

MINUTES OF COUNCIL MEETING
November 28, 2017

The Regular Meeting of City Council was called to order at 7:30 p.m. with Mayor Mucci presiding. The meeting was opened with a silent prayer followed by the Pledge of Allegiance.

Present were Councilmen Johnson, Paul, Timmons, Villamagna, DiLoreto, Dressel, & Hahn.

Also present; City Manager Jim Mavromatis, Law Director Costa Mastros, Assistant Fire Chief Frank Delonardis, Engineering Director Mike Dolak, Finance Director Dave Lewis, Mark Law from the Herald Star, & WTOV9.

APPROVAL/CORRECTION OF MINUTES

Minutes were approved by Mrs. Hahn for November 21, 2017. Second by Mr. Timmons. Roll Call. All ayes. So moved minutes accepted declared Mayor Mucci.

PETITIONS/COMMUNICATIONS

Mayor Mucci – “Madame Clerk is there any petitions in communications?”

Mrs. Haley – “Nothing this evening.”

ORDINANCES AND RESOLUTIONS

NO. 2017-88 – BY COUNCIL AS A WHOLE – 3rd reading

AN ORDINANCE REQUIRING CITIZENS TO REGISTER WITH THE CLERK OF COUNCIL PRIOR TO SPEAKING DURING THE “PUBLIC FORUM” PORTION OF THE AGENDA.

Mayor Mucci – “You have heard the third and final reading of Ordinance No. 2017-88. If there is anyone wishing to speak on Ordinance No. 2017-88 please come forward and state your name and address.”

Joe Smarrella – “112 Starkdale Rd. I want to stand against that proposal because I think it stops the limitation on the people that come and I don’t know how they feel but it’s up to them; but myself personally I think it’s the first step to stopping the people from speaking at a meeting; it needs more fine-tuned and I would ask Mr. DiLoreto to please table until after they seat the new Mayor and the new Councilman and maybe just talked about it more because a lot of people been calling me and I only had one person tell me they’re in favor of it; that’s the way I feel. Thank you.”

John Mascio – “567 Braybarton Blvd. I would like to echo what Mr. Smarrella said about it; I’m opposed to it too; I don’t see the reason for it and I happened to meet Mr. DiLoreto the other day; ran into him at M & M Hardware and asked him why we’re doing it. The only answer he gave me was the County Commissioners do it; if that’s your reason that’s not a reason really but I think if you’re going to go ahead and pass this I think along with it I think by noon the preceding Wednesday which would be the day after you meet; Council should put an ad in the paper; not in the legal notices where everybody can see it an ad specifying exactly what topics you’re going to bring up at the following meeting so then the public then has the opportunity to know what you’re going to do; that gives them the opportunity at least 2 days to come in and register whether or not they want to speak but I don’t see any abuse on people speaking on legislation and I’m not here every meeting but almost; pretty much the same people are here; slow turn out a little lower turn out but it’s almost the same people. Who abuses their right to speak? Who does anything that’s going to cause a problem? I honestly can’t see a reason why this has to be brought up and why it needs to be done. But you’re going to do what you want to do; if the only reason is because the County Commissioners do it or other cities do it that’s not a reason.”

Ed Florak – “434 Scenic Drive. I stressed my opposition to this last week I think over the few years that I’ve been attending the Council Meetings and I’ve attended quite a few I think the limitation or the control that the Mayor can exercise if someone gets carried away, get out of order, provides a form of control; I agree with the judge that if you limit this then you need to let us know what you’re going to have on your agenda so that we can have time to prepare for it. Thank you.”

Mattie Patterson – “818 N. 6th Ave. I would just like to say that I agree with the judge and these gentlemen over here; I see no reason for that the only thing I can see is that you control what the people; when the people want to get up and talk and I think the Mayor has control; I don’t see the need for this.”

Ed Palombizio – “113 S. Bend Blvd. and I sort of echo with what everybody else has been saying I don’t know if I can ask this question but I’ve gone through it and I’ve basically; I don’t think it’s such a bad idea except that you have to make some changes like must and then in Section 2 if that said something like individual may give the court authorities name if that were not mandatory you know; I can see where this can benefit you all but again the fact that it would say you must give the clerk; must be before 4:00 and must; obviously that’s wrong. The other thing I sort of spent some time looking at this and I don’t know if I’m right or wrong but it seems to me that the public forum process is provided by the City Charter and it’s obvious that this provision was intended to benefit the resident; us; so if you’re going to do something if you’re going to change this; you have the authority to change the City Charter then you should be looking at it (inaudible) to increase the benefit to us as oppose to us going to take away that benefit from someone; the Charter is already determine eligible; the Charter says all residents or all citizens whatever the term is it says all and you all are just taking some of those (inaudible) people and you say they can no longer come if they don’t sign in before 4:00 and I guess the other

point of that is I don't think that you know; the legal person will give me (all inaudible) I just don't think this ordinance is going to amend the City Charter especially if the County has it; they have it maybe this Charter or whatever doesn't prevent them from having it; I don't think you can have it because of the City Charter you would have to amend the Charter. Thank you."

Ruby Stubbs – "621 N. 5th St. all I can say is that I do agree with them. This just doesn't seem like a reason for it so I agree with them that there's no need for that."

Toni Dear – "198 Rosslyn Blvd. and I disagree with it as well because there's no way for us to know like he said what you're going to discuss so we can't really put in the legitimate question for a subject and a lot of times you guys have to admit when you are talking about certain things you go off the rails a lot and different subjects come up; they don't come up until the meeting so we won't be able to discuss this or give our opinion on anything and I don't think that's right because our hierarchy is the people, the Council, the City Manager; we the people are not happy with this and we think you should listen to us. Thank you."

Marlane Figurski – "3113 Portland Blvd. I too am against this I think in the last 4 or 5 years; I wasn't here before I think there's a lot of people here that weren't either but I don't know what your attendance was like before but there were a lot of things in the last 4 or 5 years that the public has really had an opinion on which I know that sometimes you really don't want to hear that opinion but like Toni said we're at the top of the organization and I think we have a right to be heard and you have a right to listen."

Dolores Wiggins – "1620 State St. in the reading of this ordinance requires citizens to register with the Clerk of Courts prior to the meeting do the citizens also have to state what they want to talk about? So they have to state what they're talking about right?"

Mr. Paul – "Yes"

Dolores Wiggins – "Okay I know West Virginia does that because I've been to their meetings; I too disagree; I don't think; to me it's a matter of control."

Mr. DiLoreto – "I guess I'll be the fall guy for this. Yes I did tell JJ the County Commissioners but that was just one; one of many; there's one government entity if you want to go to their meetings you have to send a letter in one week before to get on the agenda. The Gateway College if you go to the meeting you must sign in; tomorrow at the housing authority we're going to introduce the same Resolution because it's getting out of hand down there and I don't see anything out of line you can call up Friday to give Mr. Mavromatis the time to take care of the problem; the Councilmen; give me a call Monday morning (all inaudible) I'm all for it and whatever this Council decides I will (inaudible); I'm on both sides of the fence."

Mr. Johnson – "Yes my question is for Costa. The Charter says in addition Council shall provide any person or group at least 5 minutes before adjournment to speak on any matter pertinent to the City affairs. Is your opinion that..."

Mr. Mastros – "You can adopt rules and regulations regarding that."

Mr. Johnson – "That's all I want to do. This doesn't violate the Charter?"

Mr. Mastros – "I don't think it does; no; like it says in Article 2 Section 8 we get to adopt the plans regarding that; plans (inaudible)..."

Mr. Johnson – "That's fine. Someone just brought it up and I wanted to clarify."

Mr. Villamagna – "Just to clarify a couple things because I don't know how it all got started that this was to try and silence anybody because everybody that is sitting in this room knows; 4 years ago the citizens were only allowed to speak at Council Meetings every other week and this Council that is sitting here; well some guys weren't here but the Council that was sitting here 4 years ago got together and decided you could speak at every meeting. We changed it so you could (inaudible) every week because we felt that 2 weeks was a long period to wait with a problem; now it happens that citizens address Council with problems or just questions that we cannot answer until Council or for that matter the City Manager cannot answer without some research; having an agenda which by the way other municipalities have this as well as the County; not just the County; other municipalities have it as do School Boards and so on; will allow citizens to call in 2 business days before a Council Meeting with a problem or just a question; not a meeting night receive an answer to the question or the problem without the citizen having to come back to a meeting a second time. I believe this will make things run smoother for both the Council and the citizens; the citizens will still be able to talk on every ordinance the same as they always have been after the 3rd reading; (inaudible) transparency every Council member here is always available by phone 7 days a week if someone has a question or a problem and the City Manager is also; I believe the Council, the Mayor, the City Manager has proven this on several occasions; no question that can't be answered; but the citizens come here and they ask a question; we don't have the answer; everybody starts looking at each other what's going on; Costa and everybody it has to be researched; nobody that is not the (inaudible) of this Council... can I talk?"

John Mascio – "Yeah go head."

Mr. Villamagna – "That's part of the problem right there. Because it's hard to concentrate when you got to listen to the little wise cracks. (Inaudible) want to hear from Council we made that clear; we've made everything transparent we got the Ohio check books; we need to look at the expenditures; it's not about silencing anybody. I believe; well there's 7 of us here; I believe that it will help this meeting run smoother and it'll get more information out and that's all I got to say on that."

Mr. Paul – "Yes I do. Mr. Smarrella no one ever called me. I didn't know that you were on Council but no one called me to voice their opinion. I've heard everybody here tonight alright; if you recall when I first came on this Council 6 years ago I fought against emergency legislation if you know that we don't have emergencies like we did when I first came on this Council; it was an emergency every time we did something I'm like how's that for the health and welfare of the citizens of Steubenville everything was an emergency so it's not anymore; so

we have 3 readings; you can talk; just like Domenick asked today is there anyone wishing to speak on this; you had your opportunity alright. Another thing he asked for Friday 4:00; tonight when you leave here it doesn't go into effect until we pass it; it goes into effect December 28th you can leave here and ask her to be on the agenda next week you have 4 days; it's not like we're shutting you up you still have a chance to talk here. I mean I don't know you act like we put this gag order and no one can speak; we're allowing you to speak; we just want to have something when you come up; when you want to talk about the weeds going down through the underpass; we want to put somebody on that; we got someone who can put down the weed killer that you always ask about; I don't know if we still do or not but I know you bring it up cause you can see he's shaking his head; so I mean that way we have something; if it's Finance I can answer your question; that's all we just want to have some structure; there's time that people come up here and start questioning us and one gentleman I don't know if you remember he got mad at you... but he's no longer with us. But he would just come up and go off on anything so we have an idea of what you want to ask us and Mr. Palombizio something that you said last week; you said now Section 2 Section 7 5 minutes for the person to talk with Council to respond; well I can say hello and you can sort of say hello for the next 4 minutes and 45 seconds; I know you've been here 7 times you've talked 4 times; you talked today, last week, and 2 other times okay we have never stopped you from talking I've never got up and said hey Mr. Palombizio I'm going to sit here and you keep talking; we never time anybody I've never saw anybody stand here and go like this; okay he's been talking for 5 minutes; never has that happened here; you people can talk trust me; I'm just saying I don't see how you think we're putting this gag on you that you can't say anything you can still talk; you have 4 days to get something to our Council Clerk. That's all I got to say."

Mr. Dressel – "I wasn't going to but I just want to say a couple things quickly. I think we've come a long ways I've (inaudible) for 2 years now coming up here in a few weeks but we do work really hard to be very transparent; we try not to have executive session unless it truly is an executive session issue like somebody's pay or if I'm firing somebody; legal issues or whatever and I'll tell you we don't discuss anything else in those meetings unless it's announced in here because Mr. Mayor there and even the slightest thing comes up that's not on topic we get yelled at so it's very strict. I happen to think that I don't like the order; I like public forum; I've always liked public forum and I mean I always like what I hear but that's not why I'm here; I'm not supposed to like everything I hear; in fact the day where I like what I hear is rare so I like hearing what people have to say and I do think that if we don't do a good job; I actually wasn't aware until this last week that this agenda when we get it isn't made public; I was under the impression for some reason that it had to be made public; public to us there's actually no reason it can't be posted on our website so we could do that. So I would rather not limit public forum I think if we have a time keeper, we have someone who can slam the gavel down and make somebody quiet if they don't want too and in the last year I can only think of like a couple incidents where it got out of hand and a firmer hand could maybe ended that sooner so if we really need to think about this we really should probably spend some time thinking about the exact ordinance and the wording before we just throw something out there because the one that's proposed is pretty stringent and it's long I don't see why any ordinance or something so simple has to be so lengthy but I would rather suggest that if we can't agree on we should at least table it; spend some time discussing it and then figuring out what will work. I've been to a County Commissioners meeting a couple times almost nothing ever happens there that's unexpected it's much more different than this but if it doesn't (all inaudible) have any impact so I think that it would be better; I understand everybody's point of view and what we're trying to get along (inaudible) but being transparent for the people sitting out here is I think more important. Thank you."

Joe Smarrella – "Order order Mr. Mayor. I would like to rebut what he said he made it personal."

Mayor Mucci – "That can happen under public forum. You had an opportunity..."

Joe Smarrella – "He made it personal."

Mr. Paul – "No one called me I'm telling you no one called me."

Joe Smarrella – "No I didn't say that you made it personal..."

Mayor Mucci – "Mr. Paul Mr. Smarrella."

Mr. Paul – "I told you no one called me is all I'm telling you. I don't need to know who called you."

Mayor Mucci – "Would you please come forward if they don't stop this bickering you can remove both of them."

Joe Smarrella – "I got a right to answer."

Mayor Mucci – "Okay Mr. Smarrella... Mr. Smarrella... I'm going to give you an opportunity. Please."

Joe Smarrella – "Before the vote because he made it personal."

Mayor Mucci – "No; it's already been public forum called on Ordinance No. 2017-88 we gave the public an opportunity to speak on it; now the members of Council are speaking on it. Do you have a point of order? State your point."

John Mascio – "Point of information (inaudible) with what Slugs said the public voiced their opinion on it all of whom were opposed to this ordinance but there were comments made by members of Council dealing with this very thing; I really think that the public should have a chance to maybe rebut some of what they said as to why we are opposed to that ordinance and what you're doing is saying no you can't do that you already spoke and this is the point; there comes up comments and statements made of which we are not aware and now that we want to respond to them your saying no you can't do it sit down and be quiet and I don't think that is fair. You have to in my opinion give people the right to rebut what is being said."

Mayor Mucci – "I'll allow that opportunity under public forum..."

John Mascio – "No because the ordinance is already being read now and voted on; after it's voted on public forum does no good."

Mayor Mucci – “You stated your point thank you.”

Mr. Villamagna – “Mayor let me call for a point of information; he called for question.”

Mayor Mucci – “You’re absolutely correct Mr. Villamagna I was trying to give a courtesy opportunity to 2 people that attend a lot of our meetings obviously they didn’t adhere to it. Question was called Roll Call.”

Mr. Paul called question. Roll call. Four (4) yes three (3) no. Ordinance No. 2017-88 duly adopted declared Mayor Mucci. The effective date of this ordinance will be December 28th.”

NO. 2017-90 – BY THE PLANNING COMMITTEE – 2nd reading

Messrs. Johnson, Dressel, Hahn

AN ORDINANCE AMENDING SECTION 1197.02 AND SECTION 1197.08 OF CHAPTER 1197 OF THE CODIFIED ORDINANCES OF THE CITY OF STEUBENVILLE.

Mayor Mucci – “You have heard the second reading of Ordinance No. 2017-90. The third and final reading will be on December 5th. If adopted by city council it’ll be the effective date of January 5th.”

NO. 2017-91 – BY THE PLANNING COMMITTEE – 2nd reading

Messrs. Johnson, Dressel, Hahn

AN ORDINANCE AMENDING SECTION 1323.01 OF THE BUILDING CODE.

Mayor Mucci – “You have heard the second reading of Ordinance No. 2017-91. The third and final reading will be on December 5th. If adopted by city council it’ll be the effective date of January 5th.

NO. 2017-92 – BY THE FINANCE COMMITTEE – 1st reading

Messrs. Paul, Johnson, Dressel

AN ORDINANCE REPEALING SECTION 131.14 OF THE ADMINISTRATIVE CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STEUBENVILLE.

Mayor Mucci – “You have heard the first reading of Ordinance No. 2017-92. The second reading will be on December 5th. The third and final reading will be on December 12th. If adopted by city council it’ll be the effective date of January 13th.”

NO. 2017-93 – BY THE FINANCE COMMITTEE – 1st reading

Messrs. Paul, Johnson, Dressel

AN ORDINANCE REPEALING SECTION 133.09 OF THE ADMINISTRATIVE CODE OF THE CODIFIED ORDINANCES OF THE CITY OF STEUBENVILLE.

Mayor Mucci – “You have heard the first reading of Ordinance No. 2017-93. The second reading will be on December 5th. The third and final reading will be on December 12th. If adopted by city council it’ll be the effective date of January 13th.”

REPORT OF COMMITTEES

Mr. Johnson – No report

Mr. Paul – “Yes your Honor I have one thing. December 12th I would like to call a Finance Committee meeting to order at 6:00 p.m.”

Mr. Timmons – “Just a couple things I would first like to wish Steubenville Big Red good luck in the State Championship game this Saturday in Canton and second down at the new Pilot Gas Station I’ve had some citizens asking about the lighting down there they also say it’s tough to turn off into there; is that something we can look at?”

Mr. Mavromatis – “That question has come up and is Mr. Dolak here?”

Mike Dolak – “I don’t believe there’s ever been any issues with the lighting; it’s pretty lit up down there; one thing that Pilot was supposed to do is part of their improvement project that they haven’t done yet was to restrike the entire intersection from 3rd to Wells including the ingress and egress of North and South coming out; it is confusing it was in their improvement plan that they were required to do that and they have not done that yet and we’re trying to work with them to get that done it’s unfortunate but the (inaudible) road when temperatures are down the striping will not last that long so we may have to wait until the temperature gets up a little here in the Spring.”

Mr. Timmons – “Okay so it might be spring until that happens?”

Mike Dolak – “It’s been in there; it’s in their improvement plans since June and they’ve been told multiple times but they didn’t feel that that was the most important thing to get open prior to opening; it really is important because it is confusing coming out of there because there’s 3 lanes coming out going north, straight across 3rd St., and also turning south so it is confusing and we’re trying to work...”

Mrs. Hahn – “Can I ask a question? I mean aren’t we having fairly good temperatures this week in the 50s.”

Mike Dolak – “You’re exactly right and I’ve reminded them over the past 2 months that that needed to be done. They were reminded again last Friday.”

Mrs. Hahn – “Mr. Mavromatis is there something more that we can do to insist that this gets done or they’re going to have the additive expense.”

Mr. Mavromatis – “We would have to go up and see how there plans were put in. If there’s an issue on building code something a code violation then we can try to enforce that.”

Mrs. Hahn – “Is that a building (inaudible)?”

Mr. Mavromatis – “Not for that. There are road codes; we have certain codes that we can look at if they are in violation and I would have to see the plans.”

Mrs. Hahn – “We want them to succeed but this sounds like a slippery issue coming in and out so.”

Mike Dolak – “I’m going in (inaudible) the ingress there is pretty good; North and South right on the other street; coming out it is a little bit of a (inaudible). I will talk to the owner again first thing.”

Mr. Mavromatis – “Who would I reach out too?”

Mike Dolak – “Brad”

Mr. Villamagna – “Nothing Mayor but I just want to say one thing about what Mr. Dolak said that Pilot Station I commend a lot; more than what Eric just brought up and it was all found by our building department and our fire department so and the measures are being done in the correct way; because again criticism wouldn’t been if you would’ve stopped them from opening then the City is not business friendly so they had to open with some minor things that had to be corrected.”

Mayor Mucci – “With the understanding that they would be corrected.”

Mr. Villamagna – “They gave them a time frame and if they’re not done then they are going to be shut down.”

Mayor Mucci – “And those small refractions were nothing threatening to the public’s safety.”

Mr. Villamagna – “To the safety and the welfare of the citizens.”

Mr. DiLoreto – No report

Mr. Dressel – “Couple things. Since we’re talking about Pilot I’ve been down there they got cheap gas; if you want the best price in gas tell people to go there; finally we have somebody challenging Speedway so gas is really cheap. I did talk to Mike earlier this week about the issue of getting there from 3rd Street and having to go up Slack and then having to go across that little tiny road; if you use to work at the mill you don’t think twice about it because it’s been there for a thousand years but for most of us that don’t I almost drove straight across until I noticed the big concrete bunker in the middle of it (inaudible) facing towards you so I thought oh I’m not supposed to go that way and then if you look further there’s a do not enter sign or something but it’s not obvious; some little even temporary sign they should put up if we can prove it is how to get to Pilot around that corner wouldn’t take much but the station is beautiful inside. Secondly I would like to call a Building & Grounds Committee Meeting for December 5th at 7:00 that’s next week; it’ll be very brief we want to just discuss the tree commission ordinance; we do need to make minor changes to it mostly to accommodate allowing the City Manager to have the authority to make decisions on trees when it can’t wait a week or a month whatever and specifically the 4th Street issue now with AEP and then also we want to consider moving the responsibility of the tree commission from where it is to under Parks and Recreation because most of our trees on in the parks that are City trees; it just made more sense maybe putting it there; I think the reason it’s not there now because of the code the preexisting code was under M & R so there’s no real reason it just didn’t change. If you haven’t been to the Nutcracker Village please do its spectacular thank you.”

Mr. DiLoreto – “Are we still going to have the tree commission?”

Mr. Dressel – “Yes it’s still there we tabled that last time; we are going to modify how it structures so the City Manager does not have to wait when something is urgent; other than that they will still be doing the whole tree plan, looking over the trees, and I think working with the parks makes more sense than doing kind of the same people that are trying to patch our roads also trying to trim our trees.”

Mayor Mucci - “First of all the clerk will facilitate the proper notices for the Building and Grounds Committee Meeting for December 5th at 7:00 and may I encourage Mr. Dressel to also invite Mr. Petrossi who originated the ordinance and add the reasoning of why it’s under that division and so forth and so on for that conversation I think his input would be very gratifying so if he could be in attendance for that meeting that would be great and just so Council is aware that they did table on November 14th Ordinance No. 2017-87 which is repealing the commission if they decide to keep the commission they can keep this on the table or defeat the ordinance but then also bring in legislation making the amendments to the existing code.”

Mrs. Hahn – “Just a couple things first of all a group of us went down to the Marina today to clean; the 11 of us did we did 26 hours down there we probably won’t go back down until the spring to work but it’s a wonderful place to be and one of the things that Lorri will be doing is probably late January early February we’re hoping to have a meeting that would just be anyone in the public who wants to come to help us brainstorm on some ideas what activities that we can bring down to the Marina with the goal of at least one major event; each of the months from May through September so that more of us can enjoy the Marina together. I wanted to mention that tomorrow night that our What’s Up Downtown is sponsored by the Steubenville Revitalization Group and that’s going to be at Nelson’s and there are a number of shops on 4th Street that are going to be open; the time will be 5-8 so anytime in there.”

Mayor Mucci – “Today I had the honors of meeting with the Mayor elect Mr. Barilla; going through some of the transition that needs to take place and in doing so one of the subjects that came up was for the 2nd, 4th, and 6th Ward and him taking the oath of office; we have built up consensus with everybody that Thursday December 28th the oath of office will take place between Judge Mascio and myself we will officiate the ceremony; they will take place not traditionally here in the court room we will be making it happen at the Nutcracker Village and if the weather is uncondusive to that then we’ll move inside but it will take place on 12 noon on December 28th at Fort Steuben Park. By the way our conversations and I hope Jerry that you would agree went very well

today and I have a lot more to turn over but I don't want to overwhelm him in one day but we had a very good discussion and I'm pleased in the direction that he wants to move the City in. Thank you Jerry for meeting with me today."

REPORT OF ADMINISTRATIVE OFFICERS

Mr. Mavromatis – "Thank you Mayor. This is an invitation from the Principal of Big Red Mr. Gorman; these invitations have gone out to all our Council members Friday at 5:00 there will be a pep rally for Big Red at Harding Stadium so he's extended his invitation to all of you here if you have the time please come over to get our boys heads in the right spot and set them up there. It was at 6:00 but that was incorrect they should of changed it to 5 I wanted to make sure that Council knew that. Mr. Chad Mason he's a free-lance photographer he was out at our Light Up Night last Tuesday and captured several different photos he did a remarkable job so I'm looking at several different types but he seemed to capture the event perfectly. Since last Tuesday it's been a week now I've been contacted by people from Pennsylvania, Ohio, West Virginia what a great night that was well the only reason that it was great hundreds of people participated on this it wasn't just a few it was hundreds; the Fort, the City, all of our services, our Council everybody so again this is another positive thing for this City to show what we can do and I'm sure when this is all said and done after this year we'll see the (inaudible) and the different magazines throughout the State so I wanted Council to know that and our people in the audience there and a lot of you were there and I appreciate that because just to see the kids that evening come up to you; and Bob I think you set a record on hot dogs from what I understand; so again every little bit helps this City and it is moving forward; I know we have a lot of discussions some heated some not the bottom line is the City is moving forward; my staff I want to thank them; Chief thank you for coming tonight again this City is moving where it needs to go and we're taking one step in front of the other we will get there and Mayor that's all I have to say tonight."

Mr. Mastros – "Thank you Mr. Mayor. Pursuant to my request last week I'm going to ask at the appropriate time; I'm going to ask now actually that we move to go into executive session after public forum it will basis of the executive session pending litigation and the purchase of property by the City and if Mr. Dolak and Mr. Lewis has time; Mr. Lewis in that executive session; we won't be long these are updates but you need to be updated. Thank you."

Mayor Mucci – "Pending litigation on?"

Mr. Mastros – "OPEC"

Mr. Paul made a motion to go into executive session after public forum. Seconded by Mr. Johnson. Roll Call. All ayes. So moved motion declared by Mayor Mucci.

MISCELLANEOUS REPORTS

PUBLIC FORUM

Mayor Mucci – "If there is anyone wishing to speak to City Council on City business please come forward and state your name and address."

Joe Smarrella – "112 Starkdale Rd. I just wanted to rebuttal what I said because he made it personal to me. The one time I was speaking here and you got up because I called the (inaudible) a click and you stood up in front of Council and said I was wrong and I told you I had my 2 minutes until I give the floor up because (all inaudible) Willie and I know you did a lot but I just wanted to say what I thought when you made it personal I disagree with you that's all."

Mr. Paul – "I'm sorry you think that I made it personal."

Joe Smarrella – "I mean you said me and then you said Mr. Palombizio."

Mr. Paul – "I was quoting what you guys had brought up earlier that's all I was doing Slugs."

Joe Smarrella – "I know."

Mr. Paul – "I wasn't making it personal."

Joe Smarrella – "Yeah but you singled me out."

Mr. Paul – "Okay I'm sorry."

Joe Smarrella – "I'm sorry too."

Ed Palombizio – "113 S. Bend Blvd. I guess you know why I have to come up here but with respect to what you said being in terms of this procedure (inaudible) agenda that's true and that's what I was saying; change that word from must to may you could accomplish all of that and not deny people the opportunity who don't sign in the opportunity to speak if they come to the meeting they may hear something new that they didn't expect to hear anything about so that they could then come up and speak; if you have this as mandatory and this is the (inaudible) of the explosion (inaudible) the opportunity to speak and I'm not saying that everybody is going to be excluded

from the opportunity to speak but if something comes up at that meeting and you haven't signed in 4 or 5 days earlier you can't comment on that you have to wait another 7 days to comment on something that was brought up 7 days ago when if you make that may they could; I don't know but not mandatory okay and you could also what I suggest is that you add a sentence to that that could make it official that this is not mandatory however if you don't sign up and time constraints don't permit us to get to the bottom of the list you know you might have 10 or 15 or 20 people that want to speak if they don't sign up then they (inaudible) their right to speak; but the way you have it now you are denying those people who have not signed up the right to speak on anything that is being said at the meeting and the 2 times that I did speak in public forum of the meeting it was on items that came up at that meeting. Okay the other thing is I've been to City Council meetings in other cities and quite frankly this is the best place to be; I've not heard I've not seen any situation that has this public forum opportunity and the reason why I am here is because there has been an attempt in the past couple months to get the residents in LaBelle to try and address the problems and there was going to be a meeting at the Council person's house and I told people that I would go that meeting before I went to that meeting I came to this meeting to see how the City functioned and I was surprised when it got to the end of the meeting there was a public forum I mean I've never heard of something like that; so I then went to that meeting and I saw at that meeting that there were 3 Councilmen people and the City Manager and I'm saying well if they have that public forum in their City Council and they got these officials at this meeting I want to be involved with this group because this group is going to go somewhere they're going to do something that hasn't been done; so again I'm not saying that everybody is being denied the opportunity to speak there is a segment that will be denied an opportunity to speak; with respect to the other (inaudible) to defer to your Council well what I'm saying is look at it closely that's why I call it the OJ Simpson rule you know you have an attorney to plead this case and you have an attorney to plead that case; there are different ways of reading that and I don't think it says clear I think you can read it that way but I think somebody can come in with another way if people really want to pursue this I don't know if you can get a litigation issue on their hands or not; so I'm just saying there's that question and a possible conflict between (inaudible). I guess that's the comments (inaudible) since you folks voted for this today without tabling it because that should have been (inaudible) the appropriate way of dealing with it since there was so much discussion on it. Thank you."

John Mascio – "567 Braybarton Blvd. Just a couple comments on that ordinance that you passed requesting time to speak and one of the Councilmen made a comment about by doing that it gives a the Manager or Council an opportunity to look into the matter and just find out what the answer is to that particular question might be. Some of those questions don't need research for example Bob brought it up about spraying weeds; if I asked why weeds weren't sprayed I don't think that involves research somebody should be able to answer that question like that; if the question comes up about why we have cracked filled streets that's not research that question should be answered right now; if Council wants to introduce a financial ordinance cause somebody wants to question it if you introduce that ordinance you should be able to answer any question pertaining to that ordinance or you don't bring it in; if you can't answer those questions shame on you for bringing it in in the first place; so that's just the comment I want to make about oh and one other thing we talked about the gas station down there the Pilot chain it was interesting we have to come in and submit our questions in advance and yet there were questions from Council to the Manager to the Engineer about it; nobody got all the answer they wanted maybe you folks should have to submit your questions in advance to the Manager and the Engineer we'll take care of it that way."

Mr. Villamagna – "It don't work that way JJ."

John Mascio – "I know it doesn't but maybe it should."

Mr. Villamagna – "We wouldn't get away with half the stuff in your court room."

Mr. DiLoreto – "Nothing"

John Mascio – "2 weeks ago I brought it up for the last couple of years why we haven't gone to a 4 day week trash pickup and then you get to the spring and fall trash pickup on Saturdays and it's picked up throughout the City; the amount of money we've spent this year and this does not include the last pickup this past Saturday because Bob Baird didn't have those numbers for me so I just took the ones; the amount of money that was spent on the last pickup in the spring \$25,359.82 that's what your spending to pick up trash on a Saturday; go to a 4 day pickup you can do it on a Friday you just saved yourself over \$25,000 and don't tell me you can't use that money. Somebody tell me why we are not on a 4 day a week pickup I know there's a couple Councilmen here in favor of it but my opinion no reason why we are not doing it and why we're not going ahead and saving this kind of money and this doesn't count the gas, oil, wear and tear on the trucks, and (inaudible) fees that we have to pay the landfill so thank you."

Ed Florak – "434 Scenic Drive. Just a point of clarification as a member of the public I cannot address this Council any longer unless I'm on the agenda by Friday is that correct?"

Mayor Mucci – "Under public forum that is correct. However there are opportunities for the public to continue to participate in our meetings if you noticed before we have the 3rd and final reading and a vote I always ask for public comment on the particular ordinance and that will still be allowed all that is still in place we're just talking about signing up under public forum."

Mr. Paul – "Emergency too your Honor."

Ed Florak – "(all inaudible) I got to get on the agenda by Friday at 4:00 if I wanted to come in and address a concern about the weeds on Tuesday?"

Mayor Mucci – "Correct"

Mr. Mavromatis – "I'm going to try and make this a little easier there isn't anyone that's in this courtroom right now that cannot contact me and not wait Council; you shouldn't have to wait until Council; if the question as Mr. Mascio brought up about the weeds and there was an issue he knows he can call me; why wait until Tuesday if this is Thursday that's crazy; that's the whole thing you don't; I deal with citizens every day I get phone calls a

lot of my time I go out because sometimes it was not what was told to me but a lot of times it is and we're able to get the manpower out there but again I listened to all these comments tonight; I hope; the collection of what I got from all the comments Number 1 I don't think this ordinance was created to stop you from speaking; I agree you don't know what Council is putting out on the floor and judge that was an interesting suggestion you made about going to the paper on a possible agenda; sometimes we don't know and I'll tell you this I don't know until Monday afternoon what Council wants but again that's the nature of the beast but again all of you have made legitimate things but I can tell you this right now there's nothing here that I can see that was put there to stop you from speaking; it's a matter of giving us what are you bringing to us and again you're perfectly correct you may come here and you got nothing to say but something comes up in Council I want to comment on this and now you can't and then you got to wait a week but again with the legislation there's always open for comments and just like tonight a lot of people got to make comments and can still do that but when you're coming in to speak to Council it's nice to know what you want to speak about because I will tell you this there's sometimes that people have got up there, made their comments and they were incorrect because they didn't have the information and that's in fairness to that person speaking; I just want them to have all the tools that they need and that they can give the answer as quick as possible so I hope that makes you understand that a little bit; all the comments you made put the emotion aside were good comments but I had the pleasure of living all over this country visiting a lot of Councils and this is nothing new there; it's new here because you never had it just like a lot of things that are starting to change so again all the feedback you give is important because I'll tell you I get calls from citizens every day with comments, suggestions, and especially on a suggestions they were not aware of some of the things that we have to deal with and how we deal with it and a lot of the suggestions are good and we try to get those (inaudible) so I appreciate your time. Thank you."

Marlane Figurski – "3113 Portland Blvd. Jim I just wanted to ask you I think I read in the paper where are we taking down the trees on 4th Street?"

Mr. Mavromatis – "Again if you were listening here Mr. Dressel has asked for meetings where I can get the authority to make the decisions."

Marlane Figurski – "All the way down 4th Street?"

Mr. Mavromatis – "Well our primary area and dealing with AEP has been the 100 block North 100 block South but we have a whole historical area we have to look at."

Marlane Figurski – "If you do take it down are we considering putting anything up like dwarf trees or something like that or are we just (inaudible)."

Mr. Paul – "No no no. If we take any trees out we're replacing them. He also said that but I don't know if that was in the paper; I do remember him saying that also."

Marlane Figurski – "I was just wondering because the trees make it look nice I know they're obstructing right now but I was wondering when you do that if you're planning to replacing them at some point."

Mr. Mavromatis – "The comment I made was either replacing them with other trees or something else that is more steady in front of those businesses that are down there."

Ed Florak – "Jim I was just wondered if you receive feedback from the people that if the feedback or the issue that raised was on a general concern; be realistic for you to bring (inaudible) reports?"

Mr. Mavromatis – "I can I will tell you."

Ed Florak – "Say it's something that relates to Ed Florak at 434 Scenic."

Mr. Mavromatis – "No."

Ed Florak – "I don't think so but if it's something that..."

Mr. Mavromatis – "A broader one? Absolutely I can bring that up the only thing a lot of people don't want their names out which is not an issue."

Ed Florak – "I understand that."

Mr. Mavromatis – "But to answer your question is yes sir I can do that no problem."

Mr. Villamagna – "Just to clarify something cause one of the members of the audience says that if we don't know what we're talking about when we're asked a question about an ordinance; when you ask me a question or anybody else in this room about an ordinance I can answer that question. The question I can't answer is when someone wants to know why a sewer lid has been off Scenic Drive; I'm just making that up; for 2 weeks."

John Mascio – "That wasn't the point."

Mr. Villamagna – "Well that's my comment; this Council takes it very seriously of everything that we do; we're working hard; there's 7 people here and I say it all the time; different backgrounds everybody's got a different personality; we argue; we work it out we talk for the better of the City. Tonight proves a point to some of it because just a little bit of misunderstanding causes a big argument when I sat here and I got called a mother by a member of the audience who's not here; literally not here; and I sat here in a room full of audience and I've been called names all over the place and never said a word it happened to me 3 times; 10 years ago but this isn't a bar and this ain't the street this is a place of business where we are conducting City business; so I put the City above how I really feel in my heart and we're trying to conduct business and some people are against it some people are not against it and I know this you wouldn't put up with the smart remarks and the talking in your court room Jay; you would slam that gavel down and you would tell people to be quiet or even have them removed and when we sit here and we talk business and the giggling and laughing and not you I'm not saying you I'm just telling about a court room; you would throw me out of that court room in 2 seconds if I got up and was whispering back and forth and you know you would but we can debate it all night long; the ordinance passed and Mr. Palombizio brings up some good points and it can be changed this isn't (inaudible) it can be changed though."

Council Chambers were cleared for Executive Session.
Council Chambers were reopened for adjournment.

Mr. Paul moved to adjourn. Second by Mr. Timmons. Roll call. All ayes. So moved; meeting adjourned declared Mayor Mucci.

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____
MAYOR