

CITY COUNCIL MEETING
WEDNESDAY, MAY 2, 2018

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, LAUREN MCNALLY, JULIUS OLIVER, NATE PINKARD, TJ RODGERS, AND DEMAINE KITCHEN, 7. COUNCILMAN MIKE RAY WAS ABSENT. COUNCIL SWORE ALLEGIANCE TO THE FLAG. THE MINUTES FROM APRIL 18, 2018 WERE APPROVED.

COMMUNICATIONS

COM-18-85 BOARD OF CONTROL MEETING WAS HELD APRIL 26, 2018. WAS READ AND UPON MOTION OF MR. PINKARD WAS RECEIVED AND FILED. CARRIED

COM-18-86 DESIGN REVIEW COMMITTEE MEETING WAS HELD MAY 1, 2018. WAS READ AND UPON MOTION OF MR. PINKARD WAS RECEIVED AND FILED. CARRIED

COM-18-87 MAHONING COUNTY COMMISSIONERS' BOARD MEETING WAS HELD APRIL 19, 2018. WAS READ AND UPON MOTION OF MR. PINKARD WAS RECEIVED AND FILED. CARRIED

COM-18-88 MAHONING COUNTY COMMISSIONERS' BOARD MEETING WAS HELD APRIL 26, 2018. WAS READ AND UPON MOTION OF MR. PINKARD WAS RECEIVED AND FILED. CARRIED

COM-18-89 MAHONING VALLEY SANITARY DISTRICT BOARD MEETING WAS HELD APRIL 25, 2018. WAS READ AND UPON MOTION OF MR. PINKARD WAS RECEIVED AND FILED. CARRIED

COM-18-90 COUNCILMAN MIKE RAY IS UNABLE TO ATTEND CITY COUNCIL MEETING ON MAY 2, 2018. WAS READ AND UPON MOTION OF MR. PINKARD WAS RECEIVED AND FILED. CARRIED

COM-18-91 CHERYL L. KELLY REQUESTS PERMISSION TO ADDRESS CITY COUNCIL ON MAY 2, 2018. WAS READ AND UPON MOTION OF MR. PINKARD WAS RECEIVED AND FILED. CARRIED

COM-18-92 KATHLEEN BERRY REQUESTS PERMISSION TO ADDRESS CITY COUNCIL ON MAY 2, 2018. WAS READ AND UPON MOTION OF MR. PINKARD WAS RECEIVED AND FILED. CARRIED

RESOLUTIONS

RES-18-07 WITHDRAWING YOUNGSTOWN CITY COUNCIL'S OBJECTION TO THE RENEWAL APPLICATION, PERMIT #2316573, CLASS D-5 FOR DAVID LAWRENCE DRUMMOND DBA SOUTHERN TAVERN, 1506-1508 GLENWOOD AVENUE, YOUNGSTOWN, OHIO 44511. WAS READ THE FIRST TIME AND UPON MOTION OF MR. PINKARD THE RULES OF COUNCIL WERE SUSPENDED BY A VOTE OF YEAS, 6. NAYS, NONE.

THE RESOLUTION WAS THEN PLACED BEFORE COUNCIL AND PASSED BY A VOTE OF YEAS, 6. NAYS, NONE.

RES-18-08 CONGRATULATING WESTSIDE TIRE ON THEIR 40TH ANNIVERSARY. WAS READ THE FIRST TIME AND UPON MOTION OF MR. PINKARD THE RULES OF COUNCIL WERE SUSPENDED BY A VOTE OF YEAS, 6. NAYS, NONE.

THE RESOLUTION WAS THEN PLACED BEFORE COUNCIL AND PASSED BY A VOTE OF YEAS, 6. NAYS, NONE.

ORDINANCES

ORD-18-97 AUTHORIZING THE BOARD OF CONTROL OF THE CITY OF YOUNGSTOWN TO ENTER INTO A PROFESSIONAL SERVICE AGREEMENT WITH M.S. CONSULTANTS, INC. TO PROVIDE CONSULTANT SERVICES FOR THE 2018 BRIDGE INSPECTION PROGRAM. AMOUNT NOT TO EXCEED \$70,000; 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, 6. NAYS, NONE.

THE ORDINANCE WAS THEN PLACED BEFORE COUNCIL AND PASSED BY A VOTE OF YEAS, 6. NAYS, NONE.

ORD-18-98 AUTHORIZING THE BOARD OF CONTROL OF THE CITY OF YOUNGSTOWN TO ENTER INTO AN AGREEMENT WITH A SALVAGE YARD TO HEREBY DISPOSE OF SURPLUS VEHICLES AND EQUIPMENT FROM VARIOUS DEPARTMENTS; THIS BEING PURSUANT TO SUCH VEHICLES AND EQUIPMENT BEING DECLARED SURPLUS BY THE DIRECTOR OF FINANCE OF THE CITY OF YOUNGSTOWN; 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, 6. NAYS, NONE.

THE ORDINANCE WAS THEN PLACED BEFORE COUNCIL AND PASSED BY A VOTE OF YEAS, 6. NAYS, NONE.

ORD-18-99 AUTHORIZING THE EXPENDITURE IN THE AMOUNT OF \$400.00 FROM THE SIXTH WARD DISCRETIONARY FUND TO SUPPORT THE ANNUAL UNITY IN THE COMMUNITY PARADE; 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, 6. NAYS, NONE.

THE ORDINANCE WAS THEN PLACED BEFORE COUNCIL AND PASSED BY A VOTE OF YEAS, 6. NAYS, NONE.

ORD-18-100 APPROPRIATING \$1,800 TO FUND 2106.30_5825, THE POLICE PROJECT RESERVE FUND. THESE FUNDS WILL BE USED TO REIMBURSE THE BAILIFF DEPARTMENT FOR SUPPLYING COURT SECURITY DURING SPEED CAMERA HEARINGS; 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, 6. NAYS, NONE.

THE ORDINANCE WAS THEN PLACED BEFORE COUNCIL AND PASSED BY A VOTE OF YEAS, 6. NAYS, NONE.

ORD-18-101 APPROPRIATING \$10,900.00 TO FUND 2106.30_5825, THE POLICE PROJECT RESERVE FUND. THESE FUNDS WILL BE USED TO COMPENSATE THE MAGISTRATE FOR SPEED CAMERA COURT; 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, 6. NAYS, NONE.

THE ORDINANCE WAS THEN PLACED BEFORE COUNCIL AND PASSED BY A VOTE OF YEAS, 6. NAYS, NONE.

ORD-18-102 AUTHORIZING THE CITY OF YOUNGSTOWN, PURSUANT TO OHIO REVISED CODE 726.06 TO PROVIDE FOR THE VACATION OF A NORTHERLY PORTION OF IRMA AVENUE, A 50 FOOT BY 150 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 FIRST TIME AND UPON MOTION OF MR. PINKARD THE RULES OF COUNCIL WERE SUSPENDED BY A VOTE OF YEAS, 6. NAYS, NONE.

THE ORDINANCE WAS THEN PLACED BEFORE COUNCIL AND PASSED BY A VOTE OF YEAS, 6. NAYS, NONE.

ORD-18-103 REMOVING A SPECIAL ASSESSMENT IN ACCORDANCE WITH ORD-15-284 OR ORD-16-278, FOR COSTS ASSOCIATED WITH THE DEMOLITION, GRASS CUTTING, OR BOARDING UP ASSESSED BY THE CITY OF YOUNGSTOWN FOR THE PROPERTIES & AMOUNTS LISTED 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. PINKARD **WAS MOVED TO A SECOND READING.**

THIRD READING

ORD-18-71 AUTHORIZING THE BOARD OF CONTROL OF THE CITY OF YOUNGSTOWN TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH MILLSTONE AND KANNENSOHN FOR COLLECTION SERVICES, INCLUDING INVOICES, LETTERS, NOTICES AND ORDERS AND THE COLLECTION COSTS PERTAINING TO GRASS CUTTING, LOT CLEAN-UP, AND BOARD-UP SERVICES VIA ASSESSMENT TO THE TAX DUPLICATE, COLLECTION EFFORTS OR BOTH. COST IS \$99,000.00; 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 THIRD TIME AND UPON MOTION OF MR. PINKARD, THE ORDINANCE WAS THEN PLACED BEFORE COUNCIL AND PASSED BY A VOTE OF YEAS, 6. NAYS, NONE.

ADDITIONAL REMARKS:

COUNCILWOMAN ADAMCZAK NOTED THAT THERE WAS A RECENT BUILDING AND GROUNDS COMMITTEE MEETING WHEREBY CONCERNS WERE EXPRESSED REGARDING THE CITY HALL ANNEX AND ITS HOURS OF OPERATION AND WHO OWNS THE BUILDING. AT THAT TIME IT WAS STATED THAT THE CITY OF YOUNGSTOWN OWNS THE BUILDING AND THEREFORE THE ADMINISTRATION/MAYOR WOULD SET THE HOURS OF THE BUILDING. SHORTLY BEFORE THE FINANCE COMMITTEE COUNCIL RECEIVED AN EMAIL THAT STATES

THAT THE ADMINISTRATION HAS NOW DECIDED TO GO ALONG WITH THE JOURNAL ENTRIES BROUGHT UPON BY THE COURTS. SHE ASKED WHAT HAPPENED IN BETWEEN.

MAYOR BROWN GAVE A BRIEF SYNOPSIS. HE MET WITH OUTSIDE LEGAL CONSULTANTS. THE JUDGE HAS THE DUTY AND ABILITY TO SET THE HOURS IN A BUILDING WHERE A COURT IS HOUSED. IT WAS THE OPINION OF HIS LAW DIRECTOR TO NOT VIOLATE THE JUDGE'S JOURNAL ENTRIES AS WELL AS THE OPINION OF OUTSIDE ATTORNEYS. HE IS SEEKING AN OPINION FROM THE OHIO SUPREME COURT.

COUNCILWOMAN ADAMCZAK STATED SHE RESPECTS PROFESSIONAL OPINION, BUT UP UNTIL THIS POINT THE COURTS WERE HOUSED IN CITY HALL AND AT THAT TIME THEY DID NOT DICTATE OPERATION HOURS, SO THEY JUST CHANGED BUILDINGS. SHE IS NOT HAPPY WITH THE OUTCOME.

COUNCILMAN OLIVER ASKED IF THE ADMINISTRATION'S EMAIL WAS MADE ON ACTUAL LAWS THAT SET PRECEDENT OR IS IT STRICTLY LEGAL OPINION.

MAYOR BROWN RESPONDED THAT THE JUDGE IS USING RULES OF JUDICIAL CODE AND HE WANTED TO RESEARCH THAT. THERE HAS BEEN ANOTHER COURT ORDER FROM THE OTHER JUDGE AS WELL, SO IT INCLUDES THE RETIRING JUDGE AND CURRENT JUDGES. IT IS OUTSIDE OF HIS WHEELHOUSE AND THE MAYOR DOESN'T HAVE THE LEGAL BACKGROUND TO TELL HER HOW FAR SHE CAN CARRY THE LAW. HE'D PREFER TO HAVE THE HIGHER COURTS TELL HIM IF SHE IS OUTSIDE THE LINE.

COUNCILWOMAN DAVIS STATED THAT THE JUDGE HAD A HEAVY HAND TO NAME THE BUILDING WITHOUT CONSULTING THE COUNCIL BODY. SHE PLACED THE NAME OF THE BUILDING BY HER OWN HAND. THE LEGISLATIVE BRANCH USUALLY NAMES BUILDINGS. SHE WANTS OUTSIDE COUNSEL TO BE HIRED. SHE WANTS THE CITY CHARTER ENFORCED. SHE'D LIKE TO SEE THE RULES OF COURT CITED IN THE EMAIL.

MAYOR BROWN INSTRUCTED ATTORNEY OCCASIO TO LOOK AT THE RULES INTERNALLY FIRST, AND THEN WE CAN DECIDE AS A BODY HOW FAR TO GO WITH THIS. IF YOU ARE LOOKING AT OUTSIDE ATTORNEYS, THERE IS A COST TO THAT, SO COUNCIL WOULD HAVE TO APPROPRIATE MORE DOLLARS FOR OUTSIDE COUNSEL.

COUNCILWOMAN DAVIS RESPONDED THAT SHE WOULD LIKE ATTORNEY OCCASIO TO RESEARCH IT FIRST AND GIVE AN OPINION, AND THEN HAVE COUNCIL ACT UPON THAT OPINION, WHETHER WE GO FURTHER TO TAKE IT TO THE NEXT LEVEL WITHIN FINANCIAL REASON. SHE STATED THAT WHAT ONE JUDGE SAYS ANOTHER JUDGE MAY OVERRIDE. THERE'S NOTHING ENGRAVED IN STONE. THE SUPREME COURT OF THIS LAND HAS NOT BEEN CONSISTENT.

PRESIDENT KITCHEN ASKED IF HOURS OF OPERATION ARE A SECURITY ISSUE OR AN AUTHORITY ISSUE. IF THE COURTS ARE SECURE FROM 8 A.M. TO 5 P.M., THEN CAN THE FACILITY BE SECURE AFTER 5 P.M.?

MAYOR BROWN STATED THAT THE JUDGE'S OPINION IS THAT LOCKING DOWN THE FACILITY AFTER HOURS IS A SECURITY ISSUE, AND SHE HAS A DUTY TO PUT IT INTO PLACE.

COUNCILWOMAN DAVIS ASKED FOR THE MAYOR TO ELABORATE.

MAYOR BROWN SUGGESTED THAT IF COUNCIL FEELS THIS STRONG, THERE NEEDS TO BE A CONVERSATION WITH THE JUDGE.

PRESIDENT KITCHEN ASKED IF THIS IS A LAW OR AN OPINION.

ATTORNEY LIMBIAN SAID THERE'S AN OLD AXIOM IN THE LAW, THAT THE LAW IS WHAT THE JUDGE SAYS IT IS UNTIL IT'S OVERTURNED. SO HE WOULD SAY IT IS A LAW. THE THINGS CITED IN THE EMAIL ARE RULES OF SUPERINTENDENCE, AND THE SUPREME COURT WOULD CALL THOSE LAWS. IT'S LAW PROMULGATED BY THE SUPREME COURT.

COUNCILWOMAN MCNALLY STATED THAT WE OWN THAT BUILDING AND TO NOT BE IN CONTROL OF OUR BUILDING SEEMS TO GO AGAINST OUR CHARTER, AND HANDCUFFS US FROM USING THE BUILDING FOR ANY OTHER PURPOSE WE MIGHT NEED. OUR CITY RUN DEPARTMENTS HAVE TO BE UNDER THE CONSTRAINT OF WHAT THE JUDGE DETERMINES ARE THE BEST HOURS FOR OUR BUILDING. SHE ASKED THAT THE MAYOR UPHOLD THE CHARTER.

MAYOR BROWN ADVISED THAT COUNCIL HAVE THE CONVERSATION WITH THE JUDGE. HIS ADVICE FROM HIS ATTORNEY AND OTHER ATTORNEYS IS TO NOT VIOLATE IT NOW, BUT FIGHT IT IN COURT.

COUNCILWOMAN DAVIS ASKED IF THE CHARTER IS LAW, IS THE COURT UNDER OBLIGATION TO ABIDE BY THE CITY CHARTER?

ATTORNEY LIMBIAN ANSWERED THAT THE JUDGES ARE ABOVE THE CHARTER.

COUNCILMAN RODGERS SUMMARIZED THAT WE ALL AGREE WE NEED TO CHALLENGE IT. IT SOUNDS LIKE THE RECOMMENDATION IS THAT IT BE CHALLENGED BY THE COURTS. THE JUDGE ISSUED A DECREE, AND IF WE VIOLATE IT, SOMEONE WILL BE IN CONTEMPT OF COURT AND GO TO JAIL.

COUNCILMAN PINKARD STATED WHEN THIS STARTED THE SUPREME COURT CAME IN AND TRIED TO FACILITATE A MUTUAL AGREEMENT BETWEEN THE COURTS AND THE ADMINISTRATION. AT THE TIME, THEY APPOINTED A SPECIAL MASTER, SO WHY CAN'T WE GO BACK TO THAT SPECIAL MASTER?

ATTORNEY LIMBIAN REACHED OUT TO THE SUPREME COURT BUT HE WILL TRY THE SPECIAL MASTER. HE WAS BOUNCED FROM PERSON TO PERSON.

COUNCILWOMAN MCNALLY ASKED FOR AN UPDATE ON THE SEARCH FOR A FINANCE DIRECTOR.

MAYOR BROWN ANSWERED THAT HE IS GOING TO ACTIVELY SEEK A FINANCE DIRECTOR. HE WANTED TO GET THROUGH THE BUDGET AND THE FIVE YEAR FORECAST FIRST, WHICH IS WHAT WAS COMPLETED BY MR. ABOUSERHAL AND THEN HE WAS GOING TO HELP OUT WITH THAT SEARCH. LOOKING FOR A FINANCE DIRECTOR WILL BE NEXT ON THE AGENDA ON THE TIMELINE HE HAS CREATED FOR THAT. HE WILL KEEP COUNCIL UP TO DATE.

COUNCILWOMAN MCNALLY ASKED FOR AN UPDATE ABOUT THE DOWNTOWN EVENTS DIRECTOR POSITION.

MAYOR BROWN STATED HE HAS HIS TOP THREE CANDIDATES COMING IN THIS WEEK AND WILL HAVE AN ANNOUNCEMENT NEXT WEEK. HIS OFFICE IS OPEN IN THE MORNING BETWEEN 8:00 AND 9:30 SO COUNCIL IS WELCOME TO COME IN AND DISCUSS OR ASK QUESTIONS.

COUNCILWOMAN MCNALLY ASKED FOR AN UPDATE ON THE GRASS CUTTING PROGRAM.

MAYOR BROWN STATED HE IS WORKING WITH COMMUNITY GROUPS AND ORGANIZATIONS AND WILL PROBABLY USE SOME OUTSIDE CONTRACTORS AS WELL AS SOME OF OUR LOCAL GROUPS TO PUT SOME MONEY INTO THE LOCAL ECONOMY. UNFORTUNATELY WE HAVE TO WAIT UNTIL GRASS IS 8 INCHES BEFORE WE CAN CUT. WE ARE WORKING WITH YNDC FOR THEIR ACCOUNTABILITY TO TAKE CARE OF THOSE PIECES. HE SAID THEY WILL GET THE JOB DONE THROUGHOUT ALL SEVEN WARDS. HE WILL HAVE A CREW ASSIGNED TO EACH WARD.

COUNCILWOMAN DAVIS ASKED MR. CUNNINGHAM WHERE WE ARE WITH THE CDBG BUDGET AS IT WAS SUPPOSED TO BE ON THE COUNCIL AGENDA.

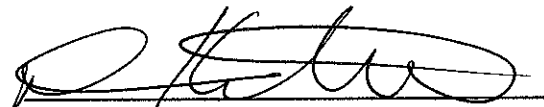
MS. WOODBERRY STATED SHE JUST RECEIVED THE DOLLAR AMOUNT THEY WILL RECEIVE. SHE WILL ADJUST THE BUDGET ACCORDING TO THAT IN THE SAME PERCENTAGES. WE RECEIVED ABOUT \$300,000 MORE AND SHE WILL APPLY THEM ACROSS THE BOARD.

COUNCILWOMAN DAVIS STATED THAT IS A LOT OF MONEY.

UPON MOTION COUNCIL ADJOURNED.

APPROVED: WEDNESDAY, MAY 16, 2018


CLERK


PRESIDENT OF COUNCIL