

**44<sup>TH</sup> GIRARD CITY COUNCIL**

**JANUARY 26, 2009**

REGULAR MEETING MINUTES /JOURNAL

**PLEDGE**

**ROLL CALL**

PRESIDENT OF COUNCIL	MR. REYNALD J PAOLONE	PRESENT
FIRST WARD COUNCILMAN	MR. FRANK J MIGLIOZZI	PRESENT
SECOND WARD COUNCILMAN	MR. LARRY WILLIAMS	PRESENT
THIRD WARD COUNCILMAN	MR. THOMAS J SEIDLER II	PRESENT
FOURTH WARD COUNCILMAN	MR. THOMAS F GRUMLEY	PRESENT
COUNCILMAN-AT-LARGE	MR. JOSEPH P SHELBY	PRESENT
COUNCILMAN-AT-LARGE	MR. BRIAN A KREN	PRESENT
COUNCILMAN-AT-LARGE	MR. MICHAEL A COSTARELLA	PRESENT

**PRESENTATIONS**

Waiting for Jerry Lambert

**ADDITIONS AND DELETIONS**

Motion Williams second Seidler to add # 44-80 to the agenda

MIGLIOZZI

WILLIAMS 1  
SEIDLER 2  
GRUMLEY  
SHELBY NO

KREN

COSTARELLA

Passed 6-1 vote

Motion Seidler second Costarella to add # 44-81 to the agenda

MIGLIOZZI

WILLIAMS  
SEIDLER 1  
GRUMLEY  
SHELBY NO  
KREN NO

COSTARELLA 2

Passed 5-2 vote

**APPROVAL OF THE AGENDA**

Motion Williams second Seidler to accept the agenda

MIGLIOZZI

WILLIAMS 1  
SEIDLER 2  
GRUMLEY  
SHELBY

KREN

COSTARELLA

Passed 7-0 vote

**APPROVAL OF THE MINUTES**

Motion Williams second Miglioizzi to approve the minutes of 1-12-09.

MIGLIOZZI 2

WILLIAMS 1

SEIDLER

GRUMLEY

SHELBY

KREN

COSTARELLA

Passed 7-0 vote

## **COMMUNICATION**

Letter dated 1-12-09 and the 2008 pre-printed Financial Disclosure Statements form Sue McVey, Financial disclosure coordinator. Attached is a letter from the Clerk of Council requesting that recipients of the Financial Disclosure Statements sign and returned to the Clerk to verify they received their statements.

Letter dated 1-15-09 from Monica Rea, Rental/Zoning coordinator to Councilman Shelby regarding City of Girard Ordinance #6324-91.

Motion Shelby second Costarella to accept this letter into buildings and grounds committee.

MIGLIOZZI 2

WILLIAMS 1

SEIDLER

GRUMLEY

SHELBY

KREN

COSTARELLA

Passed 7-0 vote

## **PRESENTATIONS**

Renny reads Resolution #7620-09 which passed on 1-12-09 that renames the large baseball field at Tod Park, formerly known as the Colt League Field, Michael "Mickey" Williams field. The Williams family is present and a plaque will be given to the family in honor of Mickey Williams.

Tom Seidler has some very kind words to say to the family about Mickey.

## **CITIZENS COMMENTS**

### **DAN MONDUS 113 MAPLE**

Very disappointed in the actions of some of the Girard city officials in regards to the referendum effort that he was involved in. Discusses remote meters and the good and bad. Fells this is not the time, bad financial times. Feels referendum was shot down by a trivial law.

Doubly disappointed because there is a law that the Auditor cannot permit the city to overspend an appropriation. The Water department was overspent. The law director cannot allow the Auditor to overspend an appropriation. Wonders who though those laws were not that important but a law requiring a certified stamp on his ordinances that he filed with the Auditor was a supreme ordinance. Brian fells he left out other side of argument and cites the ORC and explains what happened. Didn't go tooth and nail looking for missing commas. Lengthy discussion.

### **SAM PAGANO 1632 SQUAW CREEK**

Complains that the acoustics are bad in the room and no one can hear what is being said.

Not against remote meters, just feels that delinquent accounts should be cleared up before they go forward with the remote meters.

### **MICHAEL COSTARELLA, AS CITIZEN, 844 DRAVIS AVE**

Reads a prepared statement.

He is amazed and ashamed that the city has on gone on record at least twice admitting to violating the ORC. First violation caused the city to deny fair and accurate billing accounts to its water customers for over 7 years. Secondly we have improperly appropriated \$687,000 plus interest to the general fund at the expense of our water and sewer department. The city has failed to collect water revenue and has allowed its water fund to go into debt. City council has denied its citizens a chance to investigate and report the status of this department. City council placed further burden on customers by applying a \$10 surcharge on water accounts in order to pay for a 1.9 million dollar expenditure at a time of

dire economic conditions. A large number of citizens have signed a referendum petition that they would like an opportunity to vote on executing this large

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expenditure. The city has determined that there is a technical flaw that will deny the citizens that right. Gentlemen and Council do the right thing and send this referendum to the ballot.

## **REPORT OF OFFICERS & DIRECTORS OF THE CITY**

**MAYOR: JAMES MELFI**

**ABSENT**

**SAFETY/SERVICE DIRECTOR: JEROME LAMBERT**  
**REPORT**

**PRESENT**

1. Gave a copy of the Fire Chiefs annual report to Councilman Costarella for review.
2. Questions asked at the last meeting in regards to the gates and valves at the upper lakes. Kevin Hogan is here to speak and answer your questions.
3. North Ave school demo going well. Should start at the end of the week to start tearing down.
4. Public service announcement number in the Review newspaper. Tries to go on daily with an update.

Motion Seidler second Costarella to allow Mr. Kevin Hogan from "Underwater Services of Ohio" to speak about the gates and valves.

MIGLIOZZI

WILLIAMS

SEIDLER 1

GRUMLEY

SHELBY

KREN

COSTARELLA 2

Passed 7-0 vote

Mr. Hogan answers questions about the gates and valves.

**LAW DIRECTOR: MARK STANDOHAR**  
**REPORT**

**PRESENT**

1. Zoning lawsuit filed/inaudible
2. Additional action filed in Columbus on the current land fill operation alleging that the Board of Health improperly issued the 2009 license. BOH position that the Ohio EPA did not advised to not issue the license until 2 days after ?

**AUDITOR: SAM ZIRAFI**  
**NO REPORT**

**PRESENT**

**TREASURER: JOHN MOLITERNO**

**ABSENT**

**POLICE CHIEF**

**ABSENT**

**FIRE CHIEF: KEN BORNEMISS**

**ABSENT**

## **COMMITTEE REPORTS**

**FINANCES-MIGLIOZZI, SEIDLER, COSTARELLA**  
**MIGLIOZZI**

Held meeting earlier tonight.

1. The financial Statement for 2008. After review determined that made it thru our appropriations with exception of the Water fund and Street Permissive fund.
2. Report from the Treasurer that was given to the Auditor that was given to us and tax collections were down over \$300,000 from this time last year to this year.

Loss of Indalex. This was projected. Discusses budget. The bailing of the levy for the garbage collection will be funding that out.

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At the conclusion of the meeting what we asked for was 15 items to be researched for garbage collection in the hands of the Service Director.

4. Issues of the Water fund. Asked prior to having a full blown investigation by the citizens committee that our for State fiscal commission be involved , review this and determine what we can do to change this around and make recommendations to council.

He asked the auditor and he did not have answer. Asks Jerry if any information has been submitted to the fiscal commission in regard to the water department so they can communicate with us to as what their roll will be in this recovery and what won't.

Jerry: does not attend those meetings.

Request a caucus time to get a member of the State fiscal commission to come in and see us to determine what they can do.

**MOTION MIGLIOZZI SECOND SEIDLER TO REQUEST ANITA HENDRIX OF THE STATE FISCAL COMMISSION TO BE HERE ON 2-9-09 AT 6:15 P.M.**

MIGLIOZZI 1  
WILLIAMS  
SEIDLER 2  
GRUMLEY  
SHELBY  
KREN  
COSTARELLA  
Passed 7-0 vote

**ECONOMIC DEVELOPMENT-SEIDLER, KREN, WILLIAMS**

SEIDLER:

4th Ward block watch 2-11-09 6:30 P.M. Multigeneration Center

3rd Ward block watch 2-18-09 6:30 P.M. Girard Library

Looking into creating a Business advisor committee to work with Economic development committee and council.

**BUILDINGS & GROUND-SHELBY, COSTARELLA, GRUMLEY**

SHELBY

Had a very productive meeting Thursday 1-22-09 to discuss the proposed plan for the renovations to the existing scout cabin. Many were present at the meeting. Illustrated the plan that they had devised, had tentative costs that quite high. Today a complication had arisen that will prevent him from discussing any more of that. Request a brief executive session pertinent to building and grounds after meeting this evening.

**MOTION SHELBY SECOND SEIDLER REQUESTING AND EXECUTIVE SESSION AFTER THE MEETING TO DISCUSS PROPERTY**

MIGLIOZZI  
WILLIAMS  
SEIDLER 2  
GRUMLEY  
SHELBY 1  
KREN  
COSTARELLA  
Passed 7-0 vote

**HEALTH & SAFETY-COSTARELLA, GRUMLEY, SHELBY**

COSTARELLA

Given fd report.

Public hearing set for 2-12-09 at 6:30 at the Youngstown City Hall dealing with the ohio EPA making a final discussion on the issue after reviewing public input of the expansion of D&L. Wants to know if this is something Girard should be

involved with.

Mark: At the last meeting the captain's ordinance was referred . to the health and safety committee, is there a report? NO

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things to the finance committee. What's the point of referring it to the committee when were just going to wait 3 readings and vote on it? This is an ordinance that ? **(INAUDIBLE)**

Costarella has requested several times and never received a copy of the settlement agreement. Could you supply me that to me otherwise I will just hold my vote.

Renny verifies that Costarella has asked for the agreement many times .

**STREET & SIDEWALK-GRUMLEY, WILLIAMS, MIGLIOZZI**  
GRUMLEY  
NO REPORT

**UTILITIES-KREN, SHELBY, MIGLIOZZI**  
KREN

Next meeting is Thursday 3:00 1-29-2009 at city hall, topic water.

Tonight we have the Electric Aggregation Ordinance on the agenda. Suggests suspension of 2<sup>nd</sup> & 3<sup>rd</sup> reading.

Discusses the ordinance and how it will work. If it passes are required to have 2 public hearing after the election to explain the process.

Asks that Tom Bellish from Buckeye energy come 6:30 at our April 13 meeting for a caucus so we can have a pre election public hearing.

**MOTION KREN SECOND SHELBY FOR A 6:30 CAUCUS TIME APRIL 13, 2009 FOR TOM BELLISH, BUCKEYE ENERGY TO DISCUSS PROGRAM AND ADDRESS QUESTIONS/CONCERNS FROM THE PUBLIC.**

MIGLIOZZI

WILLIAMS

SEIDLER

GRUMLEY

SHELBY 2

KREN 1

COSTARELLA

Passed 7-0 vote

**ZONING-WILLIAMS, SEILDER, KREN**  
WILLIAMS

Under request by Mr. Shelby in regards of legislation 4473 pertain to permit fees and certification fees. Consideration was given to both of these amendments.

Mr. Shelby is going to introduce those amendments. Tonight is the last reading.

Brian discusses restriction on adult entertainment industry. Wants to add senior centers, youth centers and wants to refer to the laws director on how far you can stretch this.

**ORDINANCES- SEIDLER SHELBY MIGLIOZZI**

#44-69

**An ordinance requiring the Service Director to collect on all Delinquent water accounts by establishing payment plans.**

Motion MiglioZZi second Kren to postpone 3<sup>rd</sup> reading until 2-9-09

MIGLIOZZI 1

WILLIAMS

SEIDLER

GRUMLEY

SHELBY

KREN 2

COSTARELLA

Passed 7-0 vote

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2<sup>nd</sup> READING

#44-73 WILLIAMS

**An ordinance rescinding ordinance No. 7213-02 providing for the assessment of zoning permits and certification fees.**

Motion Shelby second Kren to amend paragraph 2 under Residential fees to “replacement windows and doors require a permit but no fees will apply and the contractor must be registered.”

MIGLIOZZI

WILLIAMS

SEIDLER

GRUMLEY

SHELBY 1

KREN 2

COSTARELLA

Passed 7-0 vote

Motion Shelby second Williams for the second amendment to read “seniors 65 and older permits shall be required for all work performed but no fee will be applicable. This applies exclusively to their personal address of record and furthermore this section shall no apply for new home construction.”

MIGLIOZZI

WILLIAMS 2

SEIDLER

GRUMLEY

SHELBY 1

KREN

COSTARELLA

Passed 7-0 vote

Motion Shelby second Williams to postpone the 3<sup>rd</sup> reading until 2-9-2009

MIGLIOZZI

WILLIAMS 2

SEIDLER

GRUMLEY

SHELBY 1

KREN

COSTARELLA

Passed 7-0 vote

#44-74 SEIDLER 3<sup>RD</sup> READING

**An ordinance authorizing the Service Director to conduct a property survey and subsequent appraisal of city owned real property formerly known as the Clark Gas Station property and the eastern half of the current municipal parking lot.**

Motion Seidler second Williams for passage.

MIGLIOZZI

WILLIAMS 2

SEIDLER 1

GRUMLEY

SHELBY

KREN

COSTARELLA

Passed 7-0 vote

#44-78 SEIDLER 2<sup>ND</sup> READING

**An ordinance amending ordinance No. 3157 to create and additional temporary position of captain in the police department and fixing the salary.**

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#44-79 KREN 1<sup>ST</sup> READING

**An ordinance authorizing all actions necessary to effect a governmental electricity aggregation program with opt-out provisions to section 4928.20, Ohio Revised Code, directing the Trumbull County Board of Elections to submit a ballot question to the electors and declaring an emergency.**

Motion Kren second Shelby to change to word general to primary in Section 2, line 2.

MIGLIOZZI

WILLIAMS

SEIDLER

GRUMLEY

SHELBY 1

KREN 2

COSTARELLA

Passed 7-0 vote

Motion Kren second Shelby to suspend 2<sup>nd</sup> and 3<sup>rd</sup> reading.

MIGLIOZZI

WILLIAMS

SEIDLER

GRUMLEY

SHELBY 2

KREN 1

COSTARELLA

Passed 7-0 vote

Motion Seidler second Williams for passage.

MIGLIOZZI

WILLIAMS 2

SEIDLER 1

GRUMLEY

SHELBY

KREN

COSTARELLA

Passed 7-0 vote

#44-80

**An ordinance accepting the annexation of 24.6788 acres of land from Liberty Township to the City of Girard, Ohio.**

Motion Seidler second Williams to suspend 2<sup>nd</sup> and 3<sup>rd</sup> reading.

MIGLIOZZI

WILLIAMS 2

SEIDLER 1

GRUMLEY

SHELBY

KREN

COSTARELLA

Passed 7-0 vote

Motion Seidler second Williams for passage.

MIGLIOZZI

WILLIAMS 2

SEIDLER 1  
GRUMLEY  
SHELBY  
KREN  
COSTARELLA  
Passed 7-0 vote

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#44-81

**A resolution encouraging the City Auditor to transmit the referendum challenging city ordinance No. 7614-08 filed with his office to the Board of Elections for further processing.**

Motion Costarella second Seidler for passage.

MIGLIOZZI  
WILLIAMS  
SEIDLER 2  
GRUMLEY NO  
SHELBY NO  
KREN NO  
COSTARELLA 1  
Passed 4-3 vote

#### **REQUEST FOR NEW LEGISLATION**

Motion MiglioZZi second Seidler on Mr.Zirafi's ordinance

MIGLIOZZI 1  
WILLIAMS  
SEIDLER 2  
GRUMLEY  
SHELBY  
KREN  
COSTARELLA  
Passed 7-0 vote

Motion Seidler second Costarella to put Ordinance #7416-08 on the agenda

MIGLIOZZI  
WILLIAMS  
SEIDLER 1  
GRUMLEY  
SHELBY  
KREN  
COSTARELLA 2  
Passed 7-0 vote

Motion Kren second Shelby to come out of Executive Session.

MIGLIOZZI  
WILLIAMS  
SEIDLER  
GRUMLEY  
SHELBY 2  
KREN 1  
COSTARELLA  
Passed 7-0 vote

**ADJOURNMENT**

Motion Kren Second Shelby to adjourn.

MIGLIOZZI

WILLIAMS

SEIDLER

GRUMLEY

SHELBY           2

KREN             1

COSTARELLA

Passed 7-0 vote

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**REYNALD J PAOLONE**  
PRESIDENT OF COUNCIL

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**NANCY L NUZZI**  
CLERK OF COUNCIL

