

# Warren, Ohio

## MINUTES

### REGULAR MEETING WARREN CITY COUNCIL

June 8, 2011

**CALL TO ORDER** The regular meeting of Warren City Council was called to order by President Pro-Tem Helen Rucker in Warren City Council Chambers at 7:30 PM, 141 South St. SE, Warren, Ohio.

**INVOCATION/PLEDGE** John Brown Jr. opened the meeting with prayer followed by the Pledge of Allegiance.

**ROLL CALL** MEMBERS PRESENT: Brown, Morn, Flask, Saffold, Colbert, Sferra, Rucker, Dean, Dippolito, Novak, Marchese

**MOTION-ACCEPT PREVIOUS MINUTES** Motion Dean, second Novak to accept the minutes of the previous meeting but dispense with the reading of the same.

VIVA VOICE: 10 YES; 0 NO. Motion passed.

**OFFICIALS PRESENT** Auditor Griffing, Law Director Hicks, Director Franklin, Treasurer Homlitas

ABSENT: Mayor O'Brien

**DEPARTMENT HEADS PRESENT** Chief Bowers, Chief Nussle, Brian Massucci, Bob Davis, Paul Makosky, Mike Keys, Robert Pinti

ABSENT: Tom Gaffney, Chris Stephenson, Lisa Mazzochi, Renee Cicero, Tom Angelo, Jim Black

### REPORTS

**ACTING MAYOR** ROBERT MARCHESE: Thank you Madame President. Sitting in for Mayor O'Brien I have the privilege and honor of saying that the Mayor is with family. Tonight his oldest son, Michael; who I might add is half Italian, will be graduating from basic training in the United States Marine Corp. at Paris Island, South Carolina.

I'm very proud of Michael and having watched the young man grow up over the years I think this is a great tribute to the Mayor and I'm sure he's very, very proud.

The Mayor would also like me to extend; having my annual coffee – monthly coffee with him he'd like me to extend to you that the legislation received on the bond issue will be explained by Auditor Griffing. The Mayor wants Council to realize and understand this will have a positive impact on the City with very necessary capital improvements.

Also, we discussed his seven day trip to China that he felt was not only very productive but very interesting. He has given me some notes from it and I'd like to take the opportunity without any objection Madame President to read about his trip.

(Acting Mayor, Robert Marchese read the press release from Mayor Michael dated June 1, 2011 regarding his trip to China.)

The Mayor feels very strongly about the possibility of doing business in the solar market in the future.

So we congratulate Mayor O'Brien and a reminder to Warren residents that trip to China was in no way at any cost to the citizens of Warren.

Outside of that Madame President, a reminder to Council that Mrs. Marchese annual Country Club Drive SE garage sale is this Saturday and Friday. You all come with cash because a couple of you stuck me in the past. And that phrase "just go put it through" just doesn't work.

Occupants that are participating in that are our own Mr. Pinti to help me man the beer tent and also Mr. Romeo from the Water Department as well as Commissioner Polivka. That's my report Madame President.

**LAW DIRECTOR**

MR. HICKS: Thank you Madame President. I'm sure living over there with the have a lots and the got bucks there's probably a lot of good stuff at that garage sale for us poor folks.

Let me just say by way of a report let me just remind everyone that the 14<sup>th</sup>, next Tuesday is Flag Day. While it is not one of those holidays quite the same that we get days off and we get to have picnics on I don't think it's any less important.

For those of us who were privileged enough to serve under that banner Chief – Master Sergeant Dean, my good friend, Tim Bowers, myself that banner always meant – John, I apologize John. But no and I don't want to miss anybody. But the point being you know that banner always had a special meaning to all of us; especially when we served overseas.

Please on Tuesday display our flag. Display it proudly and properly. Thank you.

**AUDITOR**

MR. GRIFFING: Thank you. In the back I supplied each Councilman with the month end report for May. If you have any questions feel free to contact my office. Thank you.

**TREASURER**

MR. HOMLITAS: Thank you Madame President. No report this evening.

**DIRECTOR**

MR. FRANKLIN: Thank you Madame President. No report this evening.

**DEPARTMENT HEAD REPORTS**

No reports.

**JUNE 8, 2011**

**SUMMARY OF CORRESPONDENCE**

C-017-11 Received from Department of Commerce, Division of Liquor Control

6-2-11 Notice of a request for a transfer of a C1 Liquor Permit

FROM: Northeast petroleum of ohio Inc.  
805 W. Market St.  
Warren, Ohio 44481

TO: Warren Petro Inc.  
805 W. Market St.  
Warren, Ohio 44481

REF: Cheryl Saffold, 6<sup>th</sup> Ward Councilwoman/Legislative Chairwoman  
Police, Fire, Planning & Building, Health and Law Departments

C-018-11  
6-6-11

Received from Engineering, Planning & Building

Notice of a Board of Appeals meeting to be held June 15, 2011 at 4:00 PM in Council Chambers regarding a sign variance for Lane Clark-Robert Funeral Home.

REF: All Council Members

C-019-11  
6-8-11

Received from Mayor O'Brien

Letter regarding his absence from the 6-8-11 regular meeting of Council and information regarding his trip to China.

REF: All Council Members

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

**PUBLIC SPEAKING**

None.

**STANDING COMMITTEE REPORTS**

**HEALTH & WELFARE** MR. FLASK: Thank you Madame President. No report.

**ENGINEERING,  
PLANNING & BLDG.** MS. MORN: Thank you Madame President. No report.

**OPERATIONS** MR. DIPPOLITO: Thank you Madame President. No report.

**POLICE & FIRE** MR. COLBERT: Thank you Madame President. No report.

**SEWERS/WPC** MR. SFERRA: Thank you Madame President. I'd just like to make a comment before – I hope we're not going to have miscellaneous tonight. But it's in regards to the moronic editorial I seen in the Tribune; which I – a few of them I don't like.

But the last one I seen where the – it was suggested that the Mayor meet with Mr. Tanneyhill and tell him which laws that we shouldn't be enforcing because there are problems with the people in the Building Department and with Mr. Tanneyhill and what he does in the Building Department.

I would say that 98% and it happened in my sixteen years as Mayor is when a person came in and said the building inspector was picking on me. They are doing this, they are doing – when he checked 98% of – they didn't get a building permit first. And when the Building Department went in they found things wrong. The next thing you know they'd be telling me how it's – they're getting screwed and how they're not the Building Department is doing it.

Now we have a couple of gentlemen here that are going to build a new building on glorious Sferra Boulevard. But before they build that building they're going to get their architects and they are going to go to the Building Department and the Building Department will tell them what you can do and what you can't do. The Fire Department will tell them what you can do and what you can't do. And it's as simple as that.

To suggest that the new Mayor come in and tell the building official not to enforce a certain law what that does for the Director – I mean the Mayor is puts him right behind an eight ball if someone gets hurt and it puts the City behind the eight ball. Because as luck would have it if you tell the building official not to enforce this sort of thing and someone gets hurt or someone gets killed the Mayor is responsible, the City is responsible.

I would just suggest that if anybody has a problem with the Building Department before you do anything go see the Building Department and go see the Fire Department and they'll tell you exactly what you got to do. And they've always seemed – I've always seen them to be cooperative and be able to work with people. It's the people that build something half way through and do it absolutely wrong they're the one's that usually come to the Mayor's office or anybody else and wants to complain.

So anyway Mr. Mayor that's my advice tonight.

DIRECTOR FRANKLIN: Thank you.

MR. SFERRA: Mayor elect. I'm sorry.

**LEGISLATIVE**

MS. SAFFOLD: Thank you Madame President. The Legislative Committee met on Thursday June 2<sup>nd</sup>. And at that time we heard various recommendations from several community organizations.

With that in mind we have decided to hold another Legislative Committee meeting Thursday June 16<sup>th</sup> at 3:00 PM. And at that time we will continue our discussions regarding the Massage Parlor legislation as well as a discussion of current nuisance legislation.

**PUBLIC UTILITIES**

MR. BROWN: Thank you Madame President. No report.

**WATER**

MR. SFERRA: Thank you Madame President. No report.

**TRAFFIC AND SAFETY**

MS. MORN: Thank you Madame President. No report.

**COMMUNITY DEVELOPMENT**

MS. SAFFOLD: No report tonight Madame President. Thank you.

MRS. RUCKER: Oh, I'd just like to add under Community Development that we'd like to hold a meeting on Tuesday the 14<sup>th</sup> at 3:00 PM. Thursday? On Thursday following the Legislative Committee meeting. So it's 4:00 PM regarding the block grants and future projects of Community Development. Thank you.

**FINANCE**

MR. NOVAK: Thank you Madame President. No report this evening. But just to let all Council Members know to be aware I was able to talk to my fellow Finance Committee members and other Council Members and when called upon I will be placing all of the legislation concerning the bond issue into first reading. And again I will be stressing that this is a very important issue to the City of Warren and it's residents and this Council and the present and future City Administration. And it has a definite very, very important and large impact financially on the City of Warren.

So my one tenth of this Council we will be moving slowly and making sure that everything is explained. I'm sure there will be changes too that will come about on this. And I do urge especially the Ward Council Members that I plan to schedule a meeting myself to get out to the citizens and have this information and discussion available to them so they understand what this proposal is and what affect it will have on the City of Warren. Thank you Madame Chairwoman.

DIRECTOR FRANKLIN: Yes Madame President. To Mr. Novak. Thank you for moving on that legislation. Could you inform me or inform my office when your Ward meetings are? Thank you. Thank you Madame President.

LAW DIRECTOR HICKS: Madame President? And I (inaudible) we want to have our Bond Council and everyone present. So lets work ahead on whatever meetings you're going to schedule – I mean Council As A Whole if the President so desires. But if you give us enough advance so we can bring in Council – Bond Counsel people and people like who have to come from Cleveland, come from other places so that again the most extensive and complete information that is available is there for everyone. And we need sometimes just a little heads up to tell them not tomorrow but two days from now to get here or something like that. Thank you Madame President.

DIRECTOR FRANKLIN: Madame President? In regards to the One Stop issue. Because there's – it involves some negotiations I would like to talk with you as the Special Committee Chairman Ms. Rucker to try to coordinate a meeting. Because we might have to do some of that in executive session per the Law Directors advice.

MR. MARCHESE: Thank you Madame President. In speaking with Mr. Novak before the meeting I think probably because of the enormity of this legislation and keeping in mind what Mr. Hicks said it's a very good point we'll probably be scheduling the Finance and Council As A Whole meetings together regarding this Legislation so that we don't get locked into a situation at the Finance meeting. We'll do this in a way that these can be scheduled ahead of time with the assistance of the Law Department and Bond Counsel.

So Mr. Novak and I will work in concert on scheduling those in coordination Mr. Hicks with the – with your office. And we appreciate your help with that. Thank you Madame President.

MS. SAFFOLD: Thank you Madame President. I too would like to have a speaker or speakers regarding the One Stop at my July Ward Meeting if possible. And also I was wondering is it possible for us to have a community meeting or community forum that deals with the One Stop issue?

DIRECTOR FRANKLIN: Madame President? That's fine. We anticipate the public's going to be paying attention to it. As Director, my responsibility obviously is to talk with the representatives of the public; which are you and myself as well.

But any discussion we have if it's regarding the One Stop I have to caution you though because there are negotiations it's kind of sensitive how much we can get publicly at this time. Thank you.

LAW DIRECTOR HICKS: Just to make a clarification; and I apologize we're jumping back and forth but this is also important. I think we have to take extra time and I hope Council understands. But the concept of the One Stop we can talk up ad nauseam.

Where may be the confidential thing because of negotiations and speculations and so-forth. That may be for executive session for Council's ears only because of the possibility of land speculators or things like that ok? But as far as the concept of the One Stop and how that would work talk about ad nauseam.

## **SPECIAL COMMITTEE REPORTS**

### **STRATEGIC PLANNING**

MR. BROWN: Last night I unlocked the doors for the Strategic Planning Committee and we – Bob and I try and unlock the door and stay out of their way.

But they requested – I talked with the Council President about this, a meeting of Council As A Whole at some point. No rush on that. But to get their under – you know they have an understanding between the Administration, the Council and the Strategic Planning Committee.

So just to get that on the docket and get everybody thinking about that. They were happy with the meeting that you put together Bob at Packard Music Hall; I thought that was constructive and would like to have Council's ears and the Administrations ear on what they feel this city you know the direction that it needs to go. And especially as we're talking about some multimillion dollar projects here. Thank you.

MR. MARCHESE: Thank you Madame President. Mr. Brown, thank you. I don't have a problem with that at all. I think that's the necessary next step. Who will be contacting me?

MR. BROWN: John Robertson is the President or the Chairman of that and Bill Mullane also is very active. I'll make sure that the chairman, Mr. Robertson contacts you.

MR. MARCHESE: Ok, because I think it would be important while we have Council's ear on this legislation before us that maybe we would make the most of those two events while we have the majority of Council together.

MR. BROWN: Alright, thank you.

MR. MARCHESE: I'll look forward to that call. Thank you.

MS. MORN: Madame President if I may, last year we passed a piece of legislation giving the Packard Music Hall Ad Hoc Committee till the end of December to give us a report and it is now June and we haven't heard anything. Can you help me understand that?

PRESIDENT PRO-TEM: No I can't.

MR. MARCHESE: Madame President? Ms. Morn you bring up a good point. You know we made one extension for that group and I'm anticipating contacting the people that were working on that and try and getting some remark. I know at some point there was discussion of them joining in with the Strategic Planning group; which is fine with me. The other thing is we did pass a resolution that despite being a resolution we wanted to get some feedback.

So I think regardless of what their future plans are I think we want to get at least an up to date report.

I will contact those that were working on that and see if we can at least a summary report regardless of what direction that they go in the future; which is fine with us. I think we want to get a report in that we

in so much as we did make that an official group. So we will get that to Council as expeditiously as possible.

MS. MORN: Thank you Mr. Marchese.

MR. MARCHESE: Thank you Ms. Morn. Thank you Madame President.

### **FIRST READING**

**DRAFT 3149**

An ordinance providing for the issuance and sale of bonds in the maximum aggregate principal amount of \$8,800,000 to pay costs of acquiring, constructing, equipping, furnishing and otherwise improving a “One Stop” Municipal Services Building to house various city functions and operations, together with the acquisition of a site therefore, and any other related interests in real property, site improvements and all necessary appurtenances thereto; authorizing execution and delivery of a bond registrar agreement and a bond purchase agreement and preparation, use and distribution of preliminary and final official statements; and declaring an emergency.

**READ**

Mr. Novak requests the clerk to read the title on Draft 3149 and place it into first reading.

Clerk reads same.

REF: Finance

**DRAFT 3150**

An ordinance providing for the issuance and sale of bonds in the maximum aggregate principal amount of \$795,000 to pay costs of rehabilitating and otherwise improving the Central Fire Station, and acquiring a pumper truck and equipment, including a large diameter hose, together with all necessary appurtenances thereto, for the City Fire Department; authorizing execution and delivery of a bond registrar agreement and a bond purchase agreement and preparation, use and distribution of preliminary and final official statements; and declaring an emergency.

**READ**

Mr. Novak requests the clerk to read the title on Draft 3150 and place it into first reading.

Clerk reads same.

REF: Finance

**DRAFT 3151**

An ordinance providing for the issuance and sale of bonds in the maximum aggregate principal amount of \$480,000 to pay costs of acquiring motorized vehicles and equipment, including police cars, an animal control vehicle, mobile video recording equipment and internal affairs computer software, together with all necessary appurtenances thereto, for the City Police Department; authorizing execution and delivery of a bond registrar agreement and a bond purchase agreement and preparation, use and distribution of preliminary and final official statements; and declaring an emergency.

**READ**

Mr. Novak requests the clerk to read the title on Draft 3151 and place it into first reading.

Clerk reads same.

REF: Finance

**DRAFT 3152**

An ordinance providing for the issuance and sale of bonds in the maximum aggregate principal amount of \$60,000 to pay costs of acquiring motorized vehicles, together with all necessary appurtenances thereto, for the City Engineering Department; authorizing execution and delivery of a bond registrar agreement and a bond purchase

agreement and preparation, use and distribution of preliminary and final official statements; and declaring an emergency.

**READ**

Mr. Novak requests the clerk to read the title on Draft 3152 and place it into first reading.

Clerk reads same.

REF: Finance

**DRAFT 3153**

An ordinance providing for the issuance and sale of bonds in the maximum aggregate principal amount of \$1,765,000 to pay costs of acquiring, constructing, reconstructing and otherwise improving the main building in the Central Operations complex, including an addition thereto, acquiring road construction and servicing vehicles, acquiring and construction and servicing vehicles, acquiring and installing mechanical lifts for the maintenance of vehicles and other equipment, and acquiring other equipment for use in maintaining, repairing and reconstructing city property, together with all necessary appurtenances thereto, for the City Public Service Department; authorizing execution and delivery of a bond registrar agreement and a bond purchase agreement and preparation, use and distribution of preliminary and final official statements; and declaring an emergency.

**READ**

Mr. Novak requests the clerk to read the title on Draft 3153 and place it into first reading.

Clerk reads same.

REF: Finance

**DRAFT 3154**

An ordinance providing for the issuance and sale of bonds in the maximum aggregate principal amount of \$270,000 to pay costs of City Departments and Operations, including all related equipment, furnishings and appurtenances; authorizing execution and delivery of a bond registrar agreement and a bond purchase agreement and preparation, use and distribution of preliminary and final official statements; and declaring an emergency.

**READ**

Mr. Novak requests the clerk to read the title on Draft 3154 and place it into first reading.

Clerk reads same.

REF: Finance

**DRAFT 3155**

An ordinance for the issuance and sale of bonds in the maximum aggregate principal amount of \$385,000 to pay costs of constructing, reconstructing, renovating, equipping and otherwise improving city structures, together with all necessary appurtenances thereto and related site improvements; authorizing execution and delivery of a bond registrar agreement and a bond purchase agreement and preparation, use and distribution of preliminary and final official statements; and declaring an emergency.

**READ**

Mr. Novak requests the clerk to read the title on Draft 3155 and place it into first reading.

Clerk reads same.

REF: Finance

**DRAFT 3156**

An ordinance providing for the issuance and sale of bonds in the maximum aggregate principal amount of \$2,145,000 to pay costs of constructing, reconstructing, resurfacing and otherwise improving city streets, together with all necessary appurtenances thereto; authorizing execution and delivery of a bond registrar agreement and a bond purchase agreement and preparation, use and distribution of preliminary and final official statements; and declaring an emergency.

**READ**

Mr. Novak requests the clerk to read the title on Draft 3156 and place it into first reading.

Clerk reads same.

REF: Finance

**DRAFT 3157**

An ordinance providing for the issuance and sale of bonds in the maximum aggregate principal amount of \$1,900,000 for the purpose of refunding the obligation of the city to the Ohio Police and Firemen’s Pension Fund; authorizing execution and delivery of a bond registrar agreement and a bond purchase agreement and preparation, use and distribution of preliminary and final official statements; and declaring an emergency.

**READ**

Mr. Novak requests the clerk to read the title on Draft 3157 and place it into first reading.

Clerk reads same.

REF: Finance

**DRAFT 3158**

An ordinance providing for the issuance and sale of bonds in the maximum aggregate principal amount of \$7,745,000, for the purpose of refunding a portion of the city’s outstanding Waterworks System Revenue Bonds, series 1997; providing for the defeasance of the balance of the City’s outstanding Waterworks System Revenue Bonds, Series 1997; authorizing execution and delivery of a bond registrar agreement, a bond purchase agreement and an escrow agreement, and preparation, use and distribution of preliminary and final official statements; and declaring an emergency.

**READ**

Mr. Novak requests the clerk to read the title on Draft 3158 and place it into first reading.

Clerk reads same.

REF: Finance

**SECOND READING**

**DRAFT 3146**

An ordinance consenting to the execution of an agreement between the Board of County Commissioners of Trumbull County and Main Light Electric Company, Inc. and Sferra Avenue Property, LLC., providing for tax incentives by a program of abatement of real property taxes over a period of ten (10) year for the adoption of a project which will establish a new manufacturing facility and create employment opportunities within an enterprise zone located within the City of Warren and declaring an emergency.

**READ**

Ms. Saffold requests the clerk to read the title on Draft 3146.

Clerk reads same.

**MOTION-SUSPEND**

Motion Saffold, second Brown to suspend the rule requiring

**THREE READINGS**

three readings on Draft 3146.

**ROLL CALL**

**YES:** Brown, Morn, Flask, Saffold, Colbert, Sferra, Rucker, Dean, Dippolito, Novak

**NO:** None

**MOTION PASSED**

10 YES; 0 NO. Motion passed.

**MOTION FOR PASSAGE**

Motion Saffold, second Colbert to pass Draft 3146 as read.

**REMARKS**

None.

**ROLL CALL**

**YES:** Brown, Morn, Flask, Saffold, Colbert, Sferra, Rucker, Dean, Dippolito, Novak

**NO:** None

**PASSED**

**ORD. 12349/11**

10 yes; 0 no. Motion passed. Draft 3146 is now ORD. 12349/11.

**DRAFT 3147**

An ordinance for the purpose of repealing and reenacting Chapter 752 (“Massage Establishments”) of the codified Ordinances of the City of Warren, and declaring an emergency.

**READ**

Ms. Saffold requests the clerk to read the title on Draft 3147 and place it into second reading.

Clerk reads same.

**MISCELLANEOUS**

No miscellaneous.

**MOTION FOR ADJOURNMENT 8:03 PM**

Motion Dean, second Morn to adjourn the meeting at 8:03 PM.

VIVA VOCE : ALL YES; 0 NO’S. Motion Passed.

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Helen Rucker, President of Council, Pro-Tem

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Brenda E. Smith, Clerk of Council