

44TH GIRARD CITY COUNCIL
APRIL 27, 2009
REGULAR MEETING MINUTES /JOURNAL

PLEDGE

ROLL CALL

PRESIDENT OF COUNCIL	MR. REYNALD J PAOLONE	ABSENT
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

President Pro Temp Seidler apologized for neglecting to inform Council at the March 23, 2009 meeting that he would be vacating his seat exercising his right to vote as the 3rd Ward Councilman.

President Pro Temp Seidler will not be vacating his seat to vote on new legislation

PRESENTATIONS

NONE

ADDITIONS & DELETIONS

MOTION WILLIAMS SECOND GRUMLEY TO ADD #44-98 TO THE AGENDA

AN ORDINANCE AUTHORIZING THE ADMINISTRATION TO ENTER INTO AN AGREEMENT WITH THE TRUMBULL COUNTY COMMISSIONERS TO UNDERTAKE THE COMMUNITY DEVELOPMENT BLOCK GRANT ("CDBG") NEIGHBORHOOD STABILIZATION PROGRAM ("NSP") AS APPROVED BY THE STATE OF OHIO DEPARTMENT OF DEVELOPMENT.

MIGLIOZZI

WILLIAMS 1

~~SEIDLER~~

GRUMLEY 2

SHELBY

KREN

COSTARELLA

Passed 6-0 vote

MOTION MIGLIOZZI SECOND WILLIAMS TO ADD #44-99 TO THE AGENDA

AN ORDINANCE AUTHORIZING THE PURCHASE OF A MICROCASSETTE-TRANSCRIBER M-2000 FOR THE CLERK OF COUNCIL TO BE USED FOR COUNCIL MEETINGS AT A COST NOT TO EXCEED TWO HUNDRED TWENTY-FIVE DOLLARS (\$225.00)

MIGLIOZZI

WILLIAMS 1

~~SEIDLER~~

GRUMLEY 2

SHELBY

KREN

COSTARELLA

Passed 6-0 vote

APPROVAL OF THE AGENDA

MOTION GRUMLEY SECOND COSTARELLA TO RESCHEDULE THE MAY 25, 2009 COUNCIL MEETING TO MAY 26, 2009.

MIGLIOZZI
WILLIAMS
~~SEIDLER~~
GRUMLEY 1
SHELBY
KREN
COSTARELLA 2
Passed 6-0 vote

MOTION GRUMLEY SECOND COSTARELLA TO SCHEDULE A PUBLIC HEARING FOR THE OPENING OF GARY AVENUE ON MAY 26, 2009 FROM 6:00 P.M. TO 6:30 P.M.

MIGLIOZZI
WILLIAMS
~~SEIDLER~~
GRUMLEY 1
SHELBY
KREN
COSTARELLA 2
Passed 6-0 vote

MOTION GRUMLEY SECOND MIGLIOZZI TO SCHEDULE A PUBLIC HEARING FOR THE OPENING OF HIGHLAND AVENUE ON MAY 26, 2009 FROM 6:30 P.M. TO 7:00 P.M.

MIGLIOZZI 2
WILLIAMS
~~SEIDLER~~
GRUMLEY 1
SHELBY
KREN
COSTARELLA
Passed 6-0 vote

MOTION WILLIAMS SECOND KREN TO ACCEPT THE AGENDA AS CHANGED

MIGLIOZZI
WILLIAMS 1
~~SEIDLER~~
GRUMLEY
SHELBY
KREN 2
COSTARELLA
Passed 6-0 vote

APPROVAL OF THE MINUTES

MOTION KREN SECOND COSTARELLA TO AMEND THE APRIL 13TH 2009 MINUTES. ON PAGE 6 OF 7 UNDER VOTING FOR RULES CHANGE IT WAS NOT A 6-0 VOTE IN FAVOR, IT WAS A 3-3 VOTE. THE TIE WAS BROKEN BY THE PRESIDENT OF COUNCIL IT FAILED 3-4 VOTE.

MIGLIOZZI
WILLIAMS
~~SEIDLER~~
GRUMLEY
SHELBY
KREN 1
COSTARELLA 2

MOTION KREN SECOND MIGLIOZZI TO ACCEPT THE MINUTES OF APRIL 13, 2009 AS AMENDED

MIGLIOZZI 2
WILLIAMS
~~SEIDLER~~
GRUMLEY
SHELBY ABSTAIN
KREN 1
COSTARELLA
Passed 5-0 vote

COMMUNICATION

NONE

CITIZENS COMMENTS

DAN MONDUS 113 MAPLE

Has questions about ordinances #44-94 & #44-95 and an OWDA loan. Auditor explains loans.

CARL TOCHTENHAGEN 2263 EAST ARMS DR, LIBERTY

Lives in Liberty but has rental property in Girard is **VERY** upset with the way he was treated by the zoning department concerning downspouts and the payment of rental fees. Says that he and his attorney will address the problem when he goes to court on May 13, 2009. Wants to start a Girard Rental Association.

DAVID JONES 263 LAWRENCE, WARREN

Is present on behalf of the Girard Veterans Council and Honor Guard to invite any and all Girard dignitaries to their Memorial Day service on Monday, May 25th 2009 at the city cemetery to begin at 10:00 a.m.

REPORT OF OFFICERS & DIRECTORS OF THE CITY

MAYOR: JAMES MELFI

PRESENT

Mayor requests an executive session to discuss land.

MOTION SHELBY SECOND KREN FOR AN EXECUTIVE SESSION AFTER NEW LEGISLATIONS AND PRIOR TO ADJOURNMENT TO DISCUSS LAND

MIGLIOZZI
WILLIAMS
~~SEIDLER~~
GRUMLEY
SHELBY 1
KREN 2
COSTARELLA
Passed 6-0 vote

SAFETY SERVICE DIRECTOR: JEROME LAMBERT PRESENT

Gave Mr. Grumley a sample format of the street sweeping & patching of the holes. Street superintendent will update on a regular basis, at least every other week.

All the catch basins tops cleaned off.

Bridge on Glendale, there is a barrel by the large hole. No need to restrict travel. It is being worked on.

LAW DIRECTOR: MARK STANDOHAR PRESENT

Was contacted by the Mayor to review an ordinance that he had vetoed.
Ordinance #44-88

AN ORDINANCE ESTABLISHING A COMMITTEE TO INVESTIGATE ALL MATTERS PERTAINING TO THE GIRARD WATER DEPARTMENT.

The wrong Revised Code was written into it and that made it null and void based upon a statute that does not exist.

Cannot amend a vetoed ordinance you can only reconsider the actual ordinance that was vetoed. So the matter is dead.

This ordinance was not drafted by the Law Directors office.

AUDITOR: SAM ZIRAFI PRESENT

Has report through March in packet. By the end of May will have a better idea of what's going on with the City and where our finances future lies or doesn't lie.

Explains why he wants 2 ordinances suspended, #44-94 & #44-95 tonight.

Wants to amend the ordinances to change the word fixed to variable and the variable rate is 4.45%.

TREASURER: JOHN MOLITERNO PRESENT

Distributions made to the city from the income tax collections in April 2009 \$192,986. Total distributed dollars \$1,127,360.00. Slightly ahead of last year.

POLICE CHIEF: JEFF PALMER ABSENT

FIRE CHIEF: KEN BORNEMISS ABSENT

COMMITTEE REPORTS

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

Had a caucus session earlier with Jim Penning from the state Auditors office to discuss the recent ordinance that was passed in regards to a States Performance audit pertaining to the water and sewer funds.

Auditor outlined 5 or 6 steps that he will prepare a proposed plan of each of the items that he's suggesting based on the information that he gathered tonight with a cost associated with each. This will take about 1 week.

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

4th Ward Block Watch 5-13-09 at 6:30 at the Multigeneration Center

3rd Ward Block Watch 5-20-09 at 6:30 at the Girard Library.

Police chief Palmer will attend the 5-13-09 meeting.

Mr. Williams describes the new city web site and thanks Mike Lowe and the administration. The address is Cityofgirard.com

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

Announce a meeting for the committee May 4, 2009 at 6:00 at the city building for the purpose of discussing the potential purchase of a columbarium for the cemetery.

Discussion on vandalism at Liberty park and security cameras.

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

Had meeting with Police Chief Palmer. Wants to remind everyone that now is a good time to purchase a new police cars and to give it some consideration.

Still have issues about cats. Council needs to create some legislation to alleviate the liability for a trapper.

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STREET & SIDEWALK/EMPLOYEE WELFARE

GRUMLEY, WILLIAMS, MIGLIOZZI

GRUMLEY

Wants to announce a benefit for Jordan Bear, a 19 year old Girard youth who is need of a heart transplant. The benefit will be at Eagles Hall on May 9, 2009. The doors will open at no charge from 1-5 for a Chinese auction, 50/50 drawing, a silent auction. There will be a dance from 7-10 and a DJ and the tickets are \$10.

On May 30, 2009 at the Superintendents office at 5:00 there is going to be a meeting of the Streets & Sidewalks to discuss the opening of Gary & Highland Avenue.

UTILITIES-KREN, SHELBY, MIGLIOZZ

KREN

Passes out his report and goes over figures.

ZONING-WILLIAMS, SEILDER, KREN

WILLIAMS

Was going to respond to Mr. Tochtenhagen's question until he said he was getting a lawyer. Being an inspector is a thankless job because they have to deal with different types of people. Trying to kill blight in town.

ORDINANCES- SEIDLER, SHELBY, MIGLIOZZI

#44-90 SEIDLER 3rd READING

An ordinance authorizing the Service Director to hire no more that eight (8) temporary seasonal employees age 18 or older at a rate of \$7.30 (SEVEN DOLLARS AND THIRTY CENTS) per hour to serve from May 1, 2009 to September 30, 2009 to perform various duties in the City of Girard and declaring an emergency.

MOTION WILLIAMS SECOND MIGLIOZZI TO AMEND #44-90 CHANGE NO MORE THAN EIGHT (8) SEASONAL EMPLOYEES TO NO MORE THAN TEN (10)

MIGLIOZZI 2

WILLIAMS 1

SEIDLER

GRUMLEY

SHELBY

KREN

COSTARELLA

Passed 6-0 vote

MOTION MIGLIOZZI SECOND WILLIAMS TO AMEND SECTION 1 FROM NO MORE THAN EIGHT (8) TO NO MORE THAT TEN (10)

MIGLIOZZI 1

WILLIAMS 2

SEIDLER

GRUMLEY

SHELBY

KREN

COSTARELLA

Passed 6-0 vote

MOTION WILLIAMS SECOND MIGLIOZZI FOR PASSAGE

MIGLIOZZI 2
WILLIAMS 1
~~SEIDLER~~
GRUMLEY
SHELBY
KREN
COSTARELLA
Passed 6-0 vote

#44-94 MAGLIOZZI 1ST READING

An ordinance authorizing the Safety-Service Director to enter into a one year fixed rate loan agreement with Huntington National Bank regarding the refinancing of the Girard Justice Center.

MOTION WILLIAMS SECOND KREN TO CHANGE FIXED TO VARIABLE

MIGLIOZZI
WILLIAMS 1
~~SEIDLER~~
GRUMLEY
SHELBY
KREN 2
COSTARELLA
Passed 6-0 vote

MOTION KREN SECOND WILLIAMS TO INSERT 4.45%

MIGLIOZZI
WILLIAMS 2
~~SEIDLER~~
GRUMLEY
SHELBY
KREN 1
COSTARELLA
Passed 6-0 vote

MOTION WILLIAMS SECOND MIGLIOZZI TO SUSPEND 2ND AND 3RD

READINGS

MIGLIOZZI 2
WILLIAMS 1
~~SEIDLER~~
GRUMLEY
SHELBY
KREN
COSTARELLA
Passed 6-0 vote

MOTION WILLIAMS SECOND MIGLIOZZI FOR PASSAGE

MIGLIOZZI 2
WILLIAMS 1
~~SEIDLER~~
GRUMLEY
SHELBY
KREN

COSTARELLA
Passed 6-0 vote

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#44-95 MIGLIOZZI 1ST READING

An ordinance authorizing the Safety-Service Director to enter into a one year fixed rate loan agreement with Huntington National Bank regarding the refinancing of the Route 422 Utility Project.

MOTION MIGLIOZZI SECOND WILLIAMS TO CHANGE FIXED TO VARIABLE

MIGLIOZZI 1
WILLIAMS 2
~~SEIDLER~~
GRUMLEY
SHELBY
KREN
COSTARELLA
Passed 6-0 vote

MOTION MIGLIOZZI SECOND WILLIAMS TO INSERT 4.45%

MIGLIOZZI 1
WILLIAMS 2
~~SEIDLER~~
GRUMLEY
SHELBY
KREN
COSTARELLA
Passed 6-0 vote

MOTION MIGLIOZZI SECOND WILLIAMS TO SUSPEND 2ND AND 3RD

READINGS

MIGLIOZZI 1
WILLIAMS 2
~~SEIDLER~~
GRUMLEY
SHELBY
KREN
COSTARELLA
Passed 6-0 vote

MOTION MIGLIOZZI SECOND WILLIAMS FOR PASSAGE

MIGLIOZZI 1
WILLIAMS 2
~~SEIDLER~~
GRUMLEY
SHELBY
KREN
COSTARELLA
Passed 6-0 vote

#44-96 MIGLIOZZI 2ND READING

An ordinance amending ordinance amending ordinance No. 7631-09 to change appropriations for calendar year 2009 for the general fund of the City of Girard.

#44-88

An ordinance establishing a committee to investigate all matters pertaining to the Girard Water Department

MOTION COSTARELLA SECOND WILLIAMS TO REMOVE FROM AGENDA

MIGLIOZZI

WILLIAMS 2

SEIDLER

GRUMLEY

SHELBY

KREN

COSTARELLA 1

Passed 6-0 vote

#44-98 WILLIAMS 1ST READING

An ordinance authorizing the administration to enter into an agreement with the Trumbull County Commissioners to undertake the Community Development Block Grant ("CDBG") Neighborhood Stabilization Program ("NSP") as approved by the State of Ohio Department of Development.

MOTION WILLIAMS SECOND GRUMLEY TO SUSPEND 2ND AND 3RD READINGS.

MIGLIOZZI

WILLIAMS 1

SEIDLER

GRUMLEY 2

SHELBY

KREN

COSTARELLA

Passed 6-0 vote

MOTION WILLIAMS SECOND GRUMLEY FOR PASSAGE

MIGLIOZZI

WILLIAMS 1

SEIDLER

GRUMLEY 2

SHELBY

KREN

COSTARELLA

Passed 6-0 vote

#44-99 MIGLIOZZI 1ST READING

An ordinance authorizing the purchase of a micro cassette-transcriber M-2000 for the Clerk of Council to be used for Council meetings at a cost not to exceed two hundred twenty-five dollars (\$225.00)

MOTION MIGLIOZZI SECOND WILLIAMS TO SUSPEND 2ND AND 3RD READINGS.

MIGLIOZZI 1

WILLIAMS 2

SEIDLER

GRUMLEY

SHELBY

KREN
COSTARELLA
Passed 6-0 vote

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MOTION MIGLIOZZI SECOND WILLIAMS FOR PASSAGE

MIGLIOZZI 1
WILLIAMS 2
~~SEIDLER~~
GRUMLEY
SHELBY
KREN
COSTARELLA
Passed 6-0 vote

REQUEST FOR NEW LEGISLATION

**MOTION COSTARELLA SECOND MIGLIOZZI FOR AN ORDINANCE
ESTABLISHING A COMMITTEE TO INVESTIGATE ALL MATTERS
PERTAINING TO THE GIRARD WATER DEPARTMENT.**

MIGLIOZZI 2
WILLIAMS
~~SEIDLER~~
GRUMLEY
SHELBY
KREN
COSTARELLA 1
Passed 6-0 vote

ADJOURNMENT

MOTION WILLIAMS SECOND MIGLIOZZI TO ADJOURN

MIGLIOZZI 2
WILLIAMS
~~SEIDLER~~
GRUMLEY
SHELBY
KREN
COSTARELLA 1
Passed 6-0 vote

REYNALD J PAOLONE
PRESIDENT OF COUNCIL

NANCY L NUZZI
CLERK OF COUNCIL

NO FURTHER ENTRIES TO THE MINUTES OF APRIL 27, 2009

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