSFERRING VARIOUS LISTED AMOUNTS WITHIN THE 41ST THROUGH 48TH YR – COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS AND HOME INVESTMENT PARTNERSHIPS PROGRAM, IN ORDER TO REALLOCATE FUNDS FROM ACTIVITIES THAT NO LONGER NEED FUNDING TO ACTIVITIES THAT NEED FUNDING TO COMPLETE; 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-23-83 REMOVING SPECIAL ASSESSMENTS FROM ORDINANCE 15-284, ORDINANCE 16-278, ORDINANCE 17-334, ORDINANCE 18-252, ORDINANCE 19-279, ORDINANCE 20-241, ORDINANCE 21-286, ORDINANCE 22-08, ORDINANCE 22-88, ORDINANCE 22-343 OR ORDINANCE 22-457 FOR COSTS ASSOCIATED WITH THE DEMOLITION, GRASS CUTTING OR BOARDING UP OF STRUCTURES, THAT WERE ASSESSED BY THE CITY OF YOUNGSTOWN FOR THE PROPERTIES AND AMOUNTS LISTED IN ATTACHED EXHIBIT "A". THESE ASSESSMENTS HAVE BEEN SATISFIED THROUGH COLLECTION OR HAVE BEEN APPROVED FOR REMOVAL BY THE CITY OF YOUNGSTOWN SPECIAL ASSESSMENTS BOARD; 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

COUNCILWOMAN ADAMCZAK: ASKED FOR CLARITY AS TO WHEN THEY HAVE TO GO OUT FOR BIDS VERSUS WHEN THEY DO NOT.

ATTORNEY LIMBIAN: ANSWERED IT IS COMPLICATED AND COMPLEX PROCESS, BUT HE WILL FORWARD A GUIDE IN WRITING.

COUNCILMAN HUGHES ASKED WHY THE ARP FUNDING VOTED ON BY CITY COUNCIL HASN'T BEEN DISBURSED YET, AND IF THE LAW DIRECTOR COULD BE PUT THE PROCESS IN WRITING.

ATTORNEY LIMBIAN AGREED TO PUT THAT IN WRITING.

COUNCILMAN RAY MADE A MOTION TO ADJOURN.

COUNCILWOMAN DAVIS SECONDED.

UPON MOTION COUNCIL ADJOURNED

APPROVED: WEDNESDAY, MARCH 15, 2023



CLERK



PRESIDENT OF COUNCIL