

44TH GIRARD CITY COUNCIL

JUNE 8, 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

NONE

ADDITIONS & DELETIONS

MOTION SEIDLER SECOND GRUMLEY TO ADD #44-110 TO THE AGENDA
A resolution for the purpose of authorizing the Mayor to file a FY 2009 Community Development Block Grant Formula Allocation Program Application with the Ohio Department of Development and declaring an emergency.

MIGLIOZZI

WILLIAMS

SEIDLER 1

GRUMLEY 2

SHELBY

KREN

COSTARELLA

Passed 7-0 vote

MOTION SEIDLER SECOND GRUMLEY TO ADD #44-111 TO THE AGENDA
An ordinance for the purpose of enacting a supplemental motor vehicle license tax in the amount of five dollars upon all motor vehicles in the district of registration, which is the City of Girard, pursuant to section 4504.171 of the Ohio Revised Code; and, providing for the effective period thereof, the collection thereof, and the purpose thereof.

MIGLIOZZI

WILLIAMS

SEIDLER 1

GRUMLEY 2

SHELBY

KREN

COSTARELLA

Passed 7-0 vote

APPROVAL OF THE AGENDA

MOTION SHELBY SECOND KREN TO ACCEPT THE AGENDA AS AMENDED

MIGLIOZZI

WILLIAMS

SEIDLER

GRUMLEY

SHELBY 1

KREN 2

COSTARELLA

Passed 7-0 vote

APPROVAL OF THE MINUTES

MOTION COSTARELLA SECOND KREN TO APPROVE THE MINUTES OF JUNE 8, 2009

MIGLIOZZI	YES
WILLIAMS	YES
SEIDLER	ABSTAIN
GRUMLEY	YES
SHELBY	YES
KREN	YES 2
COSTARELLA	YES 1

Passed 6 YES 1 ABSTAIN

COMMUNICATION

NONE

CITIZENS COMMENTS

LILLIAN BREEDLOVE 830 LINCOLN AVE

Points out that as long as you are facing her and speaking directly at her she has no problems hearing what you are saying.

Feels council should make it clear to the voters that the Garbage Levy will increase cost.

Wants to know what happened to the request for an additional Citizens Comment.

Renny: There was a motion to have 2 and that got defeated.

Discussion on why another Citizens Comment cannot be added.

FRAN WILSON 117 ELLA ST

Feels Citizens Comments are best before Ordinances because that way it gives you a chance to digest what was said and talk about it at the next meeting.

LILLIAN BREEDLOVE 830 LINCOLN AVE

Wants Citizens Comments at the beginning and the end of the meeting.

Did not appreciate Brian's demeanor. Has left messages with Councilmen and never got a call back. Will keep bringing it up.

REPORT OF OFFICERS & DIRECTORS OF THE CITY

MAYOR: JAMES MELFI

PRESENT

1. Attorney Bodar would like to meet with council in executive session at the next meeting to discuss land issues.
2. Will veto Ordinance # 44-100, establishing a committee to investigate the Water Department. Feels progress has been made in the Water Department. Length discussion.

SAFETY SERVICE DIRECTOR: JEROME LAMBERT

PRESENT

1. Received letter from interim manager of Ohio Edison for this area . Contract expired 12-31-08. Will be under a tariff rate instead on a contract rate 2009. 2008 tariff rate was 10.1 cent per kilowatt hour.
2. Blacktop list available. Sweeper down for up in a week or 2.
3. Meter readers have been out since June 1, 2009. They all have florescent T-shirts with Water Department on them, mace and flashlights and ID's. Think it would be a good idea for anyone who is employed by the city to have an ID. Kids doing a good job.
4. Waste water treatment plant has some new numbers in regards to the local limits. Have to get these things into legislative form. Request that Brian ask for legislation to create an ordinance with new local limits.
5. Got recommendation back from the company that did the study on the Glendale bridge should be completed in a week or so. Reads the

recommendations.

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6. Met with the Chief of Police and people giving bids on the cameras in Liberty Park. Found vendor who actually did do this type of work he gave price us a price. Turned it over to Mike Logue, is going to try and see if it can be done cheaper. Has copies.

LAW DIRECTOR: MARK STANDOHAR

PRESENT

1. Surrounding cities trying to beat the county commissioners who are imposing possible increase of \$15 license plate tax. This ordinance is patterned after Niles and Warren ordinances that were discussed in the paper. The city is currently collecting \$10 on this type of license tax.

2. Attended some of the recent pre trials that the common pleas in regards to the matter with the dam and the material/mechanics lien that is going on there. Expressed to the court that the city should be released from the lawsuit and that we would like to deposit the monies being held by the city on a project with the court to be held by them and be dismissed from the law suit. We promised to cooperate if any witnesses are required from the city if the case goes forward to mediation or trial.

3. Zoning matter discussed briefly in regards to property on Ward that is alleged to be owned on Lincoln to be causing flooding in their back yard and basement. Claims the city is not enforcing their Downspout Ordinances. Argued with the court that we were dragged in my mandamus. Argued that the zoning department has been there and deemed no problems to exist. Prior to ruling and being dismissed from the case Wants city to take a second look at the situation and meet with all the parties in the case. Will probably file a motion for summary judgment.

AUDITOR: SAM ZIRAFI

PRESENT

Books closed for May. Has several pieces of legislation he will be introducing.

TREASURER: JOHN MOLITERNO

ABSENT

POLICE CHIEF: JEFF PALMER

PRESENT

Provided packets for the councilmen. List of departmental goals.

Over a thousand calls again last month. Over 120 calls last week-end.

In the packet is a copy of the challenges that the police department faces as presented to them by the Chiefs Association during the assessment time.

FIRE CHIEF: KEN BORNEMISS

PRESENT

Wants to inform Council that on April 28, 2009 there was a fire promotional exam given for fire captains. Captain Frank Capello retired last September. We have been without a Captain. Talked to O'Leary, from the civil service board, the results are in. The civil service board is meeting at 4:00 today to certify the list. Once the list is certified it goes to the Mayor, the Mayor has 10 days to appoint. Everything in place for the captain to be replaced.

Received e-mail about the Fire Fighter Assistance Grant Program for Building Construction. Have already filled out one grant application for the year. Called Washington and we are allowed to fill out a supplemental type program is only for building construction or renovation. We are going to fill another one out due by July 10, 2009 for a ventilation system.

Wants to thank everyone for their support on the Fire Levy legislation.

COMMITTEE REPORTS

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

Met earlier tonight for the purpose of discussing of the deficit that we face.

Discussion on the garbage levy and how it will effect the city. The Auditor has

conveyed to us that if we do not ask for any new millage, we just replace it with the same millage under today's property evaluation we would take care of that plus a little bit of a slush left over into that. Will be introducing legislation today.

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ECONOMIC DEVELOPMENT-SEIDLER, KREN, WILLIAMS

SEIDLER

3rd Ward Block Watch Wednesday June 17 at 6:30 at the Girard Library

4th Ward Block Watch Wednesday June 10 at 6:30 at the MGC

1. Scheduled meeting June 19 at 3:00 in the old council chambers. Was contacted by a person who wants to open a business in Girard, request that the Mayor and Frank Migliozi be there.

2. Had a request of the administration. The owner of the Wonder Bar has made a request for Saturday, August 29, 2009 to block off part of Liberty Street to the alley for an event he will be having.

BUILDINGS & GROUND-SHELBY, COSTARELLA, GRUMLEY

SHELBY

The Girard Board of Education would like to work in conjunction with the Girard city workers in making some improvements at the ball fields in Liberty park. The Girard city workers would provide the labor and the BOE would supply the materials. There is also an interest in removing the tennis courts. Will be requesting legislation to increase recreation funding no to exceed \$4000 for drainage work.

This Saturday June 13 at 9:00 a.m. will be doing Stambaugh Park clean up.

HEALTH & SAFETY-COSTARELLA, GRUMLEY, SHELBY

COSTARELLA

Had a conversation with sanitary and he is working on putting together legislation for future meeting.

STREET & SIDEWALK/EMPLOYEE WELFARE

GRUMLEY, WILLIAMS, MIGLIOZZI

GRUMLEY

Met briefly with Service Director to discuss streets. Very limited on what they can do this year as far as resurfacing. Is scheduling a committee meeting before the next council meeting at 6:00 to discuss the monies that will be available, around \$40,000.

UTILITIES-KREN, SHELBY, MIGLIOZZ

KREN

Met on May 28, 2009. The committee did have questions on the total numbers of meters that are being read each month. There is a variance month to month. Discussed street lighting contract with the Service Director.

Lost his cool earlier and would like to apologize to Mrs. Breedlove.

ZONING-WILLIAMS, SEILDER, KREN

WILLIAMS

No report under zoning.

Web site has caused some excitement, has had it up for 4 days and have 350 hits so far.

Length discussion on the web site and how it is good for the community with information.

ORDINANCES- SEIDLER, SHELBY, MIGLIOZI

#44-100 COSTARELLA 2ND READING
An ordinance establishing a committee to investigate all matters pertaining to the Girard Water Department.
MOTION COSTARELLA SECOND SEIDLER TO POSTPONE 3RD READING UNTIL JULY 27, 2009, THE LAST MEETING BEFORE THE SUMMER BREAK.
MIGLIOZZI YES
WILLIAMS YES
SEIDLER YES 2
GRUMLEY NO
SHELBY YES
KREN NO
COSTARELLA YES 1
Passed 5-2 vote

#44-102 GRUMLEY 3RD READING
An ordinance authorizing the Service Director to proceed with opening Gary Avenue to provide access to the recently city annexed property on which the new Girard JR/SR High School will be located.
MOTION GRUMLEY SECOND SHELBY FOR PASSAGE.
MIGLIOZZI YES
WILLIAMS NO
SEIDLER NO
GRUMLEY YES 1
SHELBY YES 2
KREN YES
COSTARELLA YES
Passed 5-2 vote

#44-103 GRUMLEY 3RD READING
An ordinance authorizing the Service Director to proceed with opening N Highland Avenue to provide access to the recently city annexed property on which the new Girard JR/SR High School will be located.
MOTION GRUMLEY SECOND SHELBY FOR PASSAGE
MIGLIOZZI YES
WILLIAMS YES
SEIDLER NO 2
GRUMLEY YES 1
SHELBY YES
KREN YES
COSTARELLA YES
Passed 6-1 vote

#44-105 MIGLIOZZI 2ND READING
An ordinance amending ordinance #7631-09 to amend appropriations for calendar year 2009 for the funds listed within section one of this ordinance.
MOTION MIGLIOZZI SECOND SEIDLER TO SUSPEND 3RD READING.
MIGLIOZZI 1
WILLIAMS
SEIDLER 2
GRUMLEY
SHELBY
KREN

COSTARELLA
Passed 7-0 vote

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MOTION MIGLIOZZI SECOND SEIDLER FOR PASSAGE

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

#44-106 SHELBY 2ND READING

A resolution for the purpose of requesting and directing the Trumbull County Board of Elections to place before the electors, at and during the general election to be held on Tuesday, November 3, 2009, the question of weather or not an ordinance for a five (5) year 3 mill fire service levy commencing in tax year 2009 and payable in 2010 should be approved and passed, and declared an emergency.

MOTION SHELBY SECOND SEIDLER TO SUSPEND 3RD READING.

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

MOTION SHELBY SECOND SEIDLER FOR PASSAGE

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

#44-108 COSTARELLA 1ST READING

An ordinance authorizing the Service Director to advertise for bids for the cutting of grass, foliage and general maintenance of the Girard upper lake earthen dam.

MOTION COSTARELLA SECOND SEIDLER TO SUSPEND 2ND AND 3RD READING.

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

MOTION COSTARELLA SECOND SEIDLER FOR PASSAGE

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

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#44-109 **MIGLIOZZI** **1ST READING**
An ordinance establishing a wage and certain benefit increases for the Police Chief of the City of Girard

#44-110 **SEIDLER** **1ST READING**
A resolution for the purpose of authorizing the Mayor to file a FY 2009 Community Development Block Grant Formula Allocation Program Application with the Ohio Department of Development and declaring an emergency.

MOTION SEIDLER SECOND WILLIAMS TO SUSPEND 2ND & 3RD 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

#44-111 **SEIDLER** **1ST READING**
An ordinance for the purpose of enacting a supplemental motor vehicle license tax in the amount of five dollars upon all motor vehicles in the district of registration, which is the City of Girard, pursuant to section 4504.171 of the Ohio Revised Code; and, providing for the effective period thereof, the collection thereof, and the purpose thereof.

MOTION GRUMLEY SECOND SEIDLER TO SUSPEND 2ND & 3RD READING

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

MOTION GRUMLEY SECOND SEIDLER FOR PASSAGE

MIGLIOZZI YES
WILLIAMS YES
SEIDLER **NO** 2
GRUMLEY YES 1

SHELBY YES
KREN YES
COSTARELLA YES
Passed 6-1 vote

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REQUEST FOR NEW LEGISLATION

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

MOTION MIGLIOZZI SECOND GRUMLEY FOR NEW LEGISLATION

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

An ordinance authorizing the street permissive fund-fund 203 of the City of Girard be used to assist in paying the Girard Road Improvement Loan (Route 422) with Huntington Bank for calendar year 2009 and to participate in the express of maintaining streets within the municipality.

MOTION MIGLIOZZI SECOND WILLIAMS FOR NEW LEGISLATION

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

A levy to be placed on the November 3, 2009 general election, if passed, the replacement of the four existing trash collection levies in the amount of 4 mills

MOTION MIGLIOZZI SECOND SEIDLER FOR NEW LEGISLATION

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

An ordinance amending fund 214 (Recreation Fund) to pay for additional Liberty Park projects.

MOTION SHELBY SECOND SEIDLER FOR NEW LEGISLATION

MIGLIOZZI
WILLIAMS
SEIDLER 2
GRUMLEY
SHELBY 1
KREN
COSTARELLA

Passed 7-0 vote

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An ordinance securing mineral limits for the waste water treatment plant.

MOTION KREN SECOND GRUMLEY TO ADD NEW LEGISLATION

MIGLIOZZI

WILLIAMS

SEIDLER

GRUMLEY 2

SHELBY

KREN 1

COSTARELLA

Passed 7-0 vote

**MOTION SHELBY SECOND SEIDLER TO GO INTO EXECUTIVE SESSION
AFTER CITIZENS COMMENTS AND BEFORE REPORT OF OFFICERS &
DIRECTORS WITH ATTORNEY BODAR AT THE NEXT COUNCIL MEETING**

MIGLIOZZI

WILLIAMS

SEIDLER 2

GRUMLEY

SHELBY 1

KREN

COSTARELLA

Passed 7-0 vote

ADJOURNMENT

MOTION MIGLIOZZI SECOND WILLIAMS TO ADJOURN

MIGLIOZZI YES

WILLIAMS YES

SEIDLER YES 2

GRUMLEY NO

SHELBY YES

KREN YES 1

COSTARELLA YES

Passed 6-1 vote

REYNALD J PAOLONE

PRESIDENT OF COUNCIL

NANCY L NUZZI

CLERK OF COUNCIL

NO FURTHER ENTRIES TO THE MINUTES OF JUNE 8, 2009

