

Warren, Ohio

MINUTES

REGULAR MEETING WARREN CITY COUNCIL

November 10, 2010

- CALL TO ORDER** The regular meeting of Warren City Council was called to order by President of Council Robert A. Marchese in Warren City Council Chambers at 7:30 PM, 141 South St. SE, Warren, Ohio.
- INVOCATION/PLEDGE** Daniel J. Sferra, Councilman-at-Large opened the meeting with prayer followed by the Pledge of Allegiance.
- ROLL CALL** MEMBERS PRESENT: Sferra, Dean, Dippolito, Novak, Brown
Morn, Flask, Saffold, Colbert
ABSENT: Rucker
- OFFICIALS PRESENT** Mayor O'Brien, Auditor Griffing, Director Franklin
Law Director Hicks, Treasurer Homlitas
- DEPARTMENT HEADS** Chief Bowers, Chief Nussle, Gary Cicero, Bob Davis, Bob Pinti, Lisa Mazzochi, Renee Cicero, Paul Makosky, Mike Keys, Tom Angelo
ABSENT: Sal DiLiello, Chris Stephenson, Tom Gaffney
- MOTION-EXCUSE COUNCIL MEMBER RUCKER** Motion Novak, second Saffold to excuse absent Council Member Rucker for good and sufficient reason.
VIVA VOCE: All Yes; 0 No. Motion passed
- NOTE:** (No motion was made to appoint a Council Pro-Tem for this meeting to fill the absence of Councilwoman Rucker).
- MOTION-ACCEPT PREVIOUS MINUTES** Motion Dean, second Morn to accept the minutes of the last meeting but dispense with reading of the same. VIVA VOCE: All Yes; 0 No. Motion passed.

REPORTS

- MAYOR** MAYOR O'BRIEN: Thank you very much Mr. President, Members of Council; First of all nothing new, lately. I'm just getting, I draw your attention Mr. Dippolito to the Mahoningside Project. It's going on quite appropriately and quite nicely. The buildings are down. I draw it to all of Council's attention. The buildings are all down and the excavation is taking place. It's a very progressive project that of course as I reported last meeting will be making necessary fills of the cells and before you know it we'll be grading and seeding and we'll have a grass seed planting or a grass seed throwing ceremony for Council Members. So that project is going along fine.
- Also the, if you look at Mahoning Avenue, not far down from Mahoningside toward City Hall, you'll see the poles that have been erected, the light poles. We'll be having a ceremony, a lighting ceremony for the new historical lighting poles on Mahoning Avenue as soon as we get some coordination from the installers and Paul Makosky. So we'll inform council and we'll have a lighting ceremony. Apparently there's a lot that goes on in the city that we don't have enough ceremonies about. Some people are not aware of those things that just happen. So we are going to have a lighting ceremony for that.
- And since the last Council meeting the Tech Belt Innovation or excuse me, Tech Belt Energy Innovation Center has established a sight. It's the former Kresge Building and that will be the sight and we're going through the process of diligence for a company to check the health of the building and the sale decision

11-10-10

on that. And I'll be in a steering committee meeting tomorrow morning at 8 o'clock regarding that important project of and just for Council's information I'm on the steering committee along with representation from NORTEC, two representatives from NORTEC, a representative from Trumbull 100, a representative from local banks, a representative from the STEM Center at Youngstown State University and Mr. Don Emerson from Trumbull Metropolitan Housing Authority. It's a very active board, meet monthly and very active for the energy innovation center that's going to be taking place in the Kresge Building on the Market Street. Also I want to remind Council, tomorrow the Veteran's Day ceremony will be at 11 o'clock at the Amphitheater. The third year it will be at the amphitheater and the parade starts at 12:15. 11 o'clock at the Amphitheater, Veteran's Day. The Veteran's Memorial has been taken care of the last few days. You'll notice a lot of new plantings in the area. You'll notice the Amphitheater's in tip-top shape for the ceremony and we're expecting a big crowd tomorrow and it looks like it's going to be favorable weather. So with that it's the end of my report Mr. President.

LAW DIRECTOR

Thank you Mr. President. In addition to the tomorrow will be Veteran's Day, today is the Marine Corp birthday. And for all those of you who couldn't get in to the military and had to join the Air Force we'll still honor you guys tomorrow. Thank you Mr. President.

AUDITOR

MR. GRIFFING: Thank you Mr. President. No report this evening.

TREASURER

MR. HOMLITAS: Thank you. No report.

DIRECTOR

MR. FRANKLIN: Thank you Mr. President. No report this evening however I would like Mr. Colbert when you honor the Chief if we could make a special presentation with members of the committee to join along with the Mayor. Thank you Mr. President.

DEPARTMENT HEAD REPORTS

None.

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SUMMARY OF CORRESPONDENCE

C-025-10
11-2-10

Received a letter from the Ohio Division of Liquor Control:

Stating that the objection for a new permit application for 1 Stop Shop, 1265 E. Market St., Warren, Ohio has been overruled and the processing of the application will continue.

If you wish to appeal this order, you must file an appeal within thirty days of the mailing date of this order which is October 28, 2010.

REF: Marti Morn, 4th Ward Councilman
Law Department

C-026-10
11-10-10

Received from the Planning and Platting Commission/Board of Appeals

Notice that a meeting will be held Wednesday, November 17, 2010 at 4 PM in Warren City Council Chambers to discuss the following requests:

STREET VACATION

Requested by TMHA for a portion of Duke SE to be vacated.

VARIANCE

Requested by Robert Scott, 2084 Atlantic NE a variance to build a shed at said property.

REF: All Council Members

THIS CORRESPONDENCE IS ON FILE IN THE CLERK OF COUNCIL OFFICE.

STANDING COMMITTEE REPORTS

STRATEGIC PLANNING MR. DEAN: Thank you Mr. President. No report however, the Strategic Planning group will met on its normal meeting day of the 16th at 6 PM. Request all interested parties and Council Members attend. Thank you. welcome.

LEGISLATIVE MS. SAFFOLD: Thank you Mr. President. I'm going to defer to Councilman Flask as we will be having a joint committee meeting.

HEALTH & WELFARE MR. FLASK: Thank you Mr. President. The Health & Welfare and the Legislative Committee is requesting a meeting on Wednesday the 17th at 6 PM.

CLERK: Regarding?

MR. FLASK: Regarding the legislation on massage parlors.

CLERK: Pardon me?

MR. FLASK: Massage parlors. Thank you Mr. President.

HEALTH & WELFARE MR. FLASK: Thank you Mr. President. At that meeting the request I would like to have the Law Department, the Mayor or a representative, the Safety-Service Director, the Health Department and Ms. Saffold. Anybody else?

MS. SAFFOLD: No

MR. FLASK: That's all, thank you Mr. President.

FINANCE MR. NOVAK: Thank you Mr. President. The Finance Committee met yesterday; probably one of the shortest meetings that we had it convened at 5:03 PM and was over at 5:05 PM being as we had such a short agenda, but we was informed by Auditor Griffing that by our next Finance meeting which will be our Council meeting before the Thanksgiving holiday we should have our green bar 2011 budget available to us to start working on that and I think it's important, this is going to be another very difficult year concerning our city finances. So everybody bear that in mind because I intent to be calling some off week meetings on that also to review it, so thank you Mr. President.

SPECIAL COMMITTEE REPORTS

MR. COLBERT: Just from last week, Safety-Service Director, do we have an update on where we are with the outlying fire stations and getting any of those opened up?

DIRECTOR FRANKLIN: No, but we'll keep you informed. That authority ORC is in the hands of the Police Chief in terms of deployment of manpower. Fire Chief, thank you, excuse me, getting my safety forces mixed up, but we've been discussing when our manpower levels reach a certain level we'll be able to do that and work with Council in communicating that and we'll keep you informed on that. Thank you.

PRESIDENT MARCHESE: Two public speakers before Council this evening. Our first speaker this evening, please give your name and address and limit yourself to three minutes. Our first speaker this evening is Mr. James Valesky. Mr. Valesky.

PUBLIC SPEAKING 7:22 PM

Thank you Mr. President. Members of Council and guests. As we all know tomorrow is Veteran's Day, but today is a very important day for me, I'm a former Marine. Today is a very important day in our history. In 1775 a legacy was born. During the American Revolution many important discussions took place in inn's and tavern's in Philadelphia, Pennsylvania including the founding of the United States Marine Corps. A committee of the Continental Congress met at Tongues Tavern to draft a resolution calling for two battalions of Marines able to fight for independence at sea and on shore. The resolution was approved on November 10th, 1775 officially forming the Continental Marines. As a first order of business Samuel Naples became commandant of the newly found Marines; Tongues Tavern owner and popular patriot Robert Mullen became the first captain and recruiter. Imagine that in the tavern. They became gathering support and were ready for action by early 1776. And I'm proud to say my great, great, great, great grandfather was among those first Marines. Each year the Marine Corp marks November 10th with a celebration of the very spirit which compelled those men and thousands since to defend their country as United States Marines. The few, the proud so says an old driver's license slogan of United States Marines. And so it is, Marines are the smallest branch of the U.S. Armed Forces, but their reputation out matches their size. Today the Marines celebrate their 235th anniversary. Around the world Marines celebrate the day with a caped tradition. The guest of honor gets the first piece of birthday cake. The cake decorations with the Marine Corp login. The oldest Marine gets the second and then the youngest gets the third. Half of the cake, a birthday message from John A. Lajune the thirteenth commandant of the United States marines is read. Lajune is known as Marines, Marine the head of the United States Marine Corp from 1920 till 1929. The message reads: So long as that spirit continues to flourish Marines will be bound equal to every emergency in the future as they have been in the past and the men of our nation will regard us as worthy successors for a long line of illustrious men who have served as sailors or soldiers of the sea since the founding of the corp.

I'm also going to read you a message from our current commandant and the message reads. Sixty years ago the United States Marine Corp as it has throughout history demonstrated its vital role as America's expeditionary force in readiness. Just weeks after North Korean Communist forces crossed the 38th Parallel, the First Marine Provisional Brigade landed in South Korea, forming the backbone of the perimeter around the City of Pusan. The efforts of the 'Fire Brigade' at Pusan allowed for the daring amphibious landing at Inchon and set the stage for one of the most savage campaigns in Marine Corp history-the Chosin Reservoir. As we pause to celebrate our 235th birthday, we pay special tribute to the Marines of the Korean War and recognize their contributions to our enduring legacy.

The past year has marked the end of Marine Corp combat operations in Iraq beginning with the invasion of March, 2003 and through the next seven years of fighting our Corps acquitted itself valiantly in the Anbar Province and throughout the country. Locations such as Fallujah and Ramadi have taken their place in the illustrious battle history of the Marine Corp. Our efforts in defeating the insurgency helped to build a brighter future for all Iraqis.

For 235 years, at sea and ashore, Marines have succeeded in every clime and place where hardship and adversity have often been the common thread. Today in the rugged mountains and valleys of Afghanistan and recently in earthquake-damaged Haiti, in flood-ravaged Pakistan, or off the coast of Africa we continue to protect our Nation, just as we did 60 years ago in Korea.

To the Marines and sailors deployed overseas, to those training and preparing for their next deployment and to the warriors who no longer wear our uniform-we honor your selfless service to the Nation. To our loved ones who endure the many difficulties that come with being part of the Marine Family, I want to extend my sincerest thanks for all you have done and all you continue to do.

11-10-10

Happy 235th Birthday, Marines!

Semper Fidelis,

James F. Amos
General, U.S. Marine Corps

I'd like to conclude on a somber note, it has been brought to my attention that our Marines in Afghanistan have taken heavy casualties in recent days. So lets take a moment to pray for our men and women and their families. Thank you and God Bless America.

MR. BROWN: Excuse me Jim, could you please state your name and address for the Clerk?

MR. VALESKY: I've done this so many times. My name is James J. Valesky, 625 Mahoning Avenue, Warren, Ohio.

PRESIDENT MARCHESE: Our next speaker this evening is Dale Ferguson. Ms Ferguson you have three minutes. I let Mr. Valesky go on a little bit because he was talking about the military service. (Comment made/unaudible) No, three minutes, watch me.

DALE FERGUSON, 945 RIVERVIEW, WARREN, OHIO: My name's Dale Ferguson and I live at 945 Riverview, Warren and I'm calling because I'm a property owner and I have one rental only and I understand there's discussion about having landlords paying for tenants past due bills they don't pay and I object to that. I only have one rental. I can't imagine somebody with ten rentals having to pay overdue bills. Each of us should be responsible for what we sign our name to and anybody who signs for water should be responsible for that bill. And if they don't pay their utility bills, they shouldn't have the service, period and then turn the water off and contact the landlord and then they can start the moving process. Also, I called the Water Department to check on arrears at my property and I'm not even getting, I won't be allowed to get that information. So I wouldn't even know if a tenant was in arrears. The Water Department says that's confidential information. So I object to that and another thing is the \$84.00 a year, I don't mind paying that, but I'm hoping all the rentals are being inspected throughout the city. I know there's a house next door to me that I'm wondering whether it's been inspected, but I'm working on that. There's an inoperable vehicle sitting out front; it's been there all winter too, so I'm working on that.

If I had more time, I'd like to talk about the mowing services too in the city cause at the old St. Joseph's Hospital this summer, September I noted that they left grass on the street so I called the service and he said that he would tell his workers not to do it again. Then in October they left the grass on the road again, so I called the service and he said that he did tell his men and he would tell them again. So I'm wondering if there is some kind of a city ordinance that we can do something about people leaving grass and now leaves on the street. Is there anything for that and if there's an ordinance, what can we do about that?

PRESIDENT MARCHESE: Thank you Ms. Ferguson, I would suggest after the meeting to best answer your questions and to help bring those things together for you, I know that Mr. Pinti, Mr. Angelo would very much give you the time to talk about those issues. Thank you.

LEGISLATION FOR PASSAGE

RECOGNITION RESOLUTION

**DRAFT 3082
POLICE CHIEF** A resolution for the purpose of honoring and commending Warren Police Chief Timothy Bowers upon being a recipient of the "2010 William French Smith Award For Outstanding Contributions To Cooperative Law Enforcement".

Mr. Colbert requests the clerk to read in its entirety Draft 3082.

READ Clerk reads same.

MOTION FOR PASSAGE Motion Colbert, second Dean to pass Draft 3082.

REMARKS

None.

11-10-10

ROLL CALL YES: Sferra, Dean, Dippolito, Novak, Brown, Morn, Flask, Saffold, Colbert
NO: None.

PASSED 9 YES; 0 NO. Motion passed. Draft 3082 is now RES. 4479/10.
RES. 4479/10
Presentation of the resolution was made by Council Members Colbert, Morn and Dean along with comments made by Mayor O'Brien and Safety-Service Director Franklin.

DRAFT 3080
EROSION & SEDIMENT
CONTROL An ordinance for the purpose of enacting a Chapter 938 (Erosion and Sediment Control) to and within the codified ordinances of the City of Warren and declaring an emergency.
Mr. Sferra requests the clerk to read the title on Draft 3080.

READ Clerk reads same.

MOTION-SUSPEND Motion Sferra, second Novak to suspend the rule requiring three
THREE READINGS readings on Draft 3080.

ROLL CALL YES: Sferra, Dean, Dippolito, Novak, Brown, Morn, Flask, Saffold, Colbert
NO: None.

MOTION PASSED 9 YES; 0 NO. Motion passed.

MOTION FOR PASSAGE Motion Sferra, second Novak to pass Draft 3080.

REMARKS
None.

ROLL CALL YES: Sferra, Dean, Dippolito, Novak, Brown, Morn, Flask, Saffold, Colbert
NO: None.

PASSED 9 YES; 0 NO. Motion passed. Draft 3080 is now ORD. 12303/10.
ORD. 12303/10

DRAFT 3081
REZONE:1569
WOODLAND NE An ordinance for the purpose of amending the proper sheets of the use district map accompanying Chapter 1133 of the planning and zoning code of the codified ordinances of the City of Warren, Ohio by rezoning a portion of property known as 1569 Woodland NE (IE Lot No. 17 thereof-parcel No. 38-007550) from 'Residential A' to Commercial 'A' for the purpose of enabling the maintenance of additional parking and declaring an emergency.
Mrs. Morn requests the clerk to read the title on Draft 3081 and place it in first reading.

READ Clerk reads same.
REF: E.P.B./P & P/ P.H. 12-22-10

MISCELLANEOUS 8:05 PM

MR. SFERRA

Thank you Mr. President. I think a lot of you know, but in pro-football the 1972 Dolphins are the only undefeated team in history in the NFL and every year of course this year was a short year, it only last a couple of years, but Indianapolis, New England, they took it to the fourteenth, fifteenth game undefeated. And when someone was defeated as Larry Csonka and Faniconi's; they all had their celebration. So this is to you last week Mayor when you announced that you weren't going to run again. I think I might have had some Crown Royal and toasted myself knowing that my record is still in tact. (inaudible) I might be okay, cause I might (inaudible) if someone breaks my record. I think I served with you a long time Mike, '82, it's hard to believe that. But I do remember, many of you probably don't remember, but Mike when you won the 4th Ward it was won by the flip of a coin-

MAYOR O'BRIEN: Yeah.

MR. SFERRA: It was you and Bill Sharon flipped a coin and he won and Mike you were gone from here, you went to the county, you served as Mayor and I've known you a long time; I've known your Mother a long time; and I've known your family a long time and I have to say Mike I'm sure your Mother's proud of you and she has every reason to be proud of you. I think you've done a good job for the city. You've done a good job for your family and I do nothing but wish you the best in the future.

MAYOR O'BRIEN: It's great Dan and by the way I have fourteen months yet. The (inaudible) in that is kind of interesting because I haven't thought about it. I was at the Howland football game Friday and a guy said to me, hey, 10 and 0, it's pretty good. And I said well they gotta, it was at halftime and I was buying some popcorn and this guy says 10 and 0 and I said yeah, but we gotta second half Longhorns 7 to 0. My nephew plays for Howland. I'm not really a Howland fan and I'm a Kennedy fan, you can't be broke. Anyway he was referring to my record; my ten elections and I won ten elections. So that's where I thought you were going with that, (inaudible) but then I realized knowing you so long I knew where you were headed. I thought we were going back to Lefty and Jim's. I'm glad we didn't.

PRESIDENT MARCHESE: Thank you Mayor. Thank you Councilman Sferra and I remember that bottle of Crown because I needed a ride home from your house.

MR. DEAN

Thank you Mr. President. On the 11th month, the 11th hour, the 11th day in 1918 President Wilson signed a document ending a war and a lot of suffering. Armistice Day was created in 1926 through legislation through Congress and then President Eisenhower in 1954 created Veteran's Day and Veteran's Day to a lot of people, who are not here and their families are not here, means a lot to a lot of different people. We are very often saying to a vet, thanks for your service. Very often we'll attend a parade or we'll wave a flag. I had a conversation with John Brown the other day and we said to each other, you know it's hard to say to people what can you do? I will say again that we have 512 residents in a nursing home in Sandusky. Half of those veterans came out of Vietnam and half of that number haven't had a family visitor in years. Down at Georgetown there are another 152 veterans who are in a nursing home and half of those haven't had a visitor in years. To drive to Cleveland for a ballgame it's another forty-five minutes to Sandusky and there's not a veteran in that building that won't stop and talk to you and share a story or be glad that you came just to sit and talk or won't be proud to get a newspaper, or a CD or a magazine or even a book. The American Legion, even I was surprised, in looking at all the things they do. A phone call to the American Legion commander and saying I'm not sure what I can do, but there's probably something you

folks need; maybe a student who needs some counseling, help with their homework. They do scholarships you know. The VFW, they do lots of things. Call to the VFW Commander. Is there anything I can do? You folks need any help? You'd be surprised at the things that they need. I called the veteran's nursing home director yesterday and I said send me a list of the things that you need. They sent me a list of fifty items and it took him less than twelve hours to get those to me, so there are in fact needs. Felipe Romain would have said if he were here, it is a great country. We have great vets and we need to take the time to thank them, thank them, and thank them. Thank you Mr. President.

MR. DIPPOLITO

Thank you Mr. President. When I have good news, I enjoy doing it. First of all I appreciate the Mayor's comments about the Summit money-pit, as I call it. If you haven't been by, try and take a few minutes and go by. You'll enjoy what you'll see cause it's really a deep pit no (inaudible) about eight million dollars or something like that. In any event also I want to thank Mr. Franklin and the administration for the work done at the Garden Street Apartments at the corner of Garden and Tod. A small apartment building there that's been very unsightly and it's been boarded up, lets put it that way. It's right close to the famous Pamela Apartments and so on as we all know. In addition I commend our first speaker Mrs. Ferguson from apparently Riverview which has been the general area. You're talking about the area around the old hospital sight etc. There's no more things to be said. I appreciate you being here and I will be at that meeting in the back.

In addition I would like to congratulate the Police Chief, that's quite an accomplishment to exceed what he's done. And finally let's see there's something else here, yes, our second speaker again Mr. Valesky I appreciate the presentation giving the history of the Marine Corp. That's one copy of the minutes I'm going to want to save. I hope it's typed in full detail. I will say that. In any event, thanks again Mr. President.

MR. NOVAK

Thank you Mr. President. Just quickly I'd like to refer to the Mayor, I know you had just had the press out there at the former Packard Building. A lady called me today, lives on Bank Street, she is raising her grandson, he's twelve years old and she showed me a whole box of items that he was able to obtain along with his friends going in to this building. And I'm really, really concerned that we're going to wind up taking care of and finally finishing the nightmare on Summit Street but we're going to wind up with two nightmares on Dana and one on Griswold. So I would hope, if we can, if we can get with Packard Delphi and get some movement there to get those buildings secured, torn down, whatever. I think it's important because I would hate to see especially a child lose their life in there. I know what a draw it can be to young people. When Mullins Manufacturing closed I in that about that same age area used to go and sneak in there and go climb around and one neighbor of mine had a window fall down on him and cut him and luckily his brothers were scouts and put tourniquets on him otherwise he would have probably bleed to death he wound up with over eight hundred stitches in this body. So you know I hope we can get some movement concerning those buildings.

MAYOR O'BRIEN: Mr. President. Yes, I since talked to representatives in Detroit regarding this property and they assured me their due diligence of the legalities of the sale. So it should be some time soon. We won't be dealing with them, but we'll be dealing with the new owner, just so you know. And so we'll call I'll assure you I'll talk to them again tomorrow and ask them for a at least I'll have a timetable from them Mr. Novak.

Also you say that the person was going in the building?

MR. NOVAK: Her twelve year old grandson and some of his friends have been going in there. And I went over and drove through-

MAYOR O'BRIEN: A window or something?

MR. NOVAK: Well there's multiple places especially in the rear –

MAYOR O'BRIEN: Administration Building?

MR. NOVAK: No they go in the rear in the back where it used to be the power house along the railroad lines.

MAYOR O'BRIEN: Oh, okay that's Plant 3, or excuse me Plant 8.

MR. NOVAK: And they can go in the tunnel from that building and go up and go in the administration building.

MAYOR O'BRIEN: Well the reason I'm asking that is I'll have that secured tomorrow.

MR. NOVAK: Oh, okay, thank you Mayor. And I'd also like to refer to tomorrow being Veteran's Day. I drove my Dad today up to the VA medical facility in Cleveland and it was quiet an experience. There were many, many residents, male, female in there seeking all different types of medical help and you get a real education when you see these folks in there. Many of them are in wheelchairs, missing arms, missing legs. You can tell seeing some of them that some of the horrors and things that they went through have affected them and will affect them for their whole life. And I would hope that we can get more people to come down for our Veteran's Day ceremonies cause it seems like every year we're having less and less people coming down to the ceremony. So I think we need to instill in to our young people that they must honor those individuals that gave more than anybody could ever give in their life for what they've done. And Bob when you were talking about during World War I, I can remember sitting and talking to my uncle who was left for dead in the battle of Argon Forest, but he always referred to it as nineteen and eighteen. I guess that's what they said back then, I don't know but it was always something. But one thing if you could check the three elevators that take you up in to the building; only one is operating. Two of them are shut down so they had a real backlog of folks that were unable to take the stairs and go up. So I know you have a lot of connections there so I thought maybe you could find out why they're not operating. If you do cause there were quite a few upset people there that you know they had to go clear down to emergency and get on their own elevator and go up. There were a lot of individuals on scooters, so if you can do anything on that. That would be-

MR. DEAN: I appreciate that Mr. Novak, but I think it's Otis that you're looking for.

MR. NOVAK: So whatever you can do. But again we must remember those who served us and you know it doesn't matter if you go and help, put flags on. On Memorial Day, take them off, whatever you can do it's service that we need and whatever you do is going to set an example for those folks that will be coming along behind us. Thank you Mr. President.

MR. FLASK

Thank you Mr. President. Over two months ago or the last two months ago this Council passed a piece of legislation that included at rate increase and I along with others voted in favor of that increase, but I also sat here that evening and made a statement that if that was the only thing that was to come of the study that was presented to us that I would make a movement to rescind that. I am not going to do that, however one of the things that was suggested in that legislation was take a look at the landlords and how our water bill, their water bills are paid, and four members of Council including myself signed for legislation and I would like right now to ask the Law Department when we can expect to see that legislation?

LAW DIRECTOR HICKS: Rather than pontificating tonight as you like to do, if you had called the office I probably could have gave you a better date cause I could have asked Mr. Ries who has that legislation that he's working on. You may know that our staff was decreased by 40% over the last year. I don't have a paralegal. I'm short one legal secretary. It is there. He is working on it. I can give you that answer tomorrow.

MR. FLASK: So I can expect a phone call from your office? Or-

LAW DIRECTOR HICKS: I apologize tomorrow is the holiday. They are closed. Friday I'll ask Mr. Ries to contact you to let you know where he is. It would have been very simple for you to call and ask that at any time.

MR. FLASK: Well unfortunately Mr. Hicks some of us have day jobs as well. I couldn't make that phone call. I didn't pontificate. Some of us would just like an answer!

LAW DIRECTOR HICKS: And you could have got that answer very simply rather than grandstand tonight.

MR. FLASK: Well thank you for allowing me the opportunity to do so and I will expect your call on Friday

LAW DIRECTOR HICKS: (inaudible) Mr. Ries.

MR. COLBERT

Thank you Mr. President. In regards to the Councilman's statement, we did attempt to have this conversation in Caucus. Unfortunately you were not there.

LAW DIRECTOR HICKS: I was here yesterday in Finance meeting and I didn't see any of you. We could have talked then. I could have brought that to you tonight. We have three things on the agenda none of which required any legal action. Again—

MR. COLBERT: You got one piece here. We had one piece of legislation today which is a resolution.

LAW DIRECTOR HICKS: Right. Nothing that you needed any legal advice on tonight that's why I was at a dinner—

MR. COLBERT: I am in no way, I am in no way doubting you for not being at the meeting in Caucus. The suggestion was made that we are grandstanding out here. We did not want to have this conversation out here. We wanted to simply have to (Mr. Hicks is speaking also/inaudible) given the opportunity to ask the question on the floor. It's very simple. This body has asked for a piece of legislation to be brought forward for us to debate, mold, and create something that each side can find acceptable. All we are asking is can we have that piece of legislation to debate?

LAW DIRECTOR HICKS: Yes and like I said all you have to do is come up to our office. Mr. Ries has more jobs to do than just write this one piece of legislation. We do a lot at that office. There is a lot going on there at all times. You do not need that in front of you necessarily to debate, by the way. You know you don't have to wait for the legislation to sit there and call meetings to talk with the Water Department; to talk with the Wastewater Department and help formulate your ideas on what you want to do. Sometimes that's actually better because for us to write something up and then you sit there and say oh, that's not exactly what we had in mind. It sometimes is better for us to get together ahead of time with those departments and give us more thought on the issue and give us more thought on the issue as to what it is you're looking for in that particular type of piece

of legislation. We have no problem with doing that if you would like to set up those types of meetings. What happens Mr. Colbert and I apologize if I sound terse on this, but what happens is when you ask me about a particular piece of legislation whether it's in the meeting in the back or now, to be honest with you Mr. Ries draws up the legislation and where he is on that I would simply have to run to him and say Jim where are you on this? They're asking about this. I need to know. They're asking about this. Are you behind on something? Is there something you're waiting for? Do you need to talk to somebody about it? Do you need to talk to the Water Department? I need to do that because we do departmentalize, one of us can't do all of it.

MR. COLBERT: Point taken Mr. Hicks but through precedent and myself being new to this process all I can do is take the information that is provided to me. Within that study it states that similar legislation came before this body and was turned in to your office with ten signatures from Council Members. It never made it out and I was not there for that. I am not going to say that it is true or not true. But from what we have seen it being introduced and it not being here it leads you to believe due to past precedence that this was not going to come before our body and so we are asking for it to come to our body (inaudible).

LAW DIRECTOR HICKS: And again, what I would ask is call a meeting of the committee. Let us come to you with what we have. Let's discuss where you want to go. These are not that simple little pieces of legislation. These are not things that you just you know pick out stuff. They take work. They do affect other areas of the legislation as codified. The best thing probably to handle this is set up a meeting with your Water Committee. Mr. Ries will be here, who is the one who drafts the legislation. Have Mr. Davis; have Mr. Angelo there. Let's all of us sit down and discuss what it is we're trying to formulate and how we're trying to go about it. That's the best way. The when the piece does come in front of you, it's already had some work done on it. Why do we you say draw this up and then bring it to us and then we'll decide how it should look. I think the better way to do that is us work together not against each other.

MR. COLBERT: If I could though Mr. Hicks it's because, it's, it's, it's how the machine works. You bring in a piece and, and I said this back there, I compared this piece to health care and I hope woman is still (inaudible) I compared this to health care. The big enchilada in health care was the public option. Two sides realized there was an issue. Just like when you see 714,000 dollars of unpaid bills, that's obviously an issue and it's our job to address that. Now the individuals who have called my cell phone to ask me about this legislation I've explained to them we're not necessarily looking to put the water bill in anybody else's name. We're looking to address the deficiencies. We're looking to find out why this is happening. Why is there a hundred dollar deposit and we're allowing them to exceed that. We are looking to; we understand the said number is a problem. We've got individuals attention right now. This is the best time to call that in, sit down at the table, with the land owners and develop a piece of legislation that addresses the obvious need of this of these monies that are in arrears. But it's something that is fair for both sides but we can't do that in my opinion, the legislation comes in the way it does. We discuss it. We amend it. We mold it. We may not need to put the water bill in the landlord's name. What if they just do the same thing? But we do need to address the problem.

PRESIDENT MARCHESE: And if I may at the expense of opening a window on a sultry day big, I already spoke with Mr. Hicks since Caucus and the plan that will work is I'm going to talk to Mr. Ries as well as Mr. Hick's office also. Bring to Council or send to Council a list of materials he might need; questions etc. Have that meeting when all the appropriate parties can be there. Now I think that's worked before and I think that will work this time.

11-10-10

MR. COLBERT: Thank you Mr. President.

MOTION TO ADJORN

MOTION TO ADJOURN Motion Novak, second Dean to adjourn the meeting at 8:26 PM.

MEETING ADJOURNED AT 8:26 PM

Robert A. Marchese, President of Council

Darla K. Neugebauer, Clerk of Council, C.M.C.
