

Warren, Ohio

MINUTES

REGULAR MEETING WARREN CITY COUNCIL

February 9, 2011

CALL TO ORDER The regular meeting of Warren City Council was called to order by President Robert Marchese in Warren City Council Chambers at 7:30 PM, 141 South St. SE, Warren, Ohio.

INVOCATION/PLEDGE Vincent Flask opened the meeting with prayer followed by the Pledge of Allegiance.

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

OFFICIALS PRESENT Mayor O'Brien, Auditor Griffing, Law Director Hicks
Treasurer Homlitas, Director Franklin

DEPARTMENT HEADS Chief Bowers, Chief Nussle, Gary Cicero and Brian Massucci, Bob Davis, Jim Black, Bob Pinti, Paul Makosky, Mike Keys, Renee Cicero, Mike Keys
ABSENT: Tom Angelo, Lisa Mazzochi, Chris Stephenson, Tom Gaffney

MOTION-ACCEPT PREVIOUS MINUTES Motion Rucker, second Novak to accept the minutes of the last meeting but dispense with reading of the same. VIVA VOCE: All Yes; 0 No. Motion passed.

PRESIDENT MARCHESE: We have some minor business this evening before we start; we wanted to inform Council that although she is not here, the Tribune is re, is not reassigning, but their reporter Marly will be leaving us to go to, I believe it's 33 and 27. And we wish her the best wishes and she would agree with that if she was here, but she's not here tonight.

Secondly, I'm asking the Legislative Committee, Miss Saffold to take on the responsibility of calling a meeting and dealing with the matter of our clerk's retirement who is not leaving us altogether, but will be leaving in March.

REPORTS

MAYOR MAYOR O'BRIEN: Thank you very much Mr. President and Members of Council. Due to the fact that we're going to have some executive session discussions that will probably entail some time, no report. Thank you.

LAW DIRECTOR MR. HICKS: Thank you Mr. President, following his lead, no report.

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

TREASURER MR. HOMLITAS: Thank you Mr. President. No report.

DIRECTOR MR. FRANKLIN: Thank you Mr. President. No report this evening.

DEPARTMENT HEAD REPORTS

No reports.

FEBRUARY 9, 2011

SUMMARY OF CORRESPONDENCE

C-005-11 Received from the Ohio Dept. of Commerce, Division of Liquor Control:
1-31-11
A letter stating that the legislative objection to a transfer of ownership application for The Dive Bar, 948 Mahoning NW has been overruled and the processing of this application will continue.

REF: All Council Members

C-006-11 Received from the Ohio Division of Liquor Control:
2-1-11
Notice of a transfer of a C2, C2X liquor license;

TO: Warren Fastway LLC
DBA Warren Fastway
1432 Parkman Rd NW
Warren, Ohio 44485

FROM: Warren Fastway Inc.
DBA Warren Fastway
1432 Parkman Rd NW
Warren, Ohio 44485

REF: Fiore Dippolito, 1st Ward Councilman
Legislative Chairman
Police, Fire, Health, Planning, Building and Law Depts.

C-007-11 Received from the Ohio Division of Liquor Control:
2-9-11
Notice of a transfer of a D2, D2X, D3, D3A liquor license;

TO: Henninger Holdings LLC
DBA Norms Neighborhood Pub
1875-79 Elm Rd. NE Drive Thru & Patio
Warren, Ohio 44483

FROM: William J & Carol Elwood
DBA The Wet Spot
1875-79 Elm Rd. NE Drive Thru & Patio
Warren, Ohio 44483

REF: Alford Novak, 2nd Ward Councilman
Legislative Chairman
Police, Fire, Health, Planning, Building and Law Depts.

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

STANDING COMMITTEE REPORTS

FINANCE MR. NOVAK: Thank you Mr. President. The Finance Committee met yesterday to review the agenda for this evening's meeting also discussion of the pending retirement and return of the position of deputy clerk with Council and also there was initial discussion concerning the freezing of the four-year elected officials wages for the next term starting in 2012 and instituting a 20% co-pay on benefits.

MOTION-MOVE DRAFTS OUT OF REG. ORDER OF BUSINESS Also at this time I would like to make a motion to move Drafts 3101, 3102, 3103, 3104 out of the regular order of business. Second Rucker.

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

NO: None.

MOTION PASSE 10 YES; 0 NO. Motion passed to move Drafts 3101, 02, 03 and 04 to the end of the regular order of business.

MR. NOVAK: Thank you Mr. President.

PUBLIC UTILITIES MR. BROWN: Nothing per say in Public Utilities, however tomorrow, 5 o'clock, despite what the Tribune said today, we will be having a meeting down here in reference to the Arbor Commission; expecting several people from outside of the area from the ODNR, Allan Seaworth, who is one of the six foresters in the isle coming down. Treez Please from Youngstown; Matt Martin, Leah Dotson, Nate Brown, Adam Chex, Mike Wilson from Trumbull Soil and Water and also Mr. Cicchillo from Chick's Nursery. So those and any other citizens that are interested in attending and hopefully the Director, the Mayor. But that will go on and I called the Tribune and I thank Al for alerting me that they said that it was cancelled. They said that they will put something in the paper for tomorrow morning. Thank you.

COMMUNITY DEVELOPMENT MRS. RUCKER: Thank you Mr. President. The Community Development Committee will meet on February the 24th. We will be hosting a meeting with the delegation of officers from the Ukraine. They are in this country and they will be observing different governments here in Ohio and we'd like all Council people to attend and meet with the representatives. We will be updating Community Development programs and grants and that is February 24th at 2 PM. Thank you Mr. President.

LEGISLATIVE MISS SAFFOLD: Thank you Mr. President. No report, however we will be having a Legislative Committee meeting on Thursday, February 17th at 4 PM here.

SPECIAL COMMITTEE REPORTS

No reports.

PUBLIC SPEAKING 7:38 PM

PIERSON BUTCHER JR., 1174 ADELAIDE SE, WARREN, OHIO: Yeah before I really get in to this, I want to, Pierson Butcher, 1174 Adelaide, you got my phone number, call me anytime. We need to find out about when the Weed & Seed and when they're going to get the grants out cause we want one for the 4th Ward to continue the good work. Part of the 4th Ward in the southeast section there, they got the equipment but we don't have no way of paying people, maintaining it and stuff like that. Why have the equipment if you can't maintain it? If you can't put gasoline in it, why have it? If you can't get somebody responsible that knows how to run it without tearing it up, you gotta pay somebody. Okay.

I want to thank you all for what you're doing for the roads and everything knowing 422 here's in a mess. I get a lot of people asking me about that, I tell ya that's a summer job. You can't do nothing about it now. Now we got in to this icy thing, but I think a lot of you are doing a great job and you're attending the meetings, that's the main thing. I haven't been here for a couple, three meetings, but I was ill there for awhile. I want to share something with you here. Right here annual drinking water quality report 2010 in Sutton, West Virginia, 997 people, okay in Sutton, West Virginia. They got everything that comes down there. Where your water comes from; it tells about the contaminants in your water and about all these micro things living in your water and they're 100% perfect; pure water in Sutton, West Virginia right below the Sutton Bay. The base of the dam is 2080 feet deep, 14 miles deep, pure water. So if you want pure water, you can go there or we could do this, get the Corp. of Engineers to dredge the river, give you 700 million dollars and put in hotels, motels and employment here forever cause in the year 2012 in sometime that year, Lordstown is going to the ground. The only thing they're doing right now is leasing cars. They're selling very, very few and Toyota's doing the same thing. All these little cars, me and Bobby's size, you can't get in and out of 'em, almost knocked myself out the other day at Diane Sauer's. Yeah, I mean they're you know they're not for us and a young person can't afford it because they can't get a bank loan. You know what I'm sayin'? Here's a paper that's got all this good information in it for a quarter, for a quarter, it's like ah, they got their basketball team, big west in West Virginia, huge, (inaudible) a double 'A', I mean a single 'A'. They're triple 'A' Western, they beat em. The women here are seven in a row. One quarter on the front page, they talk good about their state police. They don't talk about them drinking and stuff. The paper here, I don't know about this lady here that you're talking is going to 33, maybe it'd be better if she's going to 33 in Ethiopia because the papers here suck.

When I was a realtor they would put me on an open house over on the northwest side and I'd be on the northeast side at the Van Huffel house. I was there all alone. That was a huge house. I got scared.

PRESIDENT MARCHESE: I have to interrupt and tell you your three minutes are up.

MR. BUTCHER: Okay. Your doing a great job, keep doing it. I want to tell you that my Councilwoman lady here is doing a great job too.

LEGISLATION FOR FIRST READING

**DRAFT 3106
OPPOSITION TO
SAFER GRANT**

A resolution for the purpose of expressing Warren City Council's opposition to the City of Warren accepting an FY 2010 SAFER Grant and urging the administration of the City of Warren to not accept such a grant.

Mrs. Rucker requests the clerk to read the title on Draft 3106 and place it in first reading.

READ

Clerk reads same.

REF: P & F

**DRAFT 3100
OHIO HISTORIC
PRESERVATION TAX
CREDIT**

A resolution for the purpose of supporting the renewal of the 25% Ohio Historic Preservation Tax Credit.

Mrs. Rucker requests the clerk to read the title on Draft 3100.

READ

Clerk reads same.

**MOTION-SUSPEND
THREE READINGS**

Motion Rucker, second Novak to suspend the rule requiring three readings on Draft 3100.

2-9-11

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

NO: None.

MOTION PASSED 10 YES; 0 NO. Motion passed.

MOTION FOR PASSAGE Motion Rucker, second Saffold to pass Draft 3100.

REMARKS

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

NO: None.

PASSED 10 YES; 0 NO. Motion passed. Draft 3100 is now RES. 4485/11.
RES. 4485/11

**DRAFT 3105
PENSION PICK-UP
FOR POLICE RANK**

A resolution for the purpose of affirming the City of Warren's continued pick-up of the mandatory pension contributions of the police rank of the City of Warren covered by the Ohio Police and Fire Pension Fund and declaring an emergency.

Mr. Novak requests the clerk to read the title on Draft 3105.

READ Clerk reads same.

MOTION-SUSPEND Motion Novak, second Colbert to suspend the rule requiring three
THREE READINGS readings on Draft 3105.

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

NO: None.

MOTION PASSED 10 YES; 0 NO. Motion passed.

MOTION FOR PASSAGE Motion Novak, second Colbert to pass Draft 3105.

REMARKS

None.

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

NO: None.

PASSED 10 YES; 0 NO. Motion passed. Draft 3105 is now RES. 4486/11.
RES. 4486/11

SECOND READING

**DRAFT 3099
VACATE PORTION
OF DUKE SE**

An ordinance for the purpose of vacating a portion of Duke Avenue SE from Board of Trade Plat to Draper Street SE and declaring an emergency.

Mrs. Morn requests the clerk to read the title on Draft 3099 and place it in second reading.

READ Clerk reads same.

2-9-11

MOTION FOR
EXECUTIVE SESSION

Motion Novak, second Colbert to go in to executive session regarding Drafts 3101, 3102, 3102, 3104 and that all those pertinent to the contracts and negotiations be in attendance during the executive session.

MR. MARCHESE: Could you name those individuals Mr. Novak?

MR. NOVAK: Yes, Mayor, Safety-Service Director, Cicero, Mr. Massucci, Human Resources, the Law Director, Auditor, Council Members, Treasurer.

MR. MARCHESE: Is there a second on the? (A second was already received for the motion; see above).

ROLL CALL

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

NO: None.

MOTION PASSED

10 YES; 0 NO. Motion passed to go in to Executive Session.

EXECUTIVE SESSION 7:47 PM TO 8:50 PM

MOTION-RETURN TO
REG. ORDER OF BUSINESS

Motion Novak, second Dippolito to return to regular order of business.

ROLL CALL

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

NO: None.

MOTION PASSED

10 YES; 0 NO. Motion passed. The meeting is reconvened.

**DRAFT 3101
AGREEMENT WITH
AFSCME**

An ordinance for the purpose of approving and implementing the collective bargaining agreement between the City of Warren, Ohio and AFSCME, Ohio Council 8, Local No. 74 and declaring an emergency.

Mr. Novak requests the clerk to read the title on Draft 3101.

READ

Clerk reads same.

MOTION-SUSPEND
THREE READINGS

Motion Novak, second Dippolito to suspend the rule requiring three readings on Draft 3101.

ROLL CALL

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

NO: None.

MOTION PASSED

10 YES; 0 NO. Motion passed.

MOTION FOR PASSAGE

Motion Novak, second Dippolito to pass Draft 3101.

REMARKS

None.

ROLL CALL

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

NO: None.

PASSED
ORD. 12314/11

10 YES; 0 NO. Motion passed. Draft 3101 is now ORD. 12314/11.

2-9-11

**DRAFT 3102
CONTRACT: LOCAL
2501**

An ordinance for the purpose of approving, ordaining and implementation the collective bargaining agreement by and between the City of Warren, Ohio and AFSCME Local 2501 and AFSCME Ohio Council 8, AFL-CIO relative to particular positions within the City of Warren and declaring an emergency.

Mr. Novak requests the clerk to read the title on Draft 3102.

READ

Clerk reads same.

MOTION-SUSPEND
THREE READINGS

Motion Novak, second Dean to suspend the rule of three readings on Draft 3102.

ROLL CALL

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

NO: None.

MOTION PASSED

10 YES; 0 NO. Motion passed.

MOTION FOR PASSAGE

Motion Novak, second Dippolito to pass Draft 3102.

REMARKS

MAYOR O'BRIEN: Thank you Mr. President. I waited till both AFSME contracts were up. As we discussed in Caucus I want to again credit the work of Gary Cicero and Brian Massucci, but as important AFSCME especially Deborah Bindas is here, and the bargaining team, negotiating team, for AFSCME's local. It's a, this is my last contract, at least for now, public contract and I want to thank AFSCME representatives for the work that they did. It's a, give and take and AFSCME acknowledged the economic climate and they responded by this collective bargaining contract, and I want to again thank the negotiating team under the direction of Debbie Bindas. Thank you.

ROLL CALL

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

NO: None.

PASSED
ORD. 12315/11

10 YES; 0 NO. Motion passed. Draft 3102 is now ORD. 12315/11.

**DRAFT 3103
CONTRACT: POLICIES
AND PROCEDURES**

An ordinance for the purpose of approving and implementing the policies and procedures for non-bargaining unit employees and officials of the City of Warren, Ohio as developed and proposed by the administration of the city and declaring an emergency.

Mr. Novak requests the clerk to read the title on Draft 3103.

READ

Clerk reads same.

MOTION-SUSPEND
THREE READINGS

Motion Novak, second Dippolito to suspend the rule requiring three readings on Draft 3102.

ROLL CALL

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

NO: None.

MOTION PASSED

10 YES; 0 NO. Motion passed.

MOTION FOR PASSAGE

Motion Novak, second Dippolito to pass Draft 3103.

REMARKS

None.

ROLL CALL

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

NO: None.

PASSED
ORD. 12316/11

10 YES; 0 NO. Motion passed. Draft 3103 is now ORD. 12316/11.

**DRAFT 3104
CONTRACT: LOCAL
204-FIREFIGHTERS**

An ordinance for the purpose of implementing the collective bargaining agreement between the City of Warren, Ohio and the International Association of Firefighters, Local No. 204 and declaring an emergency.

Mr. Novak requests the clerk to read the title on Draft 3104.

READ

Clerk reads same.

MOTION –SUSPEND
THREE READINGS

Motion Novak, second Dean to suspend the rule requiring three readings on Draft 3104.

ROLL CALL

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

NO: None.

MOTION PASSED

10 YES; 0 NO. Motion passed.

MOTION FOR PASSAGE

Motion Novak, second Dean to pass Draft 3104.

REMARKS

MAYOR O’BRIEN: Thank you Mr. President. Representative of the Fire Department, Chief Heller and you can pass on Chief that the- appreciate the collective bargaining conducted by the International Association of Firefighters, Local 204 who negotiated this contract. And again, Mr. Cicero and Mr. Massucci, keep in mind no consultants involved in this contract and in my previous job, no out of bound consultants involved in this contracts. It’s the in house employees that crafted this and the tier system is something in both contract, all contracts that are going to be something to benefit the city for years to come.

MR. NOVAK: Thank you Mr. President. I would like to thank now that we’re at the end of our agenda here, I would like to thank all of those members of all the bargaining units for bargaining in good faith and recognizing our financial situation here in this city. Many times it becomes adversarial between our bargaining units, the administration, council. I think we’ve finally been able to show the public that we recognize our situation. We’re here to work together especially with the concern with the firefighters contract that what was contained in there will be recognized and will be dealt with for an assurance on those any type of raises in the next four years starting in 2012. But we’re all in this together.

We want to serve those people who foot the bill and we want to serve them the best that we can and we have to be creative and sometimes we have to do things that we don’t like to do but I think this, this is a momentous time and lets just hope and pray that our economy gets turned around one day and we’re able to serve those people even better and provide them with more service. But till them we’ve got to try to do what we can do. Thank you Mr. President.

2-9-11

MR. COLBERT: Thank you Mr. President. I also want to thank all the bargaining units for everything they did to get this done and for the sacrifices that were made. There was some discussion on this piece of legislation here and I believe I can speak for most of the Council when I say that our discussions weren't about the numbers; we're very thankful for the numbers. There is some language that became an issue for certain Council Members including myself. I don't believe personally that that language is worth voting 'no' on this contract because of everything else that was done within a three-year contract that we're very grateful to get. But the word paramedic was troublesome for certain Council Members and we'll keep an eye on how that works out going forward, but overall we're very grateful for the contract. There was some literature in here that we would possibly like to see looked at because it is binding for I believe the three years of this contract. With that said, I do thank you for all the time and effort you put in to it. Thank you Mr. President.

ROLL CALL

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

NO: None.

PASSED
ORD. 12317/11

10 YES; 0 NO. Motion passed. Draft 3104 is now ORD. 12317/11.

MISCELLANEOUS 9:02 PM

MR. NOVAK
MOTION TO ADJOURN

Thank you Mr. President. Motion to adjourn. Second Dean.

MOTION FOR ADJOURNMENT 9:02 PM

Motion Novak, second Dean to adjourn the meeting at 9:02 PM.
VIVA VOCE : ALL YES; 0 NO'S. Motion Passed.

Robert A. Marchese, President of Council

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