

**SPECIAL MEETING
July 16, 2020
Struthers, Ohio 44471**

The Special Meeting of the Council of the City of Struthers, Ohio was held on Thursday, July 16, 2020 at 5:00 p.m. in Mayor's Office (GoToMeeting) with the following members present at Roll Call: Baluck (absent), Bayus, Bigley, Burnside, Carcelli (on phone), Greenwood, Pingley.

President of Council Pro Tem, Robert D. Burnside was present at the Special Meeting.

President of Council Pro Tem, Robert D. Burnside asked everyone to stand for the Pledge and for the gentlemen to remove their hats.

Pledge was recited.

President of Council Pro Tem, Robert D. Burnside recognized the invited guest in attendance at the Special Meeting: Mayor Catherine Cercone Miller, Safety Service Director. Tim Daley, and Law Director, John N. Zomoida Jr. (Auditor, Christina Bohl, Tax Commissioner, Ryan Rogalski and Treasurer, Robert D. Carcelli, III—not present).

President of Council Pro Tem, Robert D. Burnside, asked the clerk to read the call of the Special Meeting.

CALL OF THE SPECIAL MEETING LETTER: (On File)

President of Council Pro Tem
Robert D. Burnside

City of Struthers
Municipal Building
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Councilman-At-Large
James E. Baluck
Dallas A. Bigley
Megan L. Pingley

Clerk of Council
Megan R. Shorthouse
Ext. 125

First Ward Councilwoman
Lori A. Greenwood
Second Ward Councilman
Ronald A. Carcelli
Third Ward Councilman
Robert D. Burnside
Fourth Ward Councilman
Richard S. Bayus

July 15, 2020

All Members of Council &
Administration
6 Elm Street
Struthers, OH 44471

Dear Honorable Members of Council & Administration:

We are scheduling a Special Meeting of Council on **Thursday, July 16, 2020 at 5:00 P.M.** in Mayor's Office ("GoToMeeting"). This meeting is called for the purpose of the following:

- **A RESOLUTION REGARDING WHETHER THE CURRENT ACCOMMODATIONS OF THE STRUTHERS MUNICIPAL COURT ARE SUITABLE TO THE EXTENT THAT THE STRUTHERS MUNICIPAL COURT HAS SUFFICIENT SPACE FOR ITS OPERATIONS AND DECLARING AN EMERGENCY.**

Your attendance is required and will be greatly appreciated.

Sincerely,

Dallas A. Bigley
Dallas A. Bigley, Councilman-At-Large

Megan L. Pingley
Megan L. Pingley, Council-At-Large

Ronald A. Carcelli
Ronald A. Carcelli, 2nd Ward Councilman

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/268255077>

You can also dial in using your phone.

United States: [+1 \(872\) 240-3412](tel:+18722403412)

Access Code: 268-255-077

DAB/mrs

Cc: File, Members of Council, Mayor, S.S.D., Judge Leone, Auditor, Law Director, Treasure, and News Media.

President of Council Pro Tem, Mr. Robert D. Burnside asked the Finance & Legislation Committee to bring the said piece of Legislation out so that we can vote on it.

Bigley moved to bring it out and seconded by Burnside.

Roll Call: Voting Yea: Baluck (absent), Bayus, Bigley, Burnside, Carcelli (on phone), Greenwood, Pingley.

No remarks.

Motion Carried 6-0.

Legislation to be brought out for vote by 6-0 Vote.

President of Council Pro Tem, Mr. Robert D. Burnside asked the clerk to read the one (1) piece of legislation.

LEGISLATION

20-021

A RESOLUTION REGARDING WHETHER THE CURRENT ACCOMMODATIONS OF THE STRUTHERS MUNICIPAL COURT ARE SUITABLE TO THE EXTENT THAT THE STRUTHERS MUNICIPAL COURT HAS SUFFICIENT SPACE FOR ITS OPERATIONS AND DECLARING AN EMERGENCY.

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

Roll Call: Voting Yea: Baluck (absent), Bayus, Bigley, Burnside, Carcelli (on phone), Greenwood, Pingley.

Remarks/Comments:

Mr. Dallas A. Bigley stated that how we got to this point, which was we thought prior to this that the S.S.D. was responsible for the building and grounds so we didn't think this was our issue, however since Council is responsible for accommodating the Court with what it needs this is how it came to us. Correct? So that is how we are here voting on it tonight.

Mr. John N. Zomoida (Law Director) stated that he apologizes for not properly explaining everything at the last Special Meeting of Council where the Judge felt that this was more an Administrative issue than it was a legislative issue. He said that he respectfully disagrees with the Judge then and still do. He went on to inform Council of Ohio Revised Code 1901.36 stating that it's the legislative authorities responsibilities to provide the Court with suitable accommodations. There is nothing in the Revised Code that requires the Administration to provide suitable accommodations. The Judge has asked for his room by doing so he is essentially saying his accommodations as they currently exists are not suitable for court operation. A suitable accommodation is just not the budget. A suitable accommodation is space. It is not the responsibility or his responsibility to provide the court with suitable accommodations. It's not the Mayor's responsibility to provide the court with suitable accommodations. He went on to say that he was ok to with giving up the room for the sake of keeping peace in the city. I just needed to know where he was going to be able to put his things that wouldn't all fit in the remaining half of his office, but giving the Judge's lack of communication and overall aggressive attitude the consensus that he was getting back from not only the Administration, but from Council was that I shouldn't give the room up. That is not necessarily his decision to make because if this Council would have found that the accommodations aren't suitable then something would've needed to have been done. If Council finds the accommodations as they currently exists are suitable then he (the Court) is not entitled to anything. Now, Can he still have it even if the accommodations are suitable??? Sure, that would require not only his approval but would also need to get the approval of the Safety Service Director. When the Judge doesn't get what he wants, his (Law Director) expectation is that there is going to be an order put down requiring us or someone to turn over that room. When we don't

comply with that order then there is going to be a contempt sanction that's going to be in public. His guess is that unless the Judge listens to this and reviews the law. His guess is that it will probably be against himself or the Safety Service Director at first. We would fight that on the basis that we don't owe them anything. Then it would ultimately be Council's head that would be on the line as a contempt motion, so an addition to that there is a lawsuit that is filed. I am ok with standing firm if that....

Mr. Dallas A. Bigley cut in and stated, "You are our Legal Counsel, right!" Correct??

Mr. John N. Zomoida stated that is correct!

Mr. Dallas A. Bigley stated that we refer to you for everything. We ask you for your opinion and as our legal Counsel we would be doing ourselves a disservice by not listening because you know far more than us. We would do such a disservice by not listening to you and what you have to say because you know the laws way better than we as council as a whole. In this matter, I listen to what you have to say and what you think is our best route.

Mr. John N. Zomoida stated that he appreciates you saying that and again I understand why it was confusing because a lot of you thought you all were just responsible for the Budget. Not necessarily for the allocation of space. Adding on to what he was saying, should the Judge proceed with his threat to sue the City. God knows how much money that would cost that City and I don't want to be the only one standing their having the fingers pointed at me because I didn't give up the room. So I was asking Council to get out there on the limb with me and acknowledge that whether or not the Court has suitable accommodations so that the Administration has somewhere to go. If you find he doesn't then so be it!

Mr. Dallas A. Bigley asked a question regarding this? He asked Mr. John N. Zomoida if we deemed the space suitable accommodations but the issues where the Judge complained about electrical and other issues are building and grounds issues more than they are accommodation issues for City Council. Is that correct?

Mr. John N. Zomoida stated that he doesn't know if he necessarily agrees with that entirely because again there is nothing. He said that Council would be responsible for putting pressure on if those issues were a genuine concern. It would be Council's responsibility to put pressure on the Administration to get those items fixed for the court. Again, there is nothing in the Revised Code that obligates the Executive Branch of Government to do anything, as far as, providing accommodations for the court. Every single lawsuit that has been filed by Municipal Judge asking for money, or space has been filed under section 1901.36. Now, a lot of those cases have been filed against Mayor's and Council. He cited the Youngstown City Case for an example was filed against Youngstown City Council and Mayor Jay Williams. Youngstown Came in and asked for the Mayor to get out because no responsibility in it. So, If Council finds that the other issues that the Judge is complaining about and reinder his Court not suitable then Council's would be the one ultimately be on the hook as far as the Judge taking action so Council would have to be the ones I would imagine putting the pressure on the Administration to fix those problems.

Mayor Catherine Cercone Miller: Can I interject on this??

Mr. Dallas A. Bigley said that he was going to ask another question.

Mayor Catherine Cercone Miller said go ahead.

Mr. Dallas A. Bigley stated that it has only been two days since we had a Meeting on Tuesday and we were just basically made aware of these things and prior to that it was only Saturday that he has a text message from the Judge with his list of complaints. So from Saturday until Tuesday and now we are at Thursday. Can the Administration whether it is Mayor Cat Cercone Miller or Mr. Tim Daley bring us up to speed on where we are at currently with the Judge's complaints about the building. Have you been able to make headway, I know that it has only been two days but I don't know if you all have conversed or if any headway on that either.

Mr. Tim Daley, S.S.D., stated that he has met with the Judge and we went around room to room and made note of all the issues that he had and then called an electrical company and they can come here Monday morning at 9:00 a.m. As far as, the ceiling tiles in the courthouse we are getting two bids. One is already in and that will be done as soon as possible. As far as he duct work in there, there is no one that will come clean the duct work because of COVID. He stated that we will clean it the best we can but that will have to wait until duct cleaners can come out.

Mr. Dallas A. Bigley stated that you have reached out and have made headway over two days.

Mr. Tim Daley stated yes!

Mr. Dallas A. Bigley stated that hopefully this will suffice him to move forward on these issues.

Mr. Ronald A. Carcelli stated that he has something to say too.

Mr. Robert D. Burnside said please hold on Mr. Carcelli the Mayor was before you.

Mayor Catherine Cerone Miller stated that since the beginning of the year we have been nothing but accommodating the Judge. Anyone here that knows me knows that we will be more than will to cooperate. We have tried to have a sit down on multiple occasions with him. There is a lack of communication. It seems to us that if it's not what the Judge wants when he wants it then it's not ok. We don't like the fact that we are being threatened with a lawsuit and we don't take well to that. I don't like when someone threatens my City our City. We have tried to sit down with Judge and solve this the mature way, but we have attacked everything on his lists and those are issues that we met about previously that his staff could have taken care of. If he asked us about stuff previously, we would have taken care of it but the ball was in his court. We said whatever you need, we will make it work. There were a couple of bullet points on his demands regarding the panic button, which at one point he wanted it to ring at the Boardman dispatch. Which to us that was the only thing that he brought to the table that she stated didn't make sense and was confused about because a panic button you want someone to respond immediately. He wanted for some reason to ring to Boardman dispatch. That was the only question that she had for him when going through our discussion even that she stated that she reached out to someone a couple months ago coming out to install a panic button. That person then reached out to her saying that they didn't want to overcharge the City. This is the person we would use and that said person has talked with the Judge on three separate occasions and has not received a phone call back from the Judge. On those bullet points everything has been addressed except for the one where she will be getting a letter from that company saying that we reached out but not getting anything back. I know that Council's job to apply pressure, but I will reassure you that we are on top of things and Tim has handled everything very well to this point.

Mr. Dallas A. Bigley stated that he had heard about the panic button going to Boardman. Obviously in a 911 or panic situation you want the closest possible help and with our Police force downstairs in this building. Is there a reason because I haven't heard of any of this? Is there a reason for his wishes to go to Boardman?

Mayor Catherine Cerone Miller said yes! He has some issues with some of the staff that he doesn't trust entirely so he was going to make a mockery of our Struthers Police Department and say that he wants it to go to Boardman, which Boardman Dispatch would just call the Struthers dispatch. A true panic button you want the fastest response.

Mr. Dallas A. Bigley said hence the word panic

Mayor Catherine Cerone Miller said yes! She stated that the Department would be up here in seconds that is not an issue. This was something that confused her about one of his requests. The ball is in his court right now on that one, but other than that we met all of his requests that he has asked for since the beginning of the year and you can ask the Judge's stuff and including the Judge himself. We have been more than accommodating for him and even said whatever you need we will work with him. That is why this is so frustrating for us because the things he brought up about to us on Saturday and sent them to the news and sent them to the Vindicator. She said that she was shocked by it all because we had already been addressing those issues with the Judge.

Mr. Ronald A. Carcelli stated that yesterday he spoke with the former Mayor Stocker. Mr. Stocker informed him that the Judge had electrically work done in the courtroom and even extended and put the cameras out into the hallways and everything. He said that he would like to see if the Auditor could bring in the invoices up to see if we can go back on them for that wiring and stuff like that. (On phone)

Mayor Catherine Cerone Miller stated that she has spoken with Auditor Bohl today because they wanted to see who and when all that work was done because that is what we heard about as well, but because he keeps adding air conditioner units and different things to the electrical outlets it's hard for us to keep up with all the machinery that the court keeps adding

and installing for the court. I know a lot of those electrical issues are created by him and his staff. We have talked to the Auditor about that today.

Mr. Robert D. Burnside stated that he thinks it is a shame that the Judge has resorting to bullying tactics to suing the city over space and he made suggestion on where our Law Director can go and I believe the Judge can go there just as well. He went onto say the Law Director is more of an asset to the City as being our Law Director, our Advisor and our Public Prosecutor and he should stay where he is at when he was elected into office. That office came with it and that is where he should stay.

Everyone was in agreement!

Mr. Dallas A. Bigley stated that he wanted to say something further regarding this matter. He said this was the last thing we need is another black eye on the City for something that could have easily been handled through better communication for a more rational thought process. Struthers could have been out of the news and out of the paper for something negative like it is now. In the future, I hope everybody sees that. We are only making ourselves look bad by airing out our dirty laundry that shouldn't be an issue. He said he found out about the list of issues on Saturday, when the Judge sent him a text and come Tuesday morning we are on the news. Is that adequate time especially having a meeting set for Tuesday night??? It didn't make sense to me and it didn't make sense that this was in the news. It was already on the Agenda for a Meeting to be discussed. This just makes us look bad and it is petty and makes us look foolish. I really hope that this doesn't continue.

Bigley moved seconded by Bayus that the resolution be passed as read.

Roll Call: Voting Yea: Baluck (absent), Bayus, Bigley, Burnside, Carcelli (on phone), Greenwood, Pingley.

No Remarks.

Motion Carried 6-0.

Legislation passed by 6-0 Vote.

Mr. Dallas A. Bigley and Mr. Robert D. Burnside thanked everyone for coming down to the Meeting. Thank you again for your time since this is the second meeting this week over this.

ADJOURNMENT

Bigley moved seconded by Bayus that the special meeting be adjourned.

Roll Call: Voting yea: Baluck (absent), Bayus, Bigley, Burnside, Carcelli (on phone), Greenwood, Pingley.

Motion Carried 6-0.

President of Council Pro Tem, Robert D. Burnside, declared the Special Meeting be adjourned.

Megan R. Shorthouse
CLERK OF COUNCIL

Robert D. Burnside
PRESIDENT OF COUNCIL PRO TEM