

**MINUTES**  
**WARREN CITY COUNCIL**  
**SPECIAL MEETING**

**April 5, 2011 – 6:00 PM**

**CALL TO ORDER**      The special meeting of Warren City Council was called to order by President of Council Robert Marchese on Tuesday, April 5, 2011 at 6:00 PM.

**READ**                      Clerk reads the call.

**April 1, 2011**

**NOTICE OF SPECIAL MEETING**

**TO ALL MEMBERS OF WARREN CITY COUNCIL**

You will please take notice that a Special Meeting of Warren City Council has been called and will be held:

**TUESDAY – April 5, 2011 – 6:00 PM**

**WARREN CITY COUNCIL CHAMBERS**

1<sup>st</sup> Floor-Municipal Justice Building  
141 South St. SE  
Warren, Ohio

For the purpose of considering the following:

DRAFT 3126	FLASK, NOVAK SFERRA	Appropriating from the un-appropriated 2011 Storm Water Revenue Fund.
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S/Alford L. Novak  
S/Vincent Flask  
S/Daniel Sferra

**ROLL CALL**                      Dippolito, Novak, Brown, Morn, Flask, Saffold, Colbert, Rucker, Dean, Marchese.

ABSENT: Sferra

**MOTION-EXCUSE**              Motion Rucker, second Novak to excuse Councilman At Large Sferra for good and sufficient reasons.

VIVA VOCE: 9 Yes, 0 No

**MOTION PASSED**              Councilman Sferra is excused.

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Mayor O'Brien, Deputy Law Director Jim Ries and Tom Angelo were also present at this meeting.

**DRAFT 3126**

An ordinance for the purpose of appropriating from the unappropriated, anticipated 2011 revenue of the storm water capital fund, and declaring an emergency.

Mr. Novak requests the clerk to read the title on Draft 3126.

**READ**

Clerk reads same.

**MOTION SUSPEND  
THREE READINGS**

Motion Novak, second Saffold to suspend the rule of three readings on Draft 3126.

**ROLL CALL**

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

**MOTION PASSED**

9 YES; 0 NO. Motion passed.

**MOTION FOR PASSAGE** Motion Novak, second Colbert to pass Draft 3126.

**REMARKS**

MRS. RUCKER: Mr. President. I feel it's inexcusable that the Auditor is not here and did not send a representative. Thank you Mr. President; for the record.

MR. DIPPOLITO: I mentioned that the Country Club came second or something. Is there an easement involved in this whole process somewhere?

TOM ANGELO: An easement for the storm sewer line?

MR. DIPPOLITO: Yes. Who holds that easement?

MR. ANGELO: We will be holding that easement.

MR. DIPPOLITO: We will hold it?

MR. ANGELO: Yeah. It's in the process of being finalized. But it will be in place before construction begins.

MR. DIPPOLITO: Ok. So the response – say an act of God or something should occur, they find – they dig and oil comes gushing up and that postpones the construction are we liable or obligated or anything to the Country Club people? I mean it's all being done to meet their needs to maximize use of the property. If something should occur are we relieved of any liability?

MR. ANGELO: In terms of?

MR. DIPPOLITO: Whatever.

MR. ANGELO: They – the project has to be completed within 90 days. And the only exception to that 90 days that wouldn't enforce liquidated damages for the project not being completed would be act of God; in which case their would be an extension.

The extension is usually granted and I would probably say that unless there was something that – I don't think the golf course would have issues unless all of a sudden we shut the course down for the whole year and I can't see that happening.

MR. DIPPOLITO: As to the legal matter are we free and clear almost to whatever happens in this situation?

MR. RIES: If there would be some negligence on behalf of the contractor the contractor has some insurance for that. They're bonded by the City for that.

MR. DIPPOLITO: Thank you Mr. President.

MRS. RUCKER: Thank you Mr. President. I'm still kind of not clear on the money movement. My understanding is that the funds will be coming into line item 721; the three hundred and four thousand dollars coming into or is it a total of four hundred coming in?

MR. ANGELO: It's a total of four hundred and it's coming from unappropriated unanticipated; which basically means that the money is not – it's in the checkbook but it hasn't been appropriated to a line item in the checkbook.

It also means that when it's unappropriated monies that means that monies that are coming in are still appropriated.

MRS. RUCKER: And then it's going to come out of 725 –

MR. ANGELO: 721 revenue side.

MRS. RUCKER: 721- 100; including the one hundred – wait a minute; and we'll get it all back except for the one hundred and eighty-four thousand.

MR. ANGELO: Yes our portion of that.

MRS. RUCKER: And that one hundred and eighty-four that comes from your budget the 721 –

MR. ANGELO: It comes from the 721 construction fund.

MRS. RUCKER: And so there isn't no funds coming at all from our general fund?

MR. ANGELO: No maam. This is all coming – this will all be coming from the monies that Council had allocated for this purpose.

MRS. RUCKER: Thank you Mr. Angelo. Thank you Mr. President.

MR. COLBERT: Thank you Mr. President. If you could, could you use that term again – unappropriated

MR. ANGELO: Unanticipated

MR. COLBERT: Unappropriated, unanticipated. So is that – does the Auditor have to; I'm just trying to remember the terminology. Has – does that mean that the Auditor has to re-adjust your – does that mean that he is this money is coming from money that he did not certify that he is going to that he is now recertifying your ceiling? No? The is that – what is that unappropriated

MR. ANGELO: Unappropriated means you haven't spent that; you have not done anything with that money.

MR. COLBERT: What's the term where he says you know what I actually think it's going to be a little more. So then he –

MR. ANGELO: Recertify.

MR. COLBERT: Right, but that's called unappropriated, anticipated?

MR. ANGELO: No. It's a little confusing. (unaudible)

MRS. RUCKER: We need a Auditor.

MR. ANGELO: When you recertify that means that you go back to the state and you say that I'm going to have this amount of money available to expense for this year.

Unappropriated means that there's monies that is in the bank that Council has not allocated.

MR. COLBERT: Right.

MR. ANGELO: Unanticipated basically means that you weren't expecting this money to be coming in, but the money is coming in. You didn't have it earmarked, you didn't have it identified, you didn't have anything allocated.

MR. COLBERT: But it was certified.

MR. ANGELO: But it's certified.

MR. COLBERT: It was – ok.

MR. ANGELO: Right.

MR. COLBERT: Thank you. Thank you Mr. Angelo.

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MR. DIPPOLITO: Thank you. I have a question. In the second paragraph I'm trying to figure out when I read this; usual daily operation of the City's Water Pollution Control Department. Just what does that mean.

MR. RIES: This is an emergency piece of legislation so you need to recite why it's an emergency. Whenever you have – whenever you're transferring or appropriating funds for the usual daily operation of the departments in the city, that in and of itself legally is sufficient emergency to justify an emergency piece of legislation. So it's just a reiteration of that.

MR. DIPPOLITO: Ok. Thank you Mr. President.

MR. ANGELO: Before Council votes I just want to thank Council for coming out here on this very quick, quick call. And I appreciate your support. This is going to get another storm water project out of our way and I'll begin work on the next one. Thank you again.

**ROLL CALL**

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

**MOTION PASSED  
ORD. 12332/11**

9 YES; 0 NO. Motion passed. Draft 3126 is now ORD. 12332/11.

**ADJOURNMENT – 6:09 PM**

PRESIDENT MARCHESE: This completes our legislation for this evening. We are adjourned.

On behalf of two hundred and fifty homes in Warren that will benefit from this thank you.

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**Robert Marchese, President of Council**

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**Brenda Smith, Deputy Clerk of Council**