

SPECIAL CITY COUNCIL MEETING
WEDNESDAY, AUGUST 26, 2020

CITY COUNCIL CONVENED IN SPECIAL SESSION AT 4:30 PM 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, JIMMY HUGHES, LAUREN MCNALLY, JULIUS OLIVER, MIKE RAY, SAMANTHA TURNER, AND DEMAINE KITCHEN, 8.

COMMUNICATION

COM-20-111 NOTICE OF SPECIAL CITY COUNCIL MEETING FOR WEDNESDAY, AUGUST 26, 2020. WAS READ AND UPON MOTION OF MR. RAY WAS RECEIVED AND FILED. CARRIED

COM-20-112 BOARD OF CONTROL MEETING WAS HELD JULY 30, 2020. WAS READ AND UPON MOTION OF MR. RAY WAS RECEIVED AND FILED. CARRIED

COM-20-113 BOARD OF CONTROL MEETING WAS HELD AUGUST 6, 2020. WAS READ AND UPON MOTION OF MR. RAY WAS RECEIVED AND FILED. CARRIED

COM-20-114 BOARD OF CONTROL MEETING WAS HELD AUGUST 20, 2020. WAS READ AND UPON MOTION OF MR. RAY WAS RECEIVED AND FILED. CARRIED

COM-20-115 CITY PLANNING COMMISSION MEETING WAS HELD AUGUST 18, 2020, 2020. WAS READ AND UPON MOTION OF MR. RAY WAS RECEIVED AND FILED. CARRIED

COM-20-116 MAHONING COUNTY COMMISSIONERS NOTICE RE: BOARD MEETING SCHEDULED FOR JULY 30, 2020 WILL BE HELD VIA TELECONFERENCE. WAS READ AND UPON MOTION OF MR. RAY WAS RECEIVED AND FILED. CARRIED

COM-20-117 MAHONING COUNTY COMMISSIONERS NOTICE RE: BOARD MEETING SCHEDULED FOR AUGUST 6, 2020 WILL BE HELD VIA TELECONFERENCE. WAS READ AND UPON MOTION OF MR. RAY WAS RECEIVED AND FILED. CARRIED

COM-20-118 MAHONING COUNTY COMMISSIONERS NOTICE RE: BOARD MEETING SCHEDULED FOR AUGUST 13, 2020 WILL BE HELD VIA TELECONFERENCE. WAS READ AND UPON MOTION OF MR. RAY WAS RECEIVED AND FILED. CARRIED

COM-20-119 MAHONING COUNTY COMMISSIONERS NOTICE RE: BOARD MEETING SCHEDULED FOR AUGUST 20, 2020 WILL BE HELD VIA TELECONFERENCE. WAS READ AND UPON MOTION OF MR. RAY WAS RECEIVED AND FILED. CARRIED

COM-20-120 THE MAHONING VALLEY SANITARY DISTRICT BOARD MEETING WAS HELD JULY 29, 2020. WAS READ AND UPON MOTION OF MR. RAY WAS RECEIVED AND FILED. CARRIED

COM-20-121 THE MAHONING VALLEY SANITARY DISTRICT BOARD MEETING WAS HELD AUGUST 26, 2020. WAS READ AND UPON MOTION OF MR. RAY WAS RECEIVED AND FILED. CARRIED

COM-20-122 OHIO DIVISION OF LIQUOR CONTROL NOTICE RE: NEW TO: GATEWAY GAS MART, INC., 3216 SOUTH AVENUE, YOUNGSTOWN, OH 44502, PERMIT #3672222. WAS READ AND UPON MOTION OF MR. RAY WAS RECEIVED AND FILED. CARRIED

COM-20-123 WATER COMMISSIONER HARRY JOHNSON IS UNABLE TO ATTEND THE CITY COUNCIL MEETING ON AUGUST 26, 2020. WAS READ AND UPON MOTION OF MR. RAY WAS RECEIVED AND FILED. CARRIED

COM-20-124 CITY PLANNING COMMISSION **RECOMMENDED APPROVAL** OF REF. NO. 13-20 ENTITLED: "REQUEST BY SHANNON AND JONATHAN BLACKSHIRE FOR AN APPROVAL OF A CONDITIONAL USE PERMIT FOR LIVESTOCK (BEES) TO BE KEPT AND MAINTAINED AS AN ACCESSORY LIVESTOCK TO A MAIN RESIDENTIAL USE IN THE RM-1.5, MULTI-FAMILY RESIDENTIAL ZONING DISTRICT." THE PROPERTY IS LOCATED AT 823 & 825 BRYSON ST. IN THE RM-1.5, MULTI-FAMILY RESIDENTIAL ZONING DISTRICT. WAS READ AND UPON MOTION OF MR. RAY WAS RECEIVED AND FILED. CARRIED

COM-20-125 CITY PLANNING COMMISSION **RECOMMENDED APPROVAL** OF REF. NO. 12-20 ENTITLED: "REQUEST BY JOSEPH D. PERRY FOR A DISTANCE WAIVER TO ESTABLISH A REGULATED USE (TATTOO PARLOR) WITHIN A 500-FOOT RADIUS OF 3 OTHER REGULATED USES SUCH AS: 3527 S. MERIDIAN RD., 3623 S. MERIDIAN RD., AND 3680 S. MERIDIAN. THE PROPERTY IN QUESTION IS LOCATED AT 3507 CANFIELD RD., SUITE 5 IN THE MU-C, MIXED USE-COMMUNITY ZONING DISTRICT." WAS READ AND UPON MOTION OF MR. RAY WAS MOVED TO A ROLL CALL VOTE: YEAS, 7. NAYS, NONE.

REPORT

REP-20-19 CPED COMMITTEE SIGNED OUT ORD-20-101 ENTITLED: "CHANGING THE ZONE CLASSIFICATION OF THE PROPERTIES LOCATED AT 111 PARK AVENUE AND 107 PARK AVENUE, CITY LOT NUMBERS 12931 AND 12932 CURRENTLY ZONED RM 1.5 (MULTI-FAMILY RESIDENTIAL) TO: MU-N (MIXED USE-NEIGHBORHOOD)." WAS READ AND UPON MOTION OF MR. RAY WAS RECEIVED AND FILED. CARRIED

PUBLIC COMMENTS

NO PUBLIC COMMENTS WERE SUBMITTED.

ORDINANCES

ORD-20-207 AUTHORIZING THE BOARD OF CONTROL OF THE CITY OF YOUNGSTOWN TO APPROVE THE PURCHASE OF A 2016 CATERPILLAR MODEL 926M WHEEL LOADER VIA OHIO CAT IN GIRARD, OHIO FOR \$118,630.00; 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-20-208 AUTHORIZING THE BOARD OF CONTROL OF THE CITY OF YOUNGSTOWN TO ENTER A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF YOUNGSTOWN AND YOUNGSTOWN STATE UNIVERSITY'S DEPARTMENT OF GEOGRAPHY AND URBAN REGIONAL STUDIES TO DEVELOP AND MAINTAIN THE REAL PROPERTY INFORMATION SYSTEM ATTACHED AND INCORPORATED HEREIN AS EXHIBIT "A" AND MADE A PART HEREOF. THE TERM OF THE AGREEMENT IS JULY 1, 2020 THROUGH JUNE 30, 2021. RATE IS \$12,750.00; 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 **WAS MOVED TO THE COMMUNITY, PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE.**

ORD-20-209 AUTHORIZING THE BOARD OF CONTROL OF THE CITY OF YOUNGSTOWN TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF YOUNGSTOWN AND YOUNGSTOWN STATE UNIVERSITY'S DEPARTMENT OF GEOGRAPHY AND URBAN-REGIONAL STUDIES TO PROVIDE (GIS) GEOGRAPHIC INFORMATION SYSTEM MAPPING AND DATA SERVICES ATTACHED AND INCORPORATED HEREIN AS EXHIBIT "A" AND MADE A PART HEREOF. THE TERM OF THE AGREEMENT IS JULY 1, 2020 THROUGH JUNE 30, 2021. RATE IS \$25,000.00; 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-20-210 AUTHORIZING THE BOARD OF CONTROL OF THE CITY OF YOUNGSTOWN TO ENTER INTO A LOCAL PARTICIPATING AGENCY (LPA) AGREEMENT WITH THE STATE OF OHIO, DIRECTOR OF TRANSPORTATION FOR ODOT PROJECT MAH-YOUNGSTOWN SRTS, PID NO. 109140. TOTAL PROJECT IS ESTIMATED TO BE \$399,367.00; 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-20-211 AUTHORIZING THE BOARD OF CONTROL OF THE CITY OF YOUNGSTOWN TO ADVERTISE FOR BIDS, PROPOSALS AND QUALIFICATIONS AND ENTER INTO NECESSARY CONTRACTS FOR WORK TO EXECUTE PHASES 2 & 3 OF THE MAH-SMART2 NETWORK PROJECT, PID NO. 110187. COST OF THE PROJECT WILL NOT EXCEED \$19,220,693.00; 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-20-212 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 APPROVE PAYMENT TO UTILITY CONTRACTING COMPANY IN THE AMOUNT OF \$39,071.97 FOR EMERGENCY REPAIRS TO THE ERIE STREET SANITARY SEWER; 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-20-213 AUTHORIZING THE BOARD OF CONTROL OF THE CITY OF YOUNGSTOWN TO WAIVE FORMAL BIDDING PURSUANT TO SECTION 735.051 OF THE OHIO REVISED CODE IN ORDER TO APPROVE A PURCHASE ORDER FOR AN AMOUNT NOT TO EXCEED \$48,000.00 FOR THE EMERGENCY DEMOLITION OF 15 OAK HILL; 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.

THE ORDINANCE WAS THEN PLACED BEFORE COUNCIL AND WAS **DEFEATED** BY A VOTE OF YEAS, 3. NAYS, 4.

ORD-20-214 AUTHORIZING THE ACCEPTANCE OF AN EMS GRANT IN THE AMOUNT OF \$1,200.00 AWARDED TO THE YOUNGSTOWN FIRE DEPARTMENT BY THE OHIO DEPARTMENT OF PUBLIC SAFETY. FURTHER, INCREASING APPROPRIATIONS BY \$1,200.00 TO FIRE FUND 2201.14.5108; 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-20-215 AUTHORIZING THE ACCEPTANCE OF THE 2020 CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING (CESF) GRANT (#2020-CE-LEF-2191), IN THE AMOUNT OF \$19,878.00, AWARDED BY THE OFFICE OF CRIMINAL JUSTICE SERVICES (OCJS) WITH NO LOCAL MATCH FOR THE PERIOD OF JANUARY 1, 2020 – DECEMBER 31, 2021; 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-20-216 APPROPRIATING \$19,878.00 TO POLICE UNIFORM PROJECT EXPENSE FUND 2101.12.202_5817. THE 2020 CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING (CESF) GRANT (#2020-CE-LEF-2191), IN THE AMOUNT OF \$19,878.00 WAS AWARDED TO THE YOUNGSTOWN POLICE DEPARTMENT BY THE OFFICE OF CRIMINAL JUSTICE SERVICES (OCJS) WITH NO LOCAL MATCH FOR THE PERIOD OF

JANUARY 1, 2020 – DECEMBER 31, 2021; 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-20-217 AUTHORIZING THE EXPENDITURE IN THE AMOUNT OF \$500.00 FROM THE FIRST WARD DISCRETIONARY FUND 1001.01.001_5107, OPERATING SERVICES TO THE SECOND HARVEST FOOD BANK OF MAHONING VALLEY TO HELP ASSIST IN DRIVE-THROUGH FOOD ALLOCATION TO THE PUBLIC. SECOND HARVEST FOOD BANK OF MAHONING VALLEY WILL SERVE AS THE FISCAL AGENT; 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-20-218 AUTHORIZING THE EXPENDITURE IN THE AMOUNT OF \$500.00 FROM THE FIRST WARD DISCRETIONARY FUND 1001.01.001_5107, OPERATING SERVICES TO ASSIST WITH THE EFFORTS OF THE STATE THEATER BLOCK PROJECT (STBP), WHICH IS A PUBLIC ART INSTALLATION TO BE LOCATED ON WEST FEDERAL STREET IN DOWNTOWN YOUNGSTOWN. YOUNGSTOWN CITYSCAPE WILL SERVE AS THE FISCAL AGENT; 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-20-219 AUTHORIZING THE EXPENDITURE IN THE AMOUNT OF \$2,500.00 FROM THE FIRST WARD DISCRETIONARY FUND 1001.01.001_5107, OPERATING SERVICES TO YOUNGSTOWN NEIGHBORHOOD DEVELOPMENT CORPORATION (YNDC) FOR SIDEWALK REPLACEMENT, OVERGROWTH REMOVAL, NEW TREE PLANTING, AND VISUAL IMPROVEMENTS TO THE GLENWOOD AVENUE CORRIDOR AND ALONG HIGH STREET IN THE FIRST WARD. YNDC WILL SERVE AS THE FISCAL AGENT; 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-20-220 AUTHORIZING THE EXPENDITURE IN THE AMOUNT OF \$750.00 FROM THE THIRD WARD DISCRETIONARY FUND 1001.01.003_5107, OPERATING SERVICES TO OFFSET THE COST OF NEIGHBORHOOD CLEAN-UP PROJECTS WITHIN THE THIRD WARD INCLUDING KEY CORRIDORS, TOD PAVILION AND CRANDALL PARK PAVILION. CRANDALL PARK SOUTH NEIGHBORHOOD ASSOCIATION WILL SERVE AS THE FISCAL AGENT; 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-20-221 AUTHORIZING THE EXPENDITURE IN THE AMOUNT OF \$1,000.00 FROM THE THIRD WARD DISCRETIONARY FUND 1001.01.003_5107, OPERATING SERVICES TO OFFSET THE COST OF NEIGHBORHOOD CLEAN-UP PROJECTS WITHIN THE THIRD WARD INCLUDING KEY CORRIDORS, BELMONT AVENUE, NORWOOD AVENUE, COVINGTON STREET (THE TRIANGLE), CLIFTON STREET AND FUNSTON STREET. YNDC WILL SERVE AS THE FISCAL AGENT; 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-20-222 AUTHORIZING THE EXPENDITURE IN THE AMOUNT OF \$1,000.00 FROM THE SIXTH WARD DISCRETIONARY FUND 1001.01.006_5107, OPERATING SERVICES TO BE USED TO CLEAR AND REMOVE OVERGROWTH AND DEAD TREES ON VACANT AND ABANDONED LOTS ON THE 400 BLOCK OF MISTLETOE AVENUE. EBONY LADIES GOLF & YOUTH FOUNDATION WILL SERVE AS THE FISCAL AGENT; 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-20-223 AMENDING SECTION 3 OF ORDINANCE NUMBER 20-99, PASSED BY CITY COUNCIL ON MAY 6, 2020, WHICH LEVIED SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF CERTAIN STREETS BY WHITEWAY LIGHTING, WITHIN THE CORPORATE LIMITS OF THE CITY OF YOUNGSTOWN, OHIO, DURING THE PERIOD FROM APRIL 1, 2020 TO MARCH 31, 2021. THE AMENDMENT BEING: **TO REMOVE THE OPTION OF THE PROPERTY OWNER TO PAY SUCH ASSESSMENT IN CASH TO THE DIRECTOR OF FINANCE OF THE CITY OF YOUNGSTOWN, OHIO ON OR BEFORE THIRTY (30) DAYS AFTER THE PASSAGE OF ORDINANCE 20-99;** 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-20-224 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 GENERAL ELECTION TO BE HELD ON NOVEMBER 3, 2020, 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 SECTION 18, SALARIES, OF THE CHARTER OF THE CITY OF YOUNGSTOWN, AS HEREIN DESCRIBED. THE AMENDMENT BEING: **THE SALARY FOR THE FINANCE DIRECTOR AND THE LAW DIRECTOR SHALL BE SET BY ORDINANCE OF CITY COUNCIL;** 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.

REMARKS

COUNCILWOMAN TURNER NOTED THAT IN HER OPINION THE LEGISLATION IS FLAWED FOR THREE REASONS: (1) THE PACKET WAS LAID OUT AND EXPLAINED BY THE PERSON WHO STANDS TO DIRECTLY BENEFIT FROM THE CHANGE TO BE MADE; (2) ALTHOUGH THERE IS NO DEFINITION OF THE "MAYOR'S TERM OF OFFICE" IN THE CHARTER, THE FINANCE DIRECTOR AND THE LAW DIRECTOR ARE

DIRECTLY TETHERED TO THAT POSITION AS THEY ARE APPOINTED; AND (3) THE REQUEST IS COMING ON THE HEELS OF A POOR FINANCIAL OUTLOOK DUE TO COVID-19. SHE DOESN'T THINK THIS CHANGE SHOULD BE MADE AT THIS TIME.

COUNCILWOMAN MCNALLY NOTED THAT THIS CHARTER AMENDMENT CHANGE HAS ZERO DOLLARS TIED TO IT, AND DOESN'T INCREASE NOR DECREASE ANYONE'S SALARY.

COUNCILMAN OLIVER STATED THAT HE THINKS THE PEOPLE OF THE CITY SHOULD BE ABLE TO DECIDE THIS FOR THEMSELVES.

COUNCILWOMAN DAVIS STATED THAT THIS LEGISLATION WOULD GIVE VOTERS THE OPPORTUNITY TO ALLOW COUNCIL TO DETERMINE THE SALARIES OF THE LAW DIRECTOR AND FINANCE DIRECTOR, WHETHER THEY GO UP OR DOWN.

COUNCILMAN RAY ADDED THAT THIS ALSO WOULD ALLOW FLEXIBILITY IF CUTS OR ADJUSTMENTS IN SALARIES WERE NEEDED.

COUNCILMAN HUGHES NOTED THAT AS AN EX-DEPARTMENT HEAD HE EXPERIENCED A SALARY CUT WHILE A CANDIDATE THROUGH THE HANDS OF COUNCIL, AND HE THINKS HE WAS PAID MUCH LOWER THAN HIS VALUE. HE STATED THAT IF WE VALUE EMPLOYEES AND WANT TO AVOID GETTING INTO POLITICS FOR SALARIES, HE DOESN'T THINK THE SALARIES SHOULD BE DETERMINED BY COUNCIL. HE THINKS THAT IF AN ADJUSTMENT IS NEEDED MAYBE THEY CAN RAISE IT TO 90% OF THE MAYOR'S SALARY.

COUNCILWOMAN DAVIS ASKED FOR CLARIFICATION, AS SHE BELIEVES IT SEVERS THE TIE-IN WITH THE MAYOR'S SALARY AS THE LEGISLATION IS WRITTEN.

ATTORNEY VIVO STATED THAT THE MAYOR'S SALARY IS SET BY ORDINANCE, AND THE FINANCE AND LAW DIRECTORS' SALARIES ARE ESTABLISHED AT 80% THEREOF. THIS ORDINANCE WOULD JUST ALLOW COUNCIL TO SET THE FINANCE AND LAW DIRECTOR SALARIES.

COUNCILWOMAN DAVIS STATED THAT IF WE DON'T SEPARATE THESE THINGS, THEN IF COUNCIL ATTEMPTED TO GIVE AN INCREASE TO THE FINANCE OR LAW DIRECTOR SALARIES, THEN IT WOULD INCREASE THE MAYOR'S SALARY ALSO.

ATTORNEY VIVO NOTED THAT IS CORRECT. IF YOU INCREASED THE LAW DIRECTOR AND FINANCE DIRECTOR SALARY, (WHICH YOU WOULD HAVE TO INCREASE BOTH), THEN IT WOULD INCREASE THE MAYOR'S SALARY AS WELL.

COUNCILWOMAN DAVIS STATED THAT IF THIS ORDINANCE PASSES, THEN COUNCIL COULD INCREASE THE FINANCE DIRECTOR SALARY AND/OR THE LAW DIRECTOR, BUT IS NOT REQUIRED TO DO BOTH IF THEY CHOOSE NOT TO.

ATTORNEY VIVO ANSWERED THAT COUNCILWOMAN DAVIS IS CORRECT.

PRESIDENT KITCHEN ASKED FOR CLARIFICATION ON THE “TERM” ISSUE. IF THIS PASSES, WHEN WOULD THIS TAKE EFFECT, AND IF THE “TERM” EQUALS FOUR YEARS VERSUS EFFECTIVE IN 2021.

ATTORNEY VIVO REPLIED THAT IN HIS OPINION, THE LANGUAGE IN THE PROPOSED AMENDMENT WOULD ALLOW COUNCIL EFFECTIVE JANUARY 1, 2021 TO ESTABLISH THE RATES OF PAY FOR THE LAW DIRECTOR AND FINANCE DIRECTOR BY WAY OF ORDINANCE. THEN THAT WOULD BECOME EFFECTIVE IMMEDIATELY OR BY A DATE ESTABLISHED IN THE ORDINANCE.

COUNCILWOMAN TURNER ASKED FOR A DEFINITION OF “TERM” IN RELATION TO THE CHARTER.

ATTORNEY VIVO STATED HIS OPINION IS FROM REVIEWING PAST CHARTER AMENDMENTS AND THEIR PRIOR LANGUAGE INTENT. IT IS CLEAR THAT THOSE CHANGES WERE INTENDED TO ESTABLISH THE BOARD OF CONTROL SALARIES AT 80% OF THE MAYOR’S SALARY, AND TO DETERMINE HOW THEY WERE PAID (EVERY TWO WEEKS VERSUS MONTHLY). AS RELATED TO THE LAW DIRECTOR AND FINANCE DIRECTOR, THEY CAN BE IN PLACE AN UNLIMITED LENGTH OF TIME. SO A COURT WOULD LIKELY INTERPRET “TERM” TO BE A CURRENT PAY PERIOD. THERE IS A LOT OF CONFLICTING LANGUAGE SO THAT WOULD ALLOW “TERM” TO ONLY BE INTERPRETED IN THAT WAY.

PRESIDENT KITCHEN NOTED THAT ALTHOUGH THE FINANCE DIRECTOR AND LAW DIRECTOR ARE NOT ELECTED, THEY SERVE AT THE PLEASURE OF A MAYOR WHO HAS A TERM. WE HAVE UNLIMITED TERMS, BUT IF A NEW ADMINISTRATION COMES IN, THOSE APPOINTEES CANNOT JUST SERVE UNDER A NEW MAYOR, BECAUSE THEY WOULD HAVE TO BE RE-APPOINTED EVERY FOUR YEARS. HE THINKS THERE IS NO SUCH THING AS A PAY “TERM”. PAY PERIOD MEANS PAY PERIOD.

COUNCILMAN RAY NOTED THAT IF THEY ARE REFERRING TO “TERM” AS PAY PERIOD, THEN IF YOU WERE THE LAW OR FINANCE DIRECTOR AND YOU WORKED ONE DAY, SAY ON A MONDAY, AND THEN WERE RELIEVED ON TUESDAY, THEN YOU WOULD BE PAID FOR ONE TERM, AS THAT IS HOW THEIR SERVICES ARE RENDERED.

ATTORNEY VIVO ANSWERED THAT THIS DISCUSSION ISN’T PART OF THE OPINION NOR THE ISSUE HE EXAMINED, BUT A SALARY IS A SALARY, AND IN THIS CASE IT IS ANNUALLY. THE LANGUAGE ADDRESSES THE AVOIDANCE OF RETROACTIVE CHANGES, MEANING THAT IF SOMEONE WORKED HALF A YEAR, WHAT WOULD THEY BE ENTITLED TO. THE PRIOR AMENDMENTS IN 2003, WERE ONLY AMENDING PROSPECTIVE CHANGES IN SALARY. SO YES, IF THEY WORKED ONE DAY, THEY WOULD STILL BE PAID THEIR SALARY.

COUNCILMAN OLIVER ASKED IF LAW DIRECTOR JEFF LIMBIAN HAD THE SAME OPINION.

ATTORNEY LIMBIAN ANSWERED THAT HE AGREED WHOLEHEARTEDLY WITH ATTORNEY VIVO'S INTERPRETATION OF THOSE TWO COMPETING COMPONENTS.

THE ORDINANCE WAS THEN PLACED BEFORE COUNCIL AND PASSED BY A VOTE OF YEAS, 5. NAYS, 2.

SIGNED OUT OF COMMITTEE

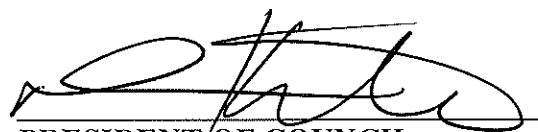
ORD-20-101 CHANGING THE ZONE CLASSIFICATION OF THE PROPERTIES LOCATED AT 111 PARK AVENUE AND 107 PARK AVENUE, CITY LOT NUMBERS 12931 AND 12932 CURRENTLY ZONED RM 1.5 (MULTI-FAMILY RESIDENTIAL) TO: MU-N (MIXED USE-NEIGHBORHOOD); AND PROVIDING THAT THIS ORDINANCE SHALL BE AN EMERGENCY MEASURE IF IT RECEIVES 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 SECOND 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.

UPON MOTION COUNCIL ADJOURNED

APPROVED: WEDNESDAY, SEPTEMBER 16, 2020


CLERK


PRESIDENT OF COUNCIL