

## **REGULAR MEETING**

**January 9, 2019**

**Struthers, Ohio 44471**

The Regular Meeting of the Council of the City of Struthers, Ohio, was held on Wednesday, January 9, 2019 at 7:00 p.m. in Council Chambers with the following members present at Roll Call: Bayus, Bigley, Burnside, Carcelli, Fire, Patrick, Rudzik.

President of Council, Henry D. Franceschelli, Sr., was present at the Meeting.

President of Council, Henry D. Franceschelli, Sr., asked everyone to stand for the Pledge and for the gentlemen to remove their hats.

Pledge was recited.

President of Council, Henry D. Franceschelli, Sr., thanked everyone for coming this evening.

President of Council, Henry D. Franceschelli, Sr., recognized the invited guest in attendance at the Regular Council Meeting: Mayor Terry P. Stocker, Safety Service Director, Robert (Bob) Norris, Auditor, Christina Bohl/Jackson, Law Director, John N. Zomoida Jr. and Tax Commissioner, James Bertrando. (Judge Dominic Leone and Treasurer, Robert D. Carcelli, III—not Present.) Also present: Police Chief Tim Roddy, Officer Jeremy Kramer, Liter Control, Larry Gillard and Former President of Council and Councilman, Mr. Robert Carcelli.

President of Council, Henry D. Franceschelli, Sr., asked for a motion to dispense with the reading of the minutes and to accept the minutes. Do I have a motion? A second?

Bigley moved seconded Burnside to dispense with the reading of the minutes of 2<sup>nd</sup> Regular Meeting dated December 27, 2018, and Special Meeting Minutes dated January 2, 2019 and accept them as prepared by the Clerk.

Roll Call: Voting yea: Bayus, Bigley, Burnside, Carcelli, Fire, Patrick, Rudzik.  
Motion carried 7-0.

Meeting minutes accepted by 7-0 vote.

### **COMMUNICATIONS (On File)**

- 1. STRUTHERS MUNICIPAL TAX OFFICE MONTHLY REPORT FOR TAX COLLECTIONS FOR DECEMBER 2018 SUBMITTED BY JAMES BERTRANDO, STRUTHERS CITY TAX COMMISSIONER.**
- 2. MAYOR'S REPORT DATED JANUARY 2, 2019 SUBMITTED BY MAYOR TERRY P. STOCKER TITLED 2018 IN REVIEW AND 2019 PREVIEW.**
- 3. MEMO RECEIVED FROM MAYOR TERRY P. STOCKER REGARDING BUDGET DATED JANUARY 4, 2019.**

President of Council, Henry D. Franceschelli, Sr., asked for a motion to receive and file communications.

Carcelli motioned seconded by Fire to receive and file said communications.  
Roll Call: Voting Yea: Bayus, Bigley, Burnside, Carcelli, Fire, Patrick, Rudzik.  
Motion Carried 7-0.

Communications accepted and filed by 7-0 vote.

## **MAYOR'S REPORT (On Audio & On File)**

Mayor was present at the meeting and read said report 2018 In Review & 2019 Preview dated January 2, 2019 for Council this evening. Mayor's Report 2018 In Review: 1) Financial Review, 2) Street Improvements and 3) Capital Equipment and Construction Projects. Mayor's Report 2019 Preview: 1) Struthers Dam, 2) State Routes Resurfacing, 3) Local Paving, 4) New 911 Technology and 5) Some Other Areas the City will Further Pursue or Address in 2019. (Report on file)

There were no remarks or comments for the Mayor.

## **REPORT OF STANDING COMMITTEES (On Audio) January 16, 2019**

Michael S. Patrick, Chairman of Annexation, Zoning & Industrial Business Committee scheduled a meeting for Wednesday, January 16, 2019 at 6:15 p.m. in Council Caucus Room. The purpose of the meeting is to discuss the proposed Landlord Registration Ordinance and to speak with Tricia D'Avignon, Boardman Assistant Director of Zoning and Development. (Called for during the Regular Meeting of Council.)

Robert D. Burnside, Chairman of the Finance & Legislation Committee scheduled a meeting for Wednesday, January 16, 2019 at 6:30 p.m. in Council Caucus Room. The purpose of the meeting is to discuss pending Legislation. (Called for during the Regular Meeting of Council.)

## **ANYONE WISHING TO ADDRESS COUNCIL ON PENDING LEGISLATION**

There were no remarks or comments under Addressing Council on Pending Legislation.

## **LEGISLATION**

### **19-001**

#### **AN ORDINANCE AUTHORIZING THE MAYOR AND SAFETY SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH MS CONSULTANTS, INC. FOR ENGINEERING SERVICES FOR CALENDAR YEAR 2019 AND DECLARING AN EMERGENCY.**

Rudzik moved seconded by Bigley that the rules of Council be suspended and the ordinance be placed upon its passage.

Roll Call: Voting Yea: Bayus, Bigley, Burnside, Carcelli, Fire, Patrick, Rudzik.

#### **Remarks:**

Mr. Michael S. Patrick stated that he is going to go along with this because he doesn't want to hurt the City with all the grant work projects we have going with MS Consultants. I really hope that this does not hurt us and we get egg all over our face.

Rudzik moved seconded by Bigley that the ordinance be passed as read.

Roll Call: Voting Yea: Bayus, Bigley, Burnside, Carcelli, Fire, Patrick, Rudzik.

No Remarks.

Motion Carried 7-0.

Legislation passed by 7-0 vote.

### **19-002**

#### **AN ORDINANCE ADOPTING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF STRUTHERS AND THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION, HEREINAFTER "OPBA," EFFECTIVE JANUARY 1, 2019, THROUGH DECEMBER 31, 2021, AND DECLARING AN EMERGENCY.**

Burnside moved seconded by Fire that the rules of Council be suspended and the ordinance be placed upon its passage.

Roll Call: Voting Yea: Bayus, Bigley, Burnside, Carcelli, Fire, Patrick, Rudzik.

No Remarks.

Burnside moved seconded by Fire that the ordinance be passed as read.

Roll Call: Voting Yea: Bayus, Bigley, Burnside, Carcelli, Fire, Patrick, Rudzik.

No Remarks.

Motion Carried 7-0.

Legislation passed by 7-0 vote.

**19-003**

**AN ORDINANCE AUTHORIZING THE BOARD OF CONTROL TO ENTER INTO A REAL PROPERTY TRANSFER AGREEMENT WITH DANIEL H. BECKER, TRUSTEE OF THE DANIEL H. BECKER REVOCABLE TRUST DATED AUGUST 18, 1997, FOR THE REAL PROPERTY LOCATED AT 238 ELM STREET, AND DECLARING AN EMERGENCY.**

Patrick moved seconded by Bigley that the rules of Council be suspended and the ordinance be placed upon its passage.

Roll Call: Voting Yea: Bayus, Bigley, Burnside, Carcelli, Fire, Patrick, Rudzik.

**Remarks: (On Audio)**

Mr. Michael S. Patrick stated that he is glad to see that there is concrete movement in replacing the main Fire Station that has been needed for a long time. He spoke at length and gave some history about the main Fire Station. He said this is a great first step and wanted to thank Council, Mayor Stocker and Mr. John Zomoida for making this happen to move this forward. Thank you!

Mr. Dallas Bigley thanked Council and the Administration for all the time that was put into this to make sure this wasn't going to be a liability on the City by signing the MOU to accept the donation.

Mr. Richard S. Bayus stated that he thinks that the Firemen will respect all of us for doing this because it is going to give them better living conditions with the New Station. Good job Council.

Patrick moved seconded by Bigley that the ordinance be passed as read.

Roll Call: Voting Yea: Bayus, Bigley, Burnside, Carcelli, Fire, Patrick, Rudzik.

No Remarks.

Motion Carried 7-0.

Legislation passed by 7-0 vote.

**UNFINISHED BUSINESS**

There were no remarks or comments under Unfinished Business.

**NEW BUSINESS**

There were no remarks or comments under New Business.

**REPORT OF LAW DIRECTOR (On Audio & On File)**

Law Director, John N. Zomoida, Jr. was present at the meeting and read said Annual Report for Council that is dated January 9, 2019 in its entirety. Annual Report is divided into the following sections:

- A.) Business of the Law Department during 2018
- B.) Monies collected by the Director of Law during 2018
- C.) Other Matters relating to good government and welfare of the City of Struthers

**Remarks/Comments for the Law Director: (On Audio)**

Mr. Anthony C. Fire, Mr. Richard S. Bayus, Mr. Michael S. Patrick, Mr. Joseph N. Rudzik, Mr. Robert D. Burnside, Mr. Dallas A. Bigley and Mr. Ronald A. Carcelli made comments stating that Mr. John Zomoida Jr. is an asset to the City and thanked him for the great job that he is doing for the City of Struthers and they all thanked him for answering any questions that Council may have with all his legal knowledge.

## **REPORT OF AUDITOR**

Auditor Christina Bohl was not present at the meeting and had no said report for Council this evening.

There were no remarks or comments for the Auditor.

## **REPORT OF SAFETY SERVICE DIRECTOR (On Audio)**

Safety Service Director was present at the meeting and had no said report for Council this evening.

There were no remarks or comments for the Safety Service Director.

## **ADDRESSING OF COUNCIL (On Audio – Audio hard to hear)**

**(On Audio - These minutes are a summarization of the Regular Meeting and not verbatim.)**

Mr. Robert (Bob) Carcelli, 409 Edison, Struthers, Ohio 44471. He wanted to address the Council body. He stated that he asked Council a few weeks back for the General Improvements Committee call for a meeting to discuss the Permissive Auto Tax money and the Bond Issue money for the streets that are paved under those funds be assessed and inspected and recommended by our Street Working Foreman rather than pay a consultant to do it. He went on to say his second question/concern was on Landlord Tenant Registration Ordinance and he is hoping that this Ordinance sees some drastic changes. He feels that it is time to tighten up a lot of language in that Ordinance. He stated that Council builds Ordinances and that it is time that the Law Director get actively involved along with inviting our City Judge for his recommendations to the Ordinance and what he feels that can be enforced. He stated that he has said before that it is time to put a full-time enforcement officer in to inspect these rental properties. He spoke at length on an article that was in the paper that said the City of Struthers is at 50% rental properties. He stated that at the last Council Meeting a councilman stated that it was not at 50%. Well if it was in the paper then why was that not retracted, because it was not true? The problems and concerns in Struthers is people are buying properties here in Struthers and they are not buying property to live in they are buying property to rent them out. He said it is time to sit on these people and we bring out a piece of Legislation that is different than other communities. Struthers use to be a beautiful place to live and raise a family and he would like to keep it that way for his kids and grandkids and the rest of the people in the community. There has to be drastic changes in the occupancy permits and occupancy ordinance along with the Landlord Tenant Registration Ordinance. I think Council should take this very seriously and the Law Director has to be on point and he is recommending that the Judge be invited in to give his input and recommendations for the Ordinance, since some of the people will be coming before him in court live in some of the places that are being rented to here in the City as well as some of the people that the renters bring with them to the City that are not paying city income tax. This Council body has the power to do what you want to do by law by Ordinance. They build the Ordinance and the Administration is here to enforce what you build. It isn't the Administration telling you what they want. It is what Council feels; they want in order to make things right for the people in this community. He wanted to thank Council and the Administration for seeing that Edison Street is going to be paved from Youngstown-Poland Road to 5<sup>th</sup> Street that was a major concern he had. He then brought up the fact that the Mayor talked about CASTLO that was close to his heart and why it was formed. He spoke at length on the matter.

Mr. Dallas A. Bigley called for a point-of-order. He stated that CASTLO is a private business.

Mr. Carcelli stated that it is a private business but it affects the Community of Struthers.

Mr. Bigley stated that he agrees with Mr. Carcelli, but you don't have any barring.

Mr. Carcelli talked over Mr. Bigley and said that he had the floor. I have the floor.

Mr. Bigley stated not now you don't, because I called for a point-of-order.

Mr. Carcelli said ok. Go ahead.

Mr. Bigley said you do know how this works right.

Mr. Carcelli stated yes. He knows how it works.

Mr. Bigley said that it is a private business and we don't have a barring in CASTLO.

Mr. Carcelli said you don't have a barring. I hate to break it to you but your Mayor sits on the CASTLO Board. Ok.

Mr. Bigley said ok.

Mr. Carcelli said so you do have a barring.

Mr. Bigley said I don't understand what you want us to do with that.

Mr. Carcelli said wait, wait wait! You do have a barring.

Mr. Fire called for a point-of-order. There should not be an argument going on. He made a statement and he made a statement and that is it. They shouldn't be going back and forth like this, while they are talking over each other. They kept going back and forth while Mr. Fire was talking. Fire stated that he is not going to sit here and listen to this.

Mr. Carcelli said you're not going to sit here and do what? Then go home!

Mr. Bigley said that CASTLO does good things for this community.

Mr. Carcelli said they do? Ok, they do!

President of Council, Henry D. Franceschelli, Sr. pounded the gavel and said that is it. He said that is it. That is it!

Mr. Carcelli and Mr. Bigley kept speaking out loud.

President of Council, Henry D. Franceschelli Sr. said Mr. Carcelli.

Mr. Carcelli stated that he will be meeting with Mayor Stocking to address his concerns with the press, Vindy representative and news present and that he will be asking for records and will be requesting such records through the Auditor's Office, Mayor's Office, as well as, the Clerk of Council's Office.

Mr. Anthony C. Fire wanted to make some comments and didn't want to debate anything here on the floor, but he wanted to say why he didn't call for a General Improvement Committee when Mr. Carcelli suggested for one. He spoke at length on how the roads are done in great detail.

Mr. Dallas Bigley wanted to add to what Mr. Fire was saying. He said that MS Consultants are ODOT Certified that helps aid in the process of the point system that helps secure grants the Mr. Tim Daly can't do.

Mr. Robert Carcelli made comments with regards to the roads being inspected and recommended. I know all about Federal and State Grants believe me.

**President of Council, Henry D. Franceschelli, Sr., announced the Committee Meetings scheduled for Wednesday, January 16, 2019 is as follows:**

Annexation, Zoning & Industrial Business Committee Meeting at 6:15 p.m. The purpose is to discuss proposed Landlord Registration Ordinance.

Finance & Legislation Committee Meeting at 6:30 p.m. The purpose of the meeting is to discuss pending Legislation.

**ADJOURNMENT**

Bayus moved seconded by Fire that the meeting be adjourned.

Roll Call: Voting yea: Bayus, Bigley, Burnside, Carcelli, Fire, Patrick, Rudzik.

Motion Carried 7-0.

President of Council, Henry D. Franceschelli, Sr., declared the meeting be adjourned and thanks for coming.

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CLERK OF COUNCIL

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PRESIDENT OF COUNCIL