

Special Council Meeting

Thursday, March 30, 2023

Mayor Mike Petrella called the meeting to Order.

Roll Call: Bob Merriman present, Jason Mattern absent, Pennie Scarpone present, Carmen DeStefano absent, Randy Spence present Gael Damron present.

Officials: Mayor Mike Petrella present, Fiscal Officer vacant, Administrator Jesse Kosegi present, Solicitor Jake Linn present

Moment of Silence

Pledge of Allegiance

Reading of Minutes

Randy Spence asked for a motion to be appointed as Administrator and or Clerk for this meeting.

Motion by Pennie Scarpone, second by Gael Damron to appoint Randy Spence as Administrator and or Clerk for tonight's meeting

Vote: Bob Merriman yea, Pennie Scarpone yea, Randy Spence yea, Gael Damron yea.

Motion passed 4-0.

Ordinance and/or Resolution

Ordinance 2023-23: An Ordinance providing for amending and revising the Appropriation of Expenditure for the Village of Wintersville for the Calendar Year 2023 and Declaring an Emergency.

Motion by Randy Spence, second by Gael Damron to suspend the rules for the second and third reads.

Vote: Bob Merriman yea, Pennie Scarpone yea, Randy Spence yea, Gael Damron yea.

Motion passed 4-0.

Motion by Pennie Scarpone, second by Bob Merriman to approve Ordinance 2023-23.

Vote: Bob Merriman yea, Pennie Scarpone yea, Randy Spence yea, Gael Damron yea.

Motion passed 4-0

Resolution 2023-24: A Resolution providing for additional estimated Revenue for the Village of Wintersville for the Calendar Year 2023 and Declaring an Emergency.

Motion by Randy Spence, second by Gael Damron to suspend the rules for the second and third reads.

Vote: Bob Merriman yea, Pennie Scarpone yea, Randy Spence yea, Gael Damron yea.

Motion passed 4-0

Motion by Pennie Scarpone, second by Bob Merriman to approve Ordinance 2023-24.

Vote: Bob Merriman yea, Pennie Scarpone yea, Randy Spence yea, Gael Damron yea.

Motion passed 4-0

Resolution 2023-25: A Resolution providing for additional estimated Revenue for the Village of Wintersville for the Calendar Year 2023 and Declaring an Emergency.

Motion by Randy Spence, second by Gael Damron to suspend the rules for the second and third reads.

Vote: Bob Merriman yea, Pennie Scarpone yea, Randy Spence yea, Gael Damron yea.

Motion passed 4-0

Motion by Pennie Scarpone, second by Bob Merriman to approve Ordinance 2023-25.

Vote: Bob Merriman yea, Pennie Scarpone yea, Randy Spence yea, Gael Damron yea.

Motion passed 4-0.

Resolution 2023-26: A resolution providing for additional estimated Revenue for the Village of Wintersville for the Calendar Year 2023 and Declaring an Emergency

Motion by Pennie Scarpone, second by Bob Merriman to suspend the rules for the second and third reads.

Vote: Bob Merriman yea, Pennie Scarpone yea, Randy Spence yea, Gael Damron yea.

Motion passed 4-0.

Motion by Pennie Scarpone, second by Gael Damron to approve Ordinance 2023-26.

Vote: Bob Merriman yea, Pennie Scarpone yea, Randy Spence yea, Gael Damron yea.

Motion passed 4-0.

Ordinance 2023-27: An Ordinance for permanent Appropriations for the Village of Wintersville for the Calendar year 2023 and Declaring an Emergency.

Motion by Randy Spence, second by Gael Damron to suspend the rules for the second and third reads.

Vote: Bob Merriman yea, Pennie Scarpone yea, Randy Spence yea, Gael Damron yea.

Motion passed 4-0

Motion by Pennie Scarpone, second by Bob Merriman to approve Ordinance 2023-27.

Vote: Bob Merriman yea, Pennie Scarpone yea, Randy Spence yea, Gael Damron yea.

Motion passed 4-0.

Jake Linn: Before we adjourn we need to address something. I was looking this up while we're sitting here, I believe to suspend the rules and requiring three reads. We need to have the vote of three fourths of the members, which we don't have present here.

This is under 731.17 passage of Ordinances or resolutions. Each one shall be read on three different days provided the legislative authority may dispense with this rule by a vote of three fourths of its members. We only have 4/6 or we'll have three fourth or 4.5. So we will need five members to suspend the rules. I do think that in my opinion. I could do more research on it, I think we need to have five members here to suspend the rules. So I'm not sure I'm more confident that these are properly passed. You can suspend them with more that three fourths of the members.

I could be reading it the wrong way. But that's the way I'm reading it, so I'm going to bring that up. I am not confident that each resolution shall be read on three different day by legislative authority may dispense by this rule. And we don't have three fourths. Just wanted to bring that up for the record. Emergency is separate from special.

Melanie Smith: Emergencies to file with the County. You haven't done that since 2017. I understand a permanent budget ever since 2017 was the last one. So we're going to try to actually follow it this time.

Pennie Scarpone: Why would be even be able to hold a quorum if we couldn't vote because you always have people that don't show.

Jake Linn: You could pass without four if it was like a third vote or something like that. If you are passing it as an emergency this rule requires three readings. And I'm just reading exactly out of this. Each ordinance resolution shall be read on three different days provided by legislative authority may dispense with the rule of three fourths of its members. Now there could be case law that says the four out of six is that, I didn't know we weren't going to have at least five here tonight and so I not research to see if there's any case law that would be contradictory to that.

Motion by Pennie Scarpone, second by Gael Damron to adjourn

Vote: Bob Merriman yea, Pennie Scarpone yea, Randy Spence yea, Gael Damron yea.

Motion passed 4-0.

Mayor Petrella: Our next regular council meeting will be April 6 2023 at 7pm. Thank you

Disclaimer: These are a draft of the minutes and not deemed official until approved by Council.

Randy Spence

President of Council

Michael W. Petrella

Mayor