

**WARREN CITY COUNCIL
SPECIAL MEETING
AUGUST 1, 2016 – 7:30 PM**

OPENING OF MEETING

Mayor Cashman presided over the August 1, 2016 special meeting of Warren City Council in Council Chambers of the Municipal Building and opened the meeting with the Pledge of Allegiance.

ROLL CALL

Members present and responding to roll call were: Mayor Maurice Cashman, Gregory Fraser, Philip Gilbert, Richard Kolcharno, John Lewis, and James A. Zavinski, Sr. Elissa Davis was absent. Members of City Staff present were Mrs. Freenock, Mr. Holtz, Mrs. Leary, Chief Zydonik, and Ms. Stapleford.

RECOGNITION OF VISITORS

Mayor Cashman welcomed all visitors. Present were:

- Pauline Steinmeyer: Citizen observing
- Barbara Lucia: Citizen observing
- Josh Cotton: Times Observer Reporter

ORDINANCE NO. 1876: REFERENDUM QUESTION REGARDING PUBLICATION OF NOTICE REGARDING THE ADOPTION OF ORDINANCES

(Also see 7/18/16 regular meeting minutes)

Mrs. Freenock referenced the July 18, 2016 regular Council meeting at which Council, by a unanimous vote, authorized City Staff to proceed with the development of an ordinance for the placement of a referendum question on the November 2016 General Election ballot pertaining to ordinance publication requirements.

The proposed Charter amendment would provide that a summary of ordinances be published and, in the case of any ordinance which imposes or establishes penalties, the notice shall include a statement that the ordinance imposes or establishes penalties.

Upon motion by Mr. Lewis and second by Mr. Zavinski, Council members present (6) voted unanimously to approve the ordinance providing for the placement of a referendum question on the November 2016 General Election ballot pertaining to the publication of notices regarding the adoption of ordinances.

ORDINANCE NO. 1877: REFERENDUM QUESTION PERTAINING TO A MAJORITY OF COUNCIL

Mrs. Freenock noted that Section 604 of the Home Rule Charter of the City of Warren provides that “no action of Council shall be official unless approved by three (3) or more members.” Additionally, Section 701 of the Charter states, in part, that “final action on ordinances shall be at a lawful meeting of Council and shall be by a favorable vote of three (3) or more members of Council.”

A review of records indicated that in 1990, the number of Council members was increased from five (5) to seven (7). However, the Charter was not amended at that time to also increase the number of votes required for a majority vote. Therefore, in an instance when only four or five Council members are present (which would constitute a quorum), it would be possible that a motion could carry with only three affirmative votes. Hence, it would be possible for action to be taken by the affirmative vote of less than a majority of Council members.

Upon motion by Mr. Lewis and second by Mr. Fraser, Council members present (6) voted unanimously to approve the ordinance providing for the placement of a referendum question on the

November 2016 General Election ballot pertaining to the number of votes required to constitute a majority vote of Council.

ORDINANCE NO. 1878: REFERENDUM QUESTION PERTAINING TO THE FINANCIAL REPORT AND ANNUAL INDEPENDENT AUDIT

(Also see 7/18/16 regular meeting minutes)

Mrs. Freenock indicated that the present Home Rule Charter requirements pertaining to financial reporting require that the financial report and independent annual audit be completed by the last day of the fourth month following the fiscal year being audited, or April 30. Since adoption of the Home Rule Charter, there have been significant changes in reporting requirements, particularly those invoked under the Government Accounting Standards Board (GASB) Statement No. 34, which have significantly increased the amount of time required for completion of the required accounting tasks. Therefore, it has become impossible to meet the April 30 date; a fact which has been recognized by state agencies which require an accounting of the prior fiscal year's activities.

Upon motion by Mr. Kolcharno and second by Mr. Gilbert, Council members present (6) voted unanimously to approve the ordinance providing for the placement of a referendum question on the November 2016 General Election ballot pertaining to the completion date for the financial report and independent annual audit.

SPECIAL MEETING DATE: AUGUST 22, 2016

Mrs. Freenock advised Council that bids for construction of a new Fire Tower to be located on the grounds of the Wastewater Treatment Plant will be opened on August 17. So that the contract may be awarded and construction commence in a timely manner, it was requested that Council meet in special session on August 22.

Upon motion by Mr. Fraser and second by Mr. Lewis, Council members present (6) voted unanimously to set a Special Meeting for August 22, 2016, at 6:00 PM for the purpose of considering the award of a bid for construction of the Fire Department Training Tower.

Secretary's note: The regular monthly meeting of Council was later rescheduled for August 22, 2016 and, therefore, a special meeting was not held.

WIRELESS FACILITY MANAGEMENT DRAFT ORDINANCE

(Also see 7/18/16 regular meeting minutes)

Mrs. Freenock reported that the City is in receipt of a first draft of the proposed ordinance for Wireless Facility Management as prepared by the Cohen Law Group. She noted that it is anticipated that the ordinance will be ready for final action by Council at its October 17 regular meeting.

Mr. Lewis, who noted his ownership of a business which provides internet service, stated his concerns regarding the draft ordinance; particularly the delineation between communications and broadband towers. Mrs. Freenock indicated that she will advise Attorney Cohen of Mr. Lewis' concerns.

Mr. Fraser made the motion to refer the Draft Wireless Facility Management Ordinance to the City Planning Commission for its review and recommendation and to schedule a public hearing pertaining to a Wireless Facility Management Ordinance for Monday, October 17, 2016, at 7:30 PM. The motion was seconded by Mr. Lewis and carried unanimously among the Council members present (6).

ADJOURNMENT

There being no further business to come before Council, Mayor Cashman declared the meeting adjourned.