

June 28, 2021

PROCEEDINGS

Lordstown Village Council Special Meeting

(WHEREAS, the special meeting before the Lordstown Village Council commenced on Monday, June 28, 2021, at 5:30 p.m. and proceedings were as follows:)

MAYOR HILL: I'd like to call the Lordstown Village Special Council meeting to order. Can we have roll call.
MR. BLANK: Mayor Hill?
MAYOR HILL: Present.
MR. BLANK: Mr. Bond?
MR. BOND: Here.
MR. BLANK: Mr. Liming?
MR. LIMING: Here.
MR. BLANK: Mr. Radtka?
MR. RADTKA: Present.
MR. BLANK: Mr. Campbell?
MR. CAMPBELL: Here.
MR. BLANK: Mr. Sheely?
MR. SHEELY: Here.
MR. BLANK: Mr. Reider?
MR. REIDER: Present.
MR. BLANK: Clerk Blank, present.
Solicitor Paul Dutton?
SOLICITOR DUTTON: Present.
MAYOR HILL: I entertain a motion for adoption of the agenda.
MR. RADTKA: So moved.
MR. LIMING: Second.
MAYOR HILL: Moved by Radtka; second by Liming. Comments?
(NO RESPONSE FROM COUNCIL.)
All in favor?
COUNCIL: Aye.
MAYOR HILL: Opposed?
(NO RESPONSE FROM COUNCIL.)

(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

Motion carried.

Purpose of the special meeting: Lordstown Village Council will conduct a special Council meeting to be held at the Administration Building, Council Chambers, on Monday, June 28, 2021, at 5:30 to discuss the following legislation.
Bill?

MR. BLANK: From Board of Public Affairs For Emergency Passage, **AN ORDINANCE REPEALING ORDINANCE NO. 41-2021 WHICH GRANTED WAGE ADJUSTMENTS FOR EMPLOYEES OF THE VILLAGE OF LORDSTOWN BOARD OF PUBLIC AFFAIRS, REINSTATING ORDINANCE NO. 66-2019, AND DECLARING AN EMERGENCY.**
MAYOR HILL: Comments or motions?
MR. BOND: Yes, Mr. Mayor. I was looking at this and I see it's from the Board of Public Affairs asking us to repeal it, but I don't see a Resolution from the Board of Public Affairs asking us to do this. Have you guys asked for us to repeal that?
MR. CAMPBELL: No. No, we did not.

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MR. BOND: Then how can it originate from the Board of Public Affairs?
SOLICITOR DUTTON: It's the identical Ordinance that came from the Board of Public Affairs that you enacted last meeting.

MR. BOND: Seems to me that the repeal of that needs to come from Council. Maybe I'm wrong, but that would be the way—
SOLICITOR DUTTON: No. It's where the original legislation—where the legislation originated. And, in this case, it originated—they were recommending a wage increase. You ratified it based upon my erroneous advice. And then it was brought to my attention and we have an opinion letter. But the form is proper. The form is not improper.

MR. BOND: That is what I'm asking—
SOLICITOR DUTTON: It's your legislation and you are repealing it, and you have the right to repeal it and reconsider it.

MAYOR HILL: Any other motions or comments?
MR. RADTKA: Motion to suspend the rules.
MAYOR HILL: Motion to suspend the rules by Radtka. Is there a second?
MR. REIDER: Second, Mr. Mayor.
MAYOR HILL: Second by Reider. Roll call, please.
MR. BLANK: Mr. Bond?
MR. BOND: Yes.
MR. BLANK: Mr. Campbell?
MR. CAMPBELL: Yes.
MR. BLANK: Mr. Liming?
MR. LIMING: Yes.
MR. BLANK: Mr. Radtka?
MR. RADTKA: Yes.
MR. BLANK: Mr. Reider?
MR. REIDER: Yes.
MR. BLANK: Mr. Sheely?
MR. SHEELY: Yes.

(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR HILL: 6, ayes; 0, nays. Motion carried to suspend the rules. Is there a motion to adopt?
MR. REIDER: So moved, Mr. Mayor.
MAYOR HILL: Moved by Reider. Second?
MR. LIMING: Second.
MAYOR HILL: Second by Liming. Comments?
(NO RESPONSE FROM COUNCIL.)
Roll call.
MR. BLANK: Mr. Sheely?
MR. SHEELY: Yes.
MR. BLANK: Mr. Reider?
MR. REIDER: Yes.
MR. BLANK: Mr. Radtka?
MR. RADTKA: Yes.
MR. BLANK: Mr. Liming?
MR. LIMING: Yes.
MR. BLANK: Mr. Campbell?
MR. CAMPBELL: Yes.
MR. BLANK: Mr. Bond?
MR. BOND: Yes.

(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

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MAYOR HILL: 6, ayes; 0, nays. Motion carried to adopt. Ordinance 45-2021.

MR. BLANK: From Council as a Whole For Emergency Passage, **AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR AND CLERK TO ACCEPT THE BASE BID AND ALTERNATE BID OF CB&I STORAGE TANK SOLUTIONS, LLC, FOR THE STATE ROUTE 45 CORRIDOR IMPROVEMENTS ELEVATED WATER TANK PROJECT AND DECLARING AN EMERGENCY.**

MAYOR HILL: Comments or motions?

MR. RADTKA: Yes, Mr. Mayor, I have a question for Clerk Blank. Did we receive the funds for this yet, Bill?

MR. BLANK: No, we did not. I just checked.

MR. RADTKA: Next question. Mr. Dutton, being that we don't have the funds, can we pass this emergency tonight?

SOLICITOR DUTTON: Well, as you know, you cannot award a contract without having good funds to encumber. And, we've given the Clerk and you an opinion as to what good funds are. And that does not include the letter of credit. So, if we don't have good funds, you cannot award the contract. But, you can enact this legislation. I would suggest that someone, in making the motion to approve this legislation — which authorizes the Village to award the contract, is conditioned upon the Village having good funds. And to enforce that, as part of your motion, you should instruct the Mayor or the Clerk not to sign the legislation for a reasonable period of time until good funds are there. And I would say until a reasonable period of time would be your next regularly scheduled meeting.

MAYOR HILL: Since this hasn't officially been on the floor, I should be able to comment, correct?

SOLICITOR DUTTON: Yes.

MAYOR HILL: Okay. I did get a call from Tom Gallagher, who is the President of Ultium Cells, today. I did send them a letter saying that this contract for the water tank expires tomorrow. He said he did not get the letter. He said he could not do anything without having the numbers faxed, everything that went along with it. I talked to Clerk Blank. He researched. On May 28th they were sent to a gentleman named John—Carl Zarella, who had all the information. I forwarded that information to Tom Gallagher. Tom Gallagher yesterday morning said "I have received the numbers." I did get a call today from Mr. Gallagher—

SOLICITOR DUTTON: You mean Zarella?

MAYOR HILL: No, Mr. Gallagher. I got the call from Mr. Gallagher today, who is the President of Ultium Cells. Due to the fact that they do have another business partner in this, LG Chem, they have been working with LG Chem. However, General Motors did ask for a 30-day extension of the price. The tank company said they would give an extension, however, there would be some stipulations to that extension, which could possibly be a price increase with steel and things like that. I got that from the Village Engineer. Mr. Gallagher said the purpose of his call was the funds will be in the Village coffers by a wire transfer tomorrow. He said if we had to we

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can call him on the phone this evening. He is in town, and he would tell us that. He said the funds would be here. I did talk to Solicitor Dutton. I did talk to Clerk Blank and said could we accept it? And Paul just gave the stipulations for what we could accept it for. And if the funds are there tomorrow, I believe Bill and I will sign the legislation and we'll be going on our way.

SOLICITOR DUTTON: And if the funds aren't there until Wednesday, you sign the legislation on Wednesday and then you notify the contractor. You probably should let the contractor know so that they're not blinded on this thing.

MR. BLANK: CT is working on that—

MAYOR HILL: CT is working on that.

MR. BLANK: Paul, here's the question I have. You say until the 19th of July, which is our next meeting. If they don't have anything in the next three days, we need to have another meeting and just repeal this legislation because obviously they didn't do what they said they were going to do.

SOLICITOR DUTTON: You can do that.

MR. BLANK: And I'll tell you why. Because they're going to increase. That's the increase they're talking about. So, after that, you're going to need new legislation anyway because there's going to be an increase—

SOLICITOR DUTTON: It will be a different bid.

MR. BLANK: Correct.

SOLICITOR DUTTON: If you wish to repeal it, I mean, you can ——

MR. BLANK: I think if they don't get it by the end of the week, we need to do that.

SOLICITOR DUTTON: You can do it by Friday or Monday.

MAYOR HILL: They are aware—

SOLICITOR DUTTON: Monday is a holiday.

MR. BLANK: That's why it should be here tomorrow or no later—

MAYOR HILL: They said it will be tomorrow. So, any other comments or motions on this?

MR. RADTKA: Motion to suspend the rules.

MAYOR HILL: Motion to suspend the rules by Radtka. Second?

MR. REIDER: Second, Mr. Mayor.

MAYOR HILL: Second by Reider. Roll call.

MR. BLANK: Mr. Bond?

MR. BOND: Yes.

MR. BLANK: Mr. Radtka?

MR. RADTKA: Yes.

MR. BLANK: Mr. Campbell?

MR. CAMPBELL: Yes.

MR. BLANK: Mr. Reider?

MR. REIDER: Yes.

MR. BLANK: Mr. Liming?

MR. LIMING: Yes.

MR. BLANK: Mr. Sheely?

MR. SHEELY: Yes.

(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR HILL: 6, ayes; 0, nays. Motion carried to suspend the rules. Is there a motion to adopt?

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MR. BLANK: Ron, are you going to read that into the record about what Paul said?

MR. RADTKA: Yes. I was going to make a motion—

MR. LIMING: Make a motion—

MR. RADTKA: I'll make the motion to accept. But, I'd also like to include that we ask the Clerk and the Mayor not to sign legislation until all the funding is in place through the wire transfer to approve this bid contract.

MR. BOND: Don't you need a deadline of when it needs to be here by?

MR. RADTKA: The deadline would be by the end of this week.

MR. LIMING: Tomorrow?

MAYOR HILL: Tomorrow is the deadline for—

MR. BLANK: Having the money here.

MAYOR HILL: —having the money here.

MR. RADTKA: Right.

MR. BLANK: And—

MR. LIMING: What about the bid?

MR. BLANK: —the bid.

MR. RADTKA: The bid.

MR. LIMING: The bid is tomorrow?

MR. BLANK: Yes. It's the last day.

MR. LIMING: So, if it's here Wednesday—

SOLICITOR DUTTON: The contractor might give you one or two days.

MR. LIMING: I would hope so, but doesn't have to.

SOLICITOR DUTTON: I would say if it's that tight, the drop-dead date would be Friday.

MR. RADTKA: Within 72 hours.

SOLICITOR DUTTON: Yes, 72 hours. Is that all right, Bill?

MR. BLANK: That's fine.

MAYOR HILL: Everybody heard the motion by Mr. Radtka. Is there a second to that motion?

MR. REIDER: Second, Mr. Mayor.

MAYOR HILL: Second by Mr. Reider. Comments or questions on the motion?

(NO RESPONSE FROM COUNCIL.)

This is to adopt. Roll call, please.

MR. BLANK: Mr. Radtka?

MR. RADTKA: Yes.

MR. BLANK: Mr. Bond?

MR. BOND: Yes.

MR. BLANK: Mr. Campbell?

MR. CAMPBELL: Yes.

MR. BLANK: Mr. Reider?

MR. REIDER: Yes.

MR. BLANK: Mr. Liming?

MR. LIMING: Yes.

MR. BLANK: Mr. Sheely?

MR. SHEELY: Yes.

(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR HILL: 6, ayes; 0, nays. Motion carried to adopt. Ordinance 46-2021.

Motion to adjourn?

MR. CAMPBELL: So moved.

MAYOR HILL: Moved by Campbell. Second?

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MR. LIMING: Second.
MAYOR HILL: Second by Liming. Comments?
(NO RESPONSE FROM COUNCIL.)
All in favor?

MR. SULLIVAN: Mr. Mayor?
MAYOR HILL: This is a special meeting. There are no public comments at a special meeting. If you want to talk to Council after the meeting, you can talk to them. But, due to the fact that this is a special meeting and it's only for these two Ordinances, we do not have public comments in a special meeting.

MR. SULLIVAN: We should be able to speak on the legislation that is here, one of the two.

MAYOR HILL: There is nothing on the agenda for me to authorize public remarks.

MR. BOND: How do we determine that? Because some special meetings we have public comments, some we don't.

MAYOR HILL: I don't know.

MR. BLANK: Bob, usually when we have special meetings, it's to pass legislation. I don't remember any that we had that we voted something down.

MR. BOND: Well, sometimes there have been motions to allow people to speak, sometimes there hasn't.

MR. BLANK: Do you want them on every special meeting? Public remarks? I've got no problem with that.

SOLICITOR DUTTON: Your Council rules do not call for public remarks during special meetings. The meeting is limited and restricted to what is on the agenda. However, any member of this Council can make a motion to suspend the rules at the special meeting to include public remarks, and it would require the same vote count to suspend the rules for anything.

MR. BOND: Okay, well, I'd like to make that motion because I think it's important if there's something for people to say, let the Council hear it.

MAYOR HILL: You want to make a motion to suspend the rules for public remarks?

MR. BOND: In this particular case, yes.

MR. LIMING: I'll second it.

MAYOR HILL: Second by Liming. Comments or questions on the motion?
(NO RESPONSE FROM COUNCIL.)
It will take five votes to pass.

SOLICITOR DUTTON: Yes.

MAYOR HILL: Hearing none, roll call.

MR. BLANK: Mr. Bond?

MR. BOND: Yes.

MR. BLANK: Mr. Campbell?

MR. CAMPBELL: No.

MR. BLANK: Mr. Liming?

MR. LIMING: Yes.

MR. BLANK: Mr. Radtka?

MR. RADTKA: Yes.

MR. BLANK: Mr. Reider?

MR. REIDER: No.

MR. BLANK: Mr. Sheely?

MR. SHEELY: Yes.

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(VOTE: 4, AYE; 2, NAY; 0, ABSTAINED.)

MAYOR HILL: 4, ayes; 2, nays. Motion does not carry for that motion.
 Motion to adjourn by Campbell; second by Liming. All in
 favor?
 COUNCIL: Aye.
 MAYOR HILL: Opposed?
 (NO RESPONSE FROM COUNCIL.)

(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

Motion carried. Meeting adjourned.

**(WHEREAS, THE SPECIAL MEETING BEFORE THE VILLAGE OF
 LORDSTOWN COUNCIL ADJOURNED AT 5:45 P.M.)**

_____, Mayor
 _____, Clerk

STATE OF OHIO)
)
 COUNTY OF TRUMBULL)

I, Sharon K. Vigorito, a Notary Public, within and for the State of Ohio, do certify that the foregoing special meeting before the Lordstown Village Council was written in the presence of witnesses and by me transcribed. I further certify that the foregoing is a true and accurate transcript to the best of my abilities.

 Sharon K. Vigorito, Notary Public
 My commission Expires May 9, 2022