

MINUTES OF COUNCIL MEETING
February 26, 2019

The Regular Meeting of City Council was called to order at 7:30 p.m. with Mayor Barilla presiding. The meeting was opened with the Pledge of Allegiance followed by Roll Call.

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

Also present; City Manager Jim Mavromatis, Law Director Costa Mastros, Police Chief Bill McCafferty, Fire Chief Carlo Capaldi, Finance Director Dave Lewis, Utility Supervisor Lisa Knight, Engineering Director Mike Dolak, Urban Projects Director Chris Petrossi, Wastewater Superintendent Chuck Murphy, Water Superintendent Jim Jenkins, Sanitation Supervisor Bob Baird, Parks and Recreation Director Lori Fetherolf, Linda Harris from the Herald Star, & WTOV9.

APPROVAL/CORRECTION OF MINUTES

Minutes were approved by Mrs. Hahn for February 19, 2019. Second by Mr. Timmons. Roll Call. All ayes. So moved minutes accepted declared Mayor Barilla.

PETITIONS/COMMUNICATIONS

Mayor Barilla – “Petitions and Communications Madame Clerk?”

Mrs. Haley – “Nothing this evening.”

Mayor Barilla – “Thank you Madam Clerk.”

ORDINANCES AND RESOLUTIONS

NO. 2019-16 – BY THE PLANNING COMMITTEE – 3rd reading

Messrs. Villamagna, Hahn, Petrella

AN ORDINANCE DECLARING THE BUILDING AND STRUCTURE IDENTIFIED IN THE FOLLOWING SECTIONS OF THIS ORDINANCE TO BE AN UNSAFE STRUCTURE AS DEFINED BY SECTION 108 OF THE PROPERTY MAINTENANCE CODE OF THE CITY OF STEUBENVILLE, OHIO, AND DECLARING SUCH TO BE A PUBLIC NUISANCE, AND ORDERING THE REMOVAL OR DEMOLITION OF SUCH UNSAFE STRUCTURE.

Mayor Barilla – “You’ve heard the third and final reading of Ordinance No. 2019-16. If there is anyone wishing to speak on Ordinance No. 2019-16 please come forward and state your name and address.”

Mr. Villamagna called question. Roll Call. All ayes. So moved Ordinance No. 2019-16 is duly adopted declared Mayor Barilla. The ordinance will take effect on March 28, 2019.

NO. 2019-17 – BY COUNCIL AS A WHOLE – 3rd reading

AN ORDINANCE AMENDING SECTION 111.25, SUBSECTION (B) OF THE ADMINISTRATIVE CODE.

Mayor Barilla – “You’ve heard the third and final reading of Ordinance No. 2019-17. If there is anyone wishing to speak on Ordinance No. 2019-17 please come forward and state your name and address.”

Mr. Villamagna called question.

Mayor Barilla – “Mr. Timmons.”

Mr. Timmons – “Yeah I want to say something about (inaudible). As I said a few weeks ago I’m upset we spent so much time on this ordinance and that we keep going back and forth. This ordinance is more than twice as long as the original ordinance and we’ve already proven we have trouble enforcing those rules. We don’t need more rules to enforce when we can’t even enforce the ones we have. You know some people speak more than five minutes; some people are forced to stop at five minutes; I’ve already said this a few weeks ago; some citizens make personal attacks; some disregard Council; the signs we have up; any rules we have; they attack city businesses with untrue statements; it’s not right. The Mayor runs the meetings; he can call on anybody at any time. We don’t need; I just don’t feel like we need this ordinance. Now if a true public forum is proposed in the future and I feel we can handle it I’ll vote for it just like I did in January but for now I just; I can’t vote for this ordinance the way it is so.”

Mayor Barilla – “Any other comments by Council?”

Mrs. Hahn – “Yes.”

Mayor Barilla – “Mrs. Hahn.”

Mrs. Hahn – “I’m really sad to hear you change your position. I really think that we can respect our people more by giving them a greater opportunity to participate in Council even though I would rather repeal this ordinance and just open it up to Public Forum the way it always was. I wish we had the opportunity to welcome their comments and yes it is possible for people to apply by Friday at 4:00 to be able to address Council but I know that some of the people have come for years they have listened carefully to these issues and they actually have worthwhile input to give. We’ve asked our Mayor and he’s agreed to monitor the time; to make the directions clear that we want stability at all points but I think it’s a misstep to cut off a large part of the

communication and even though I would prefer just open; I think this opens up more than enough that it makes a significant difference and I would urge Council to vote for this.”

Mayor Barilla – “Any other comments?”

Mr. Villamagna – “I got a comment.”

Mayor Barilla – “Mr. Villamagna.”

Mr. Villamagna – “Just so the citizens know when I first became Councilman here which was in 2013; December 2013 you weren’t allowed to speak at Council at all except every other Tuesday; you weren’t allowed to speak at all and Council introduced an ordinance that allowed them to speak and from there we went to the five minute rule where you had to speak. It didn’t work so and it got out of control here every Tuesday; it was out of control for every Tuesday and no disrespect to you because you’re just a new Mayor but even Domenick who was here for 30 years had a hard time controlling the meetings. So we went to the five minute rule and it worked fine and I believe it’s still working fine. The notation that we’re trying to stifle people from talking is not true because we have opened it up more than it has ever been opened up since the beginning of time. I can go back to 1976 when I first attended a Council meeting and you spoke every other Tuesday so our goal is to not stop people from talking our goal is to have good dialogue and people that have something to say; say something. We don’t want a reaction there (inaudible). What these ladies and gentlemen back here it’s going to be; every week it’s going to be what’d you do this for? What’d you do that for? That’s not what it’s here for. That’s what he’s here for and that’s what we’re here for. With that being said that’s all I have to say.”

Mayor Barilla – “Mr. Petrella.”

Mr. Petrella – “Yeah. Kimberly just for a point of clarification it was changed from four on Friday to two on Monday.”

Mrs. Hahn – “Only if this passes.”

Mr. Petrella – “Only if this passes.”

Mrs. Hahn – “So it will not; it will not be 2:00 on Monday if this does not pass.”

Mr. Petrella – “I understand but you mentioned 4:00 I just wanted to make everybody aware if this does pass...”

Mrs. Hahn – “Yeah.”

Mr. Petrella – “As point of clarification it would be changed from four on Friday to two on Monday.”

Mr. Paul called question.

Mrs. Hahn – “Did we open it up for the public to speak?”

Mayor Barilla – “Yes.”

Mrs. Haley – “Yes we already did.”

Mr. Paul – “We already asked them.”

Mayor Barilla – “We already did. But go ahead.”

Mrs. Haley – “You’re not supposed too.”

Mr. Villamagna – “Mayor I got to call a point of order. We have...”

Mayor Barilla – “We did open it up.”

Mrs. Haley – “Yeah we already did.”

Mr. Villamagna – “Yeah we did open it up and I welcome any to talk but that’s not how it’s supposed to be run according to Robert’s Rules which...”

Mayor Barilla – “Okay.”

Ed Palombizio – “I thought there would be a separate time for; I thought you would all speak and then I would (all inaudible).”

Mr. Villamagna – “No he asked; he asked the public first.”

Mayor Barilla – “Right.”

Mrs. Hahn – “It is the Council first and then it is the public. That is what it’s supposed to be.”

Mrs. Haley – “No.”

Mr. Villamagna – “That’s not how it’s ever been.”

Mrs. Hahn – “I saw it with (all inaudible).”

Mr. Villamagna – “Well let’s change the rules again then tonight.”

Mr. Paul – “(All inaudible)”

Mrs. Hahn – “(Inaudible) follow the rules.”

Mr. Villamagna – “We’ve been following them.”

Mrs. Hahn – “No.”

Mayor Barilla – “We’ve had Council; we’ve...”

Mr. Paul – “Let him speak.”

Mayor Barilla – “We had the audience speak first (all inaudible).”

Mr. Paul – “Let him speak.”

Mr. DiLoreto – “Let him speak.”

Mr. Villamagna – “That’s how it was but let’s get it over with.”

Mr. DiLoreto – “Give him his three minutes and let him speak. I don’t want to argue. Enough arguments.”

Ed Palombizio – “Thank you for considering this ordinance. I have commented that section 111.25 subsection (B) of the administrative code regarding public forum should be repealed because it is contrary to the City Charter and prevents citizen’s participation. Unfortunately several weeks ago City Council by a vote of 4 to 3 voted against repealing the subsection. The City states that the Friday sign in deadline is necessary because it gives time for the City to gather information and to answer questions raised (all inaudible). Well this has been true in some cases and the City certainly deserves much credit for its efforts to gather the appropriate information. Not all citizens wanting to participate in the public forum request information that needs to be

researched. Citizens not requesting such information and citizens wishing to provide information or voice a concern should not be required a seven day prior to Tuesday; deciding several days prior the Tuesday meeting. Further if something occurs on Monday the day before Council meeting citizens should not have to wait another week before it can be discussed during public forum. This ordinance before you now is an attempt to amend 111.25 subsection (B) to be less restrictive on residents seeking to speak at the public forum. Since City Council refuses to repeal the subsection this is to request that the City Council approve this ordinance because though not perfect it is less restrictive. I applaud this proposed ordinance as an attempt to seek a compromise between two (all inaudible). Thank you.”

Mr. Paul called question. Roll Call. Three (3) yes; Petrella, Dressel, Hahn; Four (4) no; Paul, Timmons, Villamagna, DiLoreto. Ordinance No. 2019-17 was defeated declared Mayor Barilla.

NO. 2019-19 –BY THE FINANCE COMMITTEE – 2nd reading

Messrs. Paul, Dressel, Timmons

AN ORDINANCE TO AMEND CHAPTER 191 OF THE CODIFIED ORDINANCES OF THE CITY OF STEUBENVILLE REGARDING MUNICIPAL INCOME TAX.

Mayor Barilla – “You’ve heard the second reading of Ordinance No. 2019-19. The third and final reading will be next week March 5, 2019.”

NO. 2019-20 – BY THE SERVICE COMMITTEE – 1st reading

Messrs. Dressel, Hahn, Petrella

AN ORDINANCE AUTHORIZING AND DESIGNATING THE CITY MANAGER AS THE LOCAL OFFICIAL WITH THE AUTHORITY TO EXECUTE THE PROJECT KNOWN AS THE CITY OF STEUBENVILLE PHASE IV STREET SIGN UPGRADE, CITY PROJECT NUMBER 2018-138, AND COMPLETE ALL NECESSARY FUNCTIONS THAT MAY BE REQUIRED TO COMPLETE SAID PROJECT, INCLUDING BUT NOT LIMITED TO, ENGINEERING DESIGN SERVICES, RIGHT OF WAY SERVICES INCLUDING ACQUISITION OF RIGHT OF WAY, UTILITY RELOCATION, CONSTRUCTION ADMINISTRATION/INSPECTION SERVICES, BIDDING SERVICES, ADVERTISING FOR BIDS FOR CONSTRUCTION, RE-BIDDING IF REQUIRED, ENTERING INTO A CONTRACT WITH THE LOWEST MOST QUALIFIED BIDDER AND AUTHORIZING PAYMENT THEREFORE.

Mayor Barilla – “You’ve heard the first reading of Ordinance No. 2019-20. The second reading will be next week March 5, 2019.”

NO. 2019-21 – BY COUNCIL AS A WHOLE

A RESOLUTION PROCLAIMING MARCH, 2019 AS DEVELOPMENTAL DISABILITIES AWARENESS MONTH.

Mr. Dressel made a motion to adopt Resolution No. 2019-21 by roll call. Second by Mr. DiLoreto. Roll Call. All ayes. So moved Resolution No. 2019-21 is duly adopted declared Mayor Barilla.

NO. 2019-22 – BY THE FINANCE COMMITTEE – 1st reading

Messrs. Paul, Dressel, Timmons

AN ORDINANCE AUTHORIZING THE ENTERING INTO OF AN EMPLOYMENT AGREEMENT WITH JAMES MAVROMATIS.

Mr. Paul made a motion that the rule requiring the ordinance or resolution be read on three separate occasions be suspended and Ordinance No. 2019-22 be given a second and third reading for this body’s passage or rejection. Second by Mr. DiLoreto. Mrs. Haley started Roll Call...

Mr. Paul – “Wait a minute I think he should have maybe question.”

Mayor Barilla – “Is there a question?”

Mr. Mastro – “Mr. Mayor?”

Mayor Barilla – “Yes.”

Mr. Mastro – “Point of order. We’re suspending the rules and having the second and third reading’s now.”

Mayor Barilla – “Yes.”

Unknown – “Right.”

Mr. Mastro – “Correct.”

Mr. Paul – “And then we should ask for question (all inaudible).”

Mr. Mastro – “Right and you have to vote on that. (Inaudible).”

Mr. Paul – “Well first we have to vote on what I just said yes.”

Mr. Mastro – “Correct. Right you have to vote on suspending the rules.”

Mayor Barilla – “So we vote on suspending the rules.”

*Roll Call. All ayes. So moved motion carried declared Mayor Barilla.

Mayor Barilla – “We’ll have the audience speak at this moment. If there’s anyone wishing to speak on Ordinance No. 2019-22...”

Mr. Mastro – “Mr. Mayor?”

Mayor Barilla – “Yes.”

Mr. Mastros – “As a formality you have to read it. Second and third reading; you have to say the ordinance again. Then that’ll be the second and third reading then you can open it up.”

Mayor Barilla – “So I read it?”

Mr. Mastros – “Yes sir. Just read it one more time. Second and third reading of Ordinance No...”

Mayor Barilla – “The second and third reading of Ordinance No. 2019-22 by the Finance Committee. Mr. Paul, Mr. Dressel, Mr. Timmons.

Mrs. Haley read Ordinance No. 2019-22. Mayor Barilla asked the public for comment. Mr. Paul called question.

Mr. DiLoreto – “Can I say something?”

Mr. Paul – “Yes go ahead.”

Mr. DiLoreto – “Okay first of all I want to say something. Real short and sweet. I think this is the first time since I’ve been on City Council that we reappointed the City Manager. (All inaudible) he was supported. Usually after the first term we want to fire them. So (all inaudible) I want to give him a little bit of advice that my father gave me and (inaudible) Bryan gave me; Mr. Mavromatis I know I want the job done today; I don’t want it done tomorrow; I don’t want it done yesterday; I wanted it done yesterday so when this Council speaks I hope you act and good luck in the next two years. I’ll be here to babysit for a little bit. Thank you.”

Mr. Paul called question. Roll Call. All ayes. So moved Ordinance No. 2019-22 is duly adopted declared Mayor Barilla. This ordinance will take effect on March 29, 2019.

Mayor Barilla – “At this moment I would like to have Mrs. Mavromatis please step forward.”

Babette Mavromatis – “I’m only going to say a few words. I want to thank you Mr. Mayor and I want to thank the City Council for all your support. You guys are wonderful and Costa you also so that’s all I want to say and thank you for supporting my husband for another two years and keep up the good work.”

Mayor Barilla – “Thank you Mrs. Mavromatis.”

REPORT OF COMMITTEES

Mr. Paul – No Report

Mr. Petrella – No Report

Mr. Timmons – No Report

Mr. Villamagna – “One thing Mayor. As we were talking I went back through these minutes. Every time that we’ve had a third reading you’ve said; you’ve heard the third and final reading of Ordinance 2019 dash whatever; if there’s anyone wishing to speak on Ordinance No. 2019 please come forward and state your name and address. No one came forward. Mr. Paul called the question and I went back to the last four; four times we had third readings. You’ve always called the citizens first.”

Mayor Barilla – “That’s correct.”

Mr. Villamagna – “Then Council last and if I’m wrong than you can disagree with me Mayor but I think I’m right.”

Mayor Barilla – “No that’s what I’ve done. Now whether and I’m just following Domenick Mucci’s way he had done it.”

Mr. Villamagna – “Well it’s the way it’s been forever and I can’t find it nowhere where it says that it’s not supposed to be that way but Council when we hear someone talk out here then we can address what they’re saying instead of vice versa. We don’t want this; we’re going to say something and then they’re going to say something but that’s how we’ve always done it unless Costa you can show me in black and white; I don’t want to make the rules up as we go so that’s all I had to say on that issue. Thank you very much Mayor and I have nothing else under the reports.”

Mr. DiLoreto – “Yes I want to comment on here; I got something here on my desk in regards to the Moose. I don’t know what we have plans for it but I know I was in that place 25 years ago at a banquet and the basement looked like a dungeon with the water coming in that was 25 years ago. I’ve revisited it but the past 10 or 15 years upstairs at the bar you couldn’t find yourself getting in or out it was so dark and drowsy. So I don’t know what the plans are but I don’t think we should spend a nickel for it; \$200,000 to tear it down I don’t want to spend \$200,000 to tear anything down but if we can’t find the owner; it’s an eyesore and something has to be done with it and \$200,000 isn’t going to get it done. So if somebody wants to take it over and rebuild it and fix it up and use it that’s fine. But just don’t let it sit there and let me walk down that street and a brick fall on my head. Thank you.”

Mayor Barilla – “Okay Mr. DiLoreto thank you.”

Mr. DiLoreto – “Thank you.”

Mr. Villamagna – “Mayor?”

Mayor Barilla – “Mr. Villamagna.”

Mr. Villamagna – “You’re absolutely right because when you buy a building here people have this notion that you can just sit on it for the rest of your life and it’s just going to stay the way it is. In the paper there was a very nice article; I’m 100% for saving what we can save. Things that can’t be saved you have to move on. Your parents died; your grandparents died; you miss them; they’re gone. You have a car that you had in high school that you loved; it’s 50 years old; it’s got to go unless you want to put another 62 grand or so; if I wanted to put 25,000 into a 62 (inaudible) I’d probably be in a mental institution but that being said that’s the goal. Either we

want to revitalize or we want to move forward and I have; I've lost it on my phone; I accidentally deleted it but I have some nice pictures of some nice towns that have been revitalized that look like they're from the 40s. They got that nice facade on the front and everything and I've also contacted some developers and they all told me the same thing they don't want to deal with individuals they want to deal with one person. They don't want to come in here and have to tear down buildings. They want to come down and develop it. So that being said some of the stuff got to go. The 4th Street that block where your building was in and I use your building for an example because I've been in it since I was a little boy. It was a beautiful building. Where Mark Nelson has Leonardo's; those building were taken care of; McCauslen's Florist; the Sweeper Center; Yorgo's those places have been taken care of and that's why they're in the shape they're in. When you don't take care of stuff it falls in so Yonk's right I don't know where the money is going to come from; I don't know if we can but when something falls off of that building onto the building next door to it they ain't going to hear nobody say nothing about we should save the building everybody's going to go the other way and say we should've did something with the building. These citizens; there's a hand full that say well you should save everything and the one person I had to laugh they invited him to the SRG meeting and she said well I can't come because I live out of town. That's where you're at."

Mr. Dressel – No Report

Mrs. Hahn – No Report

REPORT OF ADMINISTRATIVE OFFICERS

Mr. Mavromatis – "Thank you Mayor. Last week I had a meeting with the Jefferson County Health Department this is in regards to our new contract; going over the last 18 months and I will have copies of the financial data that they gave me to give to each of you to look at and then we'll go later; we'll go into executive session. We still have some other meetings to go over somethings. It'll be considerably less than what we've paid for at a years' time but there is some things we're still working out here so I wanted you to at least be aware of that."

Mr. Villamagna – "Jim I'm sorry did you give it to us or you're going to give it to us?"

Mr. Mavromatis – "No I need to give you the document..."

Mr. Villamagna – "We don't have it here?"

Mr. Mavromatis – "No you do not."

Mr. Villamagna – "Okay. I misunderstood what you said."

Mr. Mavromatis – "No because I need to have some of them darken up so you can see the actually figures and you'll have that."

Mr. Villamagna – "I just misunderstood you."

Mr. Mavromatis – "No that's okay. Our spring trash pickup another e-mail was sent out; I'm sure all of you may be getting some calls. We are going to have and we will get some dates for you. We've been working with this trash ordinance for months now. We need to get this passed and again I think another copy has been given to all of Council again please review it; send me any comments that we need to do and let's get that passed so we can get the support to our people. Ohio EPA I don't know how much Council is aware of when you sit in government positions especially appointed positions that when a new Governor comes in or when a new President comes in there's replacements; it's automatic they bring their own team in that's understandable. We; I believe that we're fortunate because in our region which is in Logan, Ohio our head there at that office is Mr. Craig Butler he was the previous director. Again I want everyone to look at this as a positive thing. I had a conversation with him yesterday he's well aware that I've been staying on top of this our counselor has been staying on top of this and this is probably one of the major reasons why I'm willing to stay for another two years because I want this asked and answered; I want to make sure that they know we have something in place and we will obey by it. There's safeguards that are put in there because I do not have a crystal ball and what I mean by that I cannot tell you when we're going to have a catastrophe here such as we had a year ago January but the bottom line is Ohio EPA knows that we are working towards these goals again and I make it perfectly clear Mr. Butler was instrumental and for us getting this loan; which I'm greatly appreciative of and again we have our other issues that we have to deal with and our consent decree but right now our attorneys have it; our attorney in Cincinnati and their attorneys in Columbus have it to get the finalize; what they're going to appeal or agree too. We get those two things in place; we have a road map to go to and follow it. We had a rate increase which we desperately needed that. Whether if it's enough we will tell in the next months to come as our offers start building up and make sure that we can handle the emergencies we have here. So this is where we're at here. Again with Council as a whole this has been an interesting three years. We have personalities galore here and that's fine. I would rather have that than everybody that's on a 100%; doesn't have a thinking process here again we have some problems to tackle here. I am an optimist but I know and I say this is all fairness to all of you I know just about all of our issues in this City that's because of these men and women sitting over here. They know me I call and meet every day or I'll come out and personally see them; I want the facts because I have to deal with these people on the other side of the wall here and that's who I have to answer too and I want them to have the most factual information. I think we have some challenging things here but they can be overcome and I think these next couple years. Now I don't do everything in a bowl here I go out and I look; I know everything up and down this Ohio Valley; I look at other cities out there. No matter what people say about this; what this City is it's a better place these last three to four years with the people that's sitting in this room. Yes are there more things to do? Absolutely. I would be wrong if I told you no but no one left us a pile of money or an influx of manpower. One thing I made sure of that these men and women over here that

they manage their assets that whether it be hard or human assets they're managed so we get our best bang for the buck and that's what we have to do. I'd like to take you back in history I've been born and raised here; I knew exactly how the games were played years ago from when my father worked in here I saw exactly what went on but there's been a change this is not those days. Our days is building this the best we can and we're not a town of 40,000 anymore we're a town of 18,000 just like a lot of cities up and down this Ohio Valley. Those steel mills when they went out they crushed this whole region here so we're trying to build this up. You build it stronger; you build it smarter and it will stay intact for the years to come. We will all be long and go and this town will still be moving on. So these are the challenges we have and we're going to meet them. We have some excellent contractors that we have now on board. They understand our problems here. I only ask that my men and women here that work for me just be truthful with me I don't care how bad the problem is but I need to know so I can properly brief you here so you can make the decisions we have to make. So again it's like anything else and I can tell you quite (inaudible). I cannot put the hours in; in this place if it wasn't for that lady that stood up here. The hand I've dealt her back here was unimaginable. I dealt her a bad hand when I worked for the government but she stuck it on. At least if something goes bad I can be there within minutes and that's the beauty of it so I can work those hours; I can go out on the weekends when I have too and that's the choice that I made. No one put a gun to my head to take this job. I took it because I believe where this city's going; I believe where this Council wants to go; I just got to get us all together riding in the same car and let's head down there and do it. Okay? And again I thank all of you I appreciate the men and women that worked for me I thank you for everything that you've done because I can't do this job by myself it's all of you here and hopefully with some of the direction I give you we accomplish our goals so again we've had an interesting three years; I stand by everything that I have done for my employees because it was the right thing to do so again I appreciate it. Mayor thank you for the time. I'm done."

Mr. Mastros – "You're Honor if I may I'm going to forward to Mr. Murphy right now."

Mayor Barilla – "Okay."

Mr. Mastros – "(All inaudible) to address Council first."

Mayor Barilla – "Okay Mr. Murphy?"

Chuck Murphy – "What it comes down to is we have a; as part of our consent decree which was being referenced through by our City Manager just a moment ago. We have in there what they call a weir height adjustment for all of our CSOs. That project requires us to perform a study; flow study on those and then basically go ahead and raise the weir heights. We're going to be utilizing adjustable weirs to go ahead and maximize in accordance with the language in the proposed consent decree the amount of flow that goes down to the wastewater treatment plant without it going ahead and impacting basements in homes that are connected to those lines. That's; you know going to be another requirement on us you know for sure as part of that consent decree and it's also part of our permit; our operating permit. As such we; last year had made application to DEFA to go ahead and go over the funding for that project and basically the only thing we need to do now is actually pass the contract and to sign it and then we can go ahead and proceed forward. I'm seeking to pass this as an emergency only because of the fact it is a public health and safety issue and as it states here the City is currently in negotiation with Ohio EPA and the Ohio Attorney General's Office to amend its current sewer consent order. The (inaudible) consent order the Ohio EPA is requiring that the City perform weir adjustments to (inaudible) overflow activation and raising these weirs will reduce the volume of frequency of raw sewage entering the Ohio River during wet weather and the funding for this project will come from DEFA and it requires a signed copy of the attached agreement before they can issue the loans for this project and the negotiations that they are entering into the amended consent order will not move forward until the date this contract will be executed as well. So we have to have that date for the contract in terms of the second (inaudible) consent order with Ohio EPA."

Mrs. Hahn – "What is DEFA?"

Chuck Murphy – "Basically don't ask me to give you the name of the acronym but the bottom line is it's the agency that the City goes too to get the loans. Like we got the loan for the valve projects and basically the secondary (inaudible) project; that's where we go to get those. (All inaudible) a loan as an example."

Mr. Paul – "So you want to sunshine it now?"

Chuck Murphy – "It's a function of Ohio EPA."

Mr. Paul – "You want to sunshine it now?"

Chuck Murphy – "That's what I would like to do if everyone's in agreement."

Mr. Paul – "Is this under Yonk?"

Chuck Murphy – "Yes that will go to Yonk."

Mr. DiLoreto – "Okay I can motion that we sunshine whatever you requested."

Mr. Paul – "Here. You read it."

Mr. DiLoreto – "I got to read the whole thing?"

Mr. Mastros – "Just the top."

Mr. DiLoreto – "Just the top?"

Chuck Murphy – "Mr. Dolak has helped over here looking it up its Division Environmental Financial Assistance."

Mr. DiLoreto – "An ordinance authorizing and directing the City Manager to sign an agreement with HDR Engineering, Inc. for the CSO weir height adjustment project and declaring an emergency. Okay Chuck?"

Chuck Murphy – "Thank you sir."

Mr. DiLoreto – "You're quite welcome."

Mrs. Hahn – “I just have one question for the Law Director. I wanted to ask where we are in writing up the trust agreement which we failed to do years ago and is really an important part of our; anything at all with the landfill and...”

Mr. Mastros – “I have not made progress on that just yet. I have it. I have a draft from a model I should say I was given by the Ohio Attorney General’s Office. As I mentioned the last time I read it (all inaudible from coughing) together yet but it’s on my desk so (all inaudible) right now. Mayor I have another report.”

Mayor Barilla – “Okay Mr. Mastros.”

Mr. Mastros – “Thank you. Last couple reports I have mentioned I need to brief you on the OPEC lawsuit; I need to brief you tonight. I’m going to ask that we go into executive session pending litigation of the OPEC lawsuit. I’m going to also ask that we go into executive session for personnel matters one will be the Law Director’s office; my secretary and I think Mr. Mavromatis wanted to go in on; we still going on Police?”

Mr. Mavromatis – “Yes.”

Mr. Mastros – “And Police personnel as well. It will not be long. I won’t test your patience but I do have to brief you because it’s important and we’re getting close to some finalization in part of the lawsuit. A part of (all inaudible) is going to come and we’re going to need to act quickly. So I wanted to ask that we go into executive session (all inaudible from coughing).”

Mr. Paul – “Okay so what three do you have?”

Mr. Mastros – “Pending litigation.”

Mr. Paul – “Okay wait a minute. First of all I’d make a motion that we go into pending litigation against OPEC (all inaudible) litigation.”

Mr. Mastros – “Personnel for the Law Director.”

Mr. Paul – “Second one is personnel for the Law Director’s office.”

Mr. Mastros – “And police.”

Mr. Paul – “And police. (Inaudible) Police Department?”

Mr. Mastros – “Yes sir.”

Mr. Paul – “Okay.”

*Mr. Paul made a motion to go into executive session following public forum about pending litigation with OPEC; personnel with the Law Director’s office (secretary); Police personnel. Second by Mr. Villamagna. Roll Call. All ayes. So moved motion carried declared Mayor Barilla.

Mr. Villamagna – “Mayor Question for Costa.”

Mr. Mastros – “Yes sir.”

Mr. Villamagna – “I had it written down but I must of left it on the kitchen table when I left the house. If you would look at that section in that garbage I think it’s 17 if I remember right.”

Mr. Mastros – “The garbage ordinance?”

Mr. Villamagna – “Yeah do you have it in front of you?”

Mr. Mastros – “Yes.”

Mr. Villamagna – “I don’t know (all inaudible). I’m sorry 16 Costa. The ordinance says replacement of the cans placed on the curb for collection not more than 16 hours; all containers from the; shall fail to return all containers from the curb within the same day. A clarification on from the curb. It was brought to my attention by a citizen today; here’s the curb; if I take it from the curb to here I’m in compliance with that ordinance.”

Mr. Paul – “How about out of sight?”

Mr. Villamagna – “Yeah can you look at that?”

Mr. Mastros – “Yeah.”

Mr. Villamagna – “Check it out a little bit because the other one said the premises well the premises means the whole thing. Me; the City Manager and myself we talked about that and the premises means (all inaudible from coughing). If you want them sitting in the front yard in the street; I don’t think so.”

Mr. Mastros – “Okay.”

Mr. Dressel – “Can I?”

Mr. Mastros – “Yes sir.”

Mr. Villamagna – “And I had it written down some place.”

Mayor Barilla – “Mr. Dressel.”

Mr. Dressel – “I’ll follow up on that. I’m not quite sure why it is the way it is because Bernie and I discussed; we have two situations one where they’re in the front yards clearly they need to be moved (all inaudible from coughing). That’s an issue; it’s also been a street issue with snow plowing. The other issue is people that only have alleys (inaudible) they don’t have anywhere to put them because there’s nowhere to put them so in that case we agreed they can stay in the alley but they still need to be pulled back away from the end of the road. So we actually had it worded that way and that wording disappeared and the word curb was inserted.”

Mr. Mastros – “So there’s a draft somewhere.”

Mr. Dressel – “Yeah there is so I’m not sure if that just got missed or what but that would clarify that; I think we should be very specific as to what we mean so people aren’t confused.”

Mr. Mastros – “Let me get with Bernie.”

Mr. Dressel – “Yeah.”

Mr. Mastros – “To see about that draft and I’ll get with Bernie to get with you to address those issues.”

Mr. Dressel – “And because Dave is still working on the analysis for the dumpster service we have a week or so before we can introduce it anyways so.”

Mr. Villamagna – “Thank you Costa.”

Mr. Mastros – “Yes sir.”

MISCELLANEOUS REPORTS

Mayor Barilla – “We’ll now move onto miscellaneous reports and I believe Mr. Timmons has signed in for this evening. Mr. Timmons?”

Mr. Timmons – “Yes I was at the Hilltop CDC meeting last week. Do we have any update on the trash bins that they requested for the?”

Bob Baird – “They’re actually due momentarily.”

Mr. Timmons – “Okay.”

Bob Baird – “Yeah we were expecting them within this (all inaudible from coughing) 28th right around now.”

Mr. Timmons – “Okay.”

Bob Baird – “They’re not here at the moment but we expect them at any time.”

Mr. Timmons – “Okay I can update them thank you. And then also a couple citizens called about violations and speeding around Pugliese East after school so if we can maybe patrol that a little for the next few days just because they said there’s speeding; there’s kids walking around there. Downtown.”

Unknown – “Downtown.”

Mayor Barilla – “That’s Wells isn’t it downtown?”

Mr. Villamagna – “No that’s Pugliese East right?”

Mr. Mavromatis – “Garfield they call it Pugliese East.”

Mr. Timmons – “Yeah that one. That’s the one.”

Mr. Mavromatis – “Is it specifically on the main road going in there?”

Mr. Timmons – “Yes.”

Mr. Paul – “Even Harding. I saw someone blow by me 30 mph the other day. I mean that’s Harding; that’s Sunset I mean it’s flashing 20 mph.”

Mr. Mavromatis – “The answer is yes sir.”

Mr. Timmons – “Alright thank you.”

PUBLIC FORUM

Mayor Barilla – “We have no one signing in this evening under public forum so we’re going to ask the audience to leave; Chambers be cleared for the executive session.

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 Barilla.

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____
MAYOR