

**TUESDAY, OCTOBER 10, 2023
REGULAR MINUTES/JOURNAL**

PLEDGE

ROLL CALL

PRESIDENT OF COUNCIL	MR. REYNALD J. PAOLONE	PRESENT
FIRST WARD COUNCILMAN	MR. KEITH SCHUBERT	PRESENT
SECOND WARD COUNCILMAN	MR. MARK STANDOHAR	PRESENT
THIRD WARD COUNCILMAN	MR. JEFF KAY	ABSENT
FOURTH WARD COUNCILMAN	MR. THOMAS GRUMLEY	PRESENT
COUNCILMAN-AT-LARGE	MS. LILY MARTUCCIO	PRESENT
COUNCILMAN-AT-LARGE	MR. JOHN MOLITERNO	PRESENT
COUNCILMAN-AT-LARGE	MR. SAM ZIRAFI	PRESENT

MOTION SCHUBERT SECOND MOLITERNO TO EXCUSE COUNCILMAN KAY FROM THE MEETING OF OCTOBER 10, 2023.

SCHUBERT 1
STANDOHAR
KAY Absent
GRUMLEY
MARTUCCIO
MOLITERNO 2
ZIRAFI
PASSED 6-0

COMMUNICATIONS

ADDITIONS AND DELETIONS

ACCEPTANCE OF AGENDA

MOTION ZIRAFI SECOND SCHUBERT TO ACCEPT THE AGENDA OF OCTOBER 10, 2023 AS WRITTEN.

SCHUBERT 2
STANDOHAR
KAY Absent
GRUMLEY
MARTUCCIO
MOLITERNO
ZIRAFI 1
MOTION PASSES 6-0

MOTION MARTUCCIO SECOND SCHUBERT TO APPROVE THE MINUTES OF SEPTEMBER 25, 2023 AS WRITTEN.

SCHUBERT 2
STANDOHAR
KAY Absent
GRUMLEY Abstain
MARTUCCIO 1
MOLITERNO
ZIRAFI
MOTION PASSES 5-0

CITIZENS' COMMENTS

Jason Propst, 517 N. St. Clair, Girard, Ohio. Mr. Propst stated that he would like to propose an ordinance. President of Council Paolone stated that Mr. Propst needed to stay behind the wall. Paolone said that he can't propose an ordinance. He can talk to a councilman about proposing an ordinance. Mr. Propst stated

it is petitioned by 10% of the people that voted for the mayor. Paolone said he understands that but he can present it to council and then one of the councilman would have to do that for him. Paolone said Propst can hand his petition to Ms. Martuccio. He is sorry we don't have a sergeant-at-arms tonight. Mr. Propst said there is a petition with the ordinance. He continued, when you guys passed the zoning ordinance pertaining to rvs and boats you failed to comply with section 519.13. You were supposed to allot a budget and create a board of zoning appeals which they failed to do. He said he requested it at the beginning of the year. Have you all since created such a board? President of Council Paolone asked if he was there at the beginning of the year and he responded yes. He said they told him there was no such board. Paolone said they have a board of zoning appeals. Yes they do. Propst said he has the ordinance that is supported by the requisite amount of registered voters that live here in Girard that said that they want this ordinance passed to overturn the original ordinance. Paolone asked Councilwoman Martuccio to give the papers to the clerk. Propst said that all matter of law is required equal opposition as the original ordinance. Paolone said the law director is not there to tell them so they are kind of at a disadvantage. He said when he is done let him know and the mayor will talk to him. Propst said they have had fifteen years to create the board and apparently no such board has been created.

The mayor addressed Mr. Propst and said you are referring to the ordinance as it relates to recreational vehicles? Propst said yes. The mayor continued, first of all we have had a zoning board of appeals for decades so that is in place. Propst said he tried to contact them and they said they didn't have one. The mayor said he didn't know who he contacted. Propst said the mayor, city council. President of Council Paolone addressed Propst and said he had his turn to talk now the mayor is going to talk. The mayor said he didn't contact him. He didn't speak to him about a zoning board of appeals. Propst interrupted the mayor and Paolone said sir. The mayor said the zoning board of appeals has been in place for decades. He couldn't tell him how many years ago. Probably 50-70 years ago it's been in place. That is number one. So that he is incorrect on. Number two the ordinance he is speaking of was changed, he asked Propst 15 years ago? Mr. Propst replied June 28, 2010. Mayor Melfi said at the time that it changed he was skeptical about the change to it. If you looked at the ordinance prior to that one replacing it you will see that no recreational vehicles were allowed on city property at any time. That means all the things we just talked about, boats, rvs, whatever you would consider recreational vehicles. A former councilman convinced council at the time to change that. To be a little more lenient with recreational vehicles as it applies to keeping them during the summer months, between Memorial Day and Labor Day. The mayor said that council went along with that councilman. He was skeptical at the time because he recognized the fact that zoning is so important and sometimes neighbors are not very considerate to other neighbors and you'll see these massive motor homes taking the view of a homeowner completely away. Mayor Melfi said he has to tell him if this would come up for discussion, he would be in favor of only going back and eliminating recreational vehicles and/or boats in the city at all times other than just a few days of supplying a vehicle before a trip or so forth. He said he would be in support of going back. Not even keeping what they have now. Since the law changed they have had a lot of complaints by good neighbors who want a view of their property or the street or the properties up the street or down the street. They don't want to see somebody's recreational vehicle in their view. Especially in the summertime. So it makes sense. The mayor said his instincts when it was changed, at least in his opinion, were correct and that was merely to keep, if you can afford an rv, very nice, you can afford to store it somewhere other than your driveway or worse yet in a yard or what have you or a lot. The mayor said that's his opinion, and he is entitled to his opinion, he has to face the music every day. Mr. Propst tried to interrupt the mayor and the president of council stopped him and said he the mayor has the floor. He is trying to be real nice here. He gave him all of the time he wanted. The mayor is answering him here. Please let him finish and then Paolone will let him talk again. Propst apologized. The mayor continued, they try to keep their neighborhoods, their yards clean. Unfortunately, some folks don't do that with whatever recreational vehicle it is.

Mr. Propst said he believes the mayor is grossly out of touch with the people that live here because everyone he spoke to can't even believe that that is a law in the first place. If it bothers you why do you look at it. It grossly interferes with their freedom and their free use and enjoyment of their personal property because the winter months are the times when you do routine maintenance on your vehicle and if you don't have access to that then you also have to pay someone to do that maintenance. Propst said that people here believe that they should be able to store their own property on their own property. They shouldn't have to go seek other property elsewhere when they already have a perfectly good spot. There are ordinances that prevent you from being junky. There are several ordinances from parking in your yard. I just want you to be able to keep it all the months of the year.

The mayor said he understands what he would like to do he is just saying that the view for other neighbors might not be as pleasing as it is for you and we know this, we see it, we hear about it all the time. Of

course you don't and that's alright. You are entitled to your opinion. In situations like that it is very important to note that city ordinances are a whole lot different than township resolutions. Townships have more property. They have a lot more freedom and a lot less zoning restrictions.

Mr. Propst asked if he could have a list of the zoning board of appeals? Mr. Paolone said he is doing that right now. He is going to give him a phone number and a name and you call this woman. She is off the rest of this week. Her name is Gaye.

The mayor said he just wanted to point something out to him. If you have been cited you can bring that to their attention but they don't make laws. That body right there makes the laws.

Mr. Paolone said call that number aske for Gaye and see when the next board of appeals meeting is. That is his suggestion to do.

Mr. Propst said he did that at the beginning of the year and they told him that there was no such board.

Mr. Paolone said there is such a board. Absolutely. The board is older than him and he is the second oldest one in the room.

REPORTS OF OFFICERS AND DIRECTORS OF THE CITY

MAYOR **JAMES MELFI** **PRESENT**

No report. Mayor Melfi said they have taken title to the theater. It came in last week. Melfi said he met with the architect and they informed him that they might notice that they have a portion of the sidewalk coridored off. They had a report from the artchitect that maybe in the winter they have some façade that could be dangerous but they are going to look at shoring it up. Other than that everything is moving along. They are just waiting to hear from the committee at Eastgate to determine what the percentage is.

COMMENTS:

Councilwoman Martuccio asked if the church was still using the facility? The mayor responded that the church is. He followed up, they missed each other a lot in conversation, but he did finally speak with the husband and they assured him that they are sending their \$800 monthly rent. They pay all utilities.

Councilman Moliterno asked if they actually have a lease? They wouldn't have had it with us yet. The mayor said month to month. City council controls that. The mayor said he hasn't really brought anything to their attention because he figured they aren't going to do anything until the funding and the planning is complete. Moliterno said they have been good tenants.

SAFETY/SERVICE DIRECTOR **JERRY LAMBERT** **ABSENT**

COMMENTS:

LAW DIRECTOR **BRIAN KREN** **ABSENT**

COMMENTS:

AUDITOR **JULIE COGGINS** **PRESENT**

No report.

COMMENTS:

TREASURER **MARK ZUPPO** **ABSENT**

COMMENTS:

FIRE CHIEF **JAMES PETRUZZI** **PRESENT**

Chief Petruzzi said they have 1182 calls to date. Two things. Last week the department attended a live fire training at the Youngtown Air Base. They would like to thank them for the use of their facility. This past Saturday they hosted their fire prevention open house. The chief said he would like to thank everyone that attended and made it a great success.

COMMENTS:

POLICE CHIEF **JOHN NORMAN** **ABSENT**

COMMENTS:

COMMITTEE REPORTS

FINANCES-MOLITERNO-GRUMLEY-ZIRAFI

Councilman Moliterno scheduled a caucus for the finance committee at the next meeting, October 23rd at 6:30 pm. He said they will have the finance committee meeting prior to council and have a chance to take a look at the first nine months of the year. The auditor will have that prepared for them so that they can do a little comparison from the last couple years and see where they are at. Moliterno said he is comfortable they are in a good position but they will have it to look at at that meeting.

COMMENTS:

ECONOMIC DEVELOPMENT-KAY-MARTUCCIO-MOLITERNO

No report.

COMMENTS:

BUILDING & GROUNDS-SCHUBERT-STANDOHAR-KAY

No report.

COMMENTS:

HEALTH & SAFETY -GRUMLEY-MOLITERNO-MARTUCCIO

No report

COMMENTS:

STREETS SIDEWALKS & EMPLOYEE WELFARE-STANDOHAR-KAY-GRUMLEY

No report

COMMENTS:

UTILITIES-ZIRAFI-SCHUBERT-STANDOHAR

No report

COMMENTS:

ZONING-MARTUCCIO-ZIRAFI-SCHUBERT

Councilwoman Martuccio said she wanted to note that she had an addendum to 5181 ordinance tonight.

COMMENTS:

ORDINANCES

51-79

THIRD READING

ORDINANCE DECLARING THE ADOPTION OF THE GIRARD CITY COMPREHENSIVE PLAN INCLUDING RELATED UPDATES BENEFITING THE YOUNGSTOWN AIR RESERVE STATION AND ZONING RECOMMENDATIONS IDENTIFIED DURING THE PLANNING PROCESS; AUTHORIZING ADMINISTRATION AND DEPARTMENT HEADS TO WORK TOWARDS IMPLEMENTATION AND DECLARING AN EMERGENCY.

MOTION MOLITERNO SECOND ZIRAFI FOR PASSAGE OF ORDINANCE 51-79.

SCHUBERT
STANDOHAR
KAY Absent
GRUMLEY
MARTUCCIO
MOLITERNO 1
ZIRAFI 2
MOTION PASSES 6-0

51-81

SECOND READING

AN ORDINANCE REQUIRING SELF-LOCKING DOORS AT ENTRANCEWAYS PROVIDING ACCESS TO BUILDINGS CONTAINING FOUR OR MORE DWELLING UNITS AND DECLARING AN EMERGENCY.

Councilwoman Martuccio said she had an addendum to ordinance 51-81 in section 2, second line shall be provided take out be provided and say shall provide.

President of Council read the new wording and said it didn't sound right. There was discussion regarding the change. Councilwoman Martuccio said she got it from the law director.

Councilman Moliterno said that he would be happy to second the amendment with the provision that the law director cleans it up based on what it wanted to change it to. They know the jist of it. Councilman Grumley said they don't want either in there. They have to be self-closing and self-locking. It is not either/or. You can't have either/or. They want locked doors. There was more discussion regarding this. They agreed it needs to say self locking and self closing.

MOTION MARTUCCIO SECOND MOLITERNO FOR PASSAGE OF AN AMENDMENT TO 51-81 TO REMOVE BE PROVIDED AND ADD PROVIDE AND TAKE OUT THE WORD WITH WITH A QUESTION MARK FOR THE LAW DIRECTOR.

SCHUBERT
STANDOHAR
KAY Absent
GRUMLEY
MARTUCCIO 1
MOLITERNO 2
ZIRAFI
MOTION PASSES 6-0

51-82 **SECOND READING**
AN ORDINANCE ESTABLISHING THE WELLMAN THEATER RENOVATION CAPITAL IMPROVEMENT PROJECT FUND.

MOTION MOLITERNO SECOND SCHUBERT TO SUSPEND THE THIRD READING OF ORDINANCE 51-82.

SCHUBERT 2
STANDOHAR
KAY Absent
GRUMLEY
MARTUCCIO
MOLITERNO 1
ZIRAFI
MOTION PASSES 6-0

MOTION MOLITERNO SECOND SCHUBERT FOR PASSAGE OF ORDINANCE 51-82.

SCHUBERT 2
STANDOHAR
KAY Absent
GRUMLEY
MARTUCCIO
MOLITERNO 1
MOTION 51-82 PASSES 6-0

Councilman Moliterno said he had a comment. They have Bobby here from the Trib. This is basically also to show the people of Girard in conjunction with the administration how serious they are about renovating that facility. Bringing it back to life they way they all want it brought back to life in the middle of the City of Girard as they move forward. It's an important step.

51-83 **SECOND READING**
AN ORDINANCE AMENDING THE COMPENSATION OF THE CITY PROSECUTOR OF THE CITY OF GIRARD, OHIO, AND DECLARING AN EMERGENCY.

NEW LEGISLATION

Councilman Standohar said he had his hand raised during the closure of discussion about 51-83. President of Council Paolone apologized. Standohar said it says \$38,000 with medical benefits. That's not clear if it is single coverage or family coverage. Paolone said that's a good question. Standohar said he wants some clarification. It's only the second reading. Paolone said the clerk has it.

Councilman Zirafi said in conversation with Safety Service Director Lambert today who informed him he wasn't coming. He has with our lawyers who do this for most of their clients, he wants to introduce a resolution accepting a personnel policy and procedure manual which, quite frankly, is a quick reference manual for the employees of the city to go to if there is a contract dispute as well as cover all of the laws that the state has that interact with the city and their employees. It goes over legal notices, family leave

act. It is basically a reference manual but it's basically something that most cities have. We don't. Mr. Lambert would like to have it introduced for legislation.

Councilwoman Martuccio asked if they could look at it.

Councilman Zirafi said they will all be getting copies of it before the next meeting.

Councilman Grumley said they could run it through the health and safety committee.

President of Council said employee welfare. Paolone also said as a reminder, he spoke to the law director today and everything has to be cleaned up by the end of the year because it's the end of a council term.

Councilman Zirafi said there are four more meetings so as long as they have something in place for the first meeting in November for.

MOTION ZIRAFI SECOND MARTUCCIO TO PREPARE LEGISLATION TO ADOPT A PERSONNEL POLICY AND PROCEDURE MANUAL FOR THE CITY OF GIRARD.

SCHUBERT

STANDOHAR

KAY Absent

GRUMLEY

MARTUCCIO 2

MOLITERNO

ZIRAFI 1

MOTION PASSES 6-0

MOTION SCHUBERT SECOND GRUMLEY TO PREPARE LEGISLATION FOR THE STEP 2 FIRE LEVY RENEWAL TO BE PUT ON THE BALLOT.

SCHUBERT 1

STANDOHAR

KAY Absent

GRUMLEY 2

MARTUCCIO

MOLITERNO

ZIRAFI

MOTION PASSES 6-0

MOTION STANDOHAR SECOND MOLITERNO TO PREPARE AN ORDINANCE ESTABLISHING THE CITY OF GIRARD'S HIRING POLICY AND PROCEDURES INCLUDING A PROVISION AGAINST NEPOTISM.

SCHUBERT Yes

STANDOHAR 1 Yes

KAY Absent

GRUMLEY Yes

MARTUCCIO No

Councilwoman Martuccio said she had a question or comment regarding that. She asked if that would be in the personnel policy manual? Would they need an ordinance for that?

Councilman Zirafi said there is a subject on nepotism covered in this manual that they asked for a resolution to provide. There is also a section on nepotism and Ohio has a statute.

Councilwoman Martuccio said it is still a no. She thinks it is overkill.

President of Council Paolone said it is just for preparation.

Councilman Standohar said the law director made it clear in his legal opinion dated October 3, 2023 that despite the fact that there are general provisions, and what she is referring to is an ethics commission code section, that is ethics commission that is a whole separate entity to itself, and he states that many communities across the state have initiated their own provisions and you have to be very narrow and specific on the definition of what a relative is. Other cities engaged in this and he gave several examples of other city's provisions.

MOLITERNO 2 Yes

ZIRAFI

MOTION PASSES 4-1

ADJOURNMENT

MOTION SCHUBERT SECOND ZIRAFI TO ADJOURN THE MEETING OF OCTOBER 10, 2023.

SCHUBERT 1

STANDOHAR

KAY Absent
GRUMLEY
MARTUCCIO
MOLITERNO
ZIRAFI 2
MOTION PASSES 6-0

MONICA URBANIC, CLERK OF COUNCIL

REYNALD PAOLONE, PRESIDENT OF COUNCIL