

MINUTES
OCTOBER 15, 2014

Niles City Council held its regular meeting on October 15, 2014 at 6:00 p.m. in Council Chambers Safety Service Complex in Niles, Ohio. .

The meeting was called to order by President Robert Marino, and the Clerk, Lori Kuszmaul, called the roll:

Lastic-P, Papalas-P, Giancola-P, McCormick-P, Stredney-P, Merlo-P, Pezzano, P, Marino-P

President Marino: Moved by Papalas, seconded by Giancola to accept the Minutes from October 1, 2014 and place them on file.

Motion carried.

REPORTS AND COMMUNICATIONS

FROM the Auditor's Office

Estimated versus Actual Revenues through September 2014.

Moved by Giancola, seconded by Lastic to accept the report and place it on file.

FROM the Office of Building Inspector

Niles Planning Commission letter recommending the vacation of Charter Alley and N. Carnegie Plat No. 1 and upon approval of Mark Hess as to contingencies vacation of N. Carnegie Plat No. 2.

It was moved by Merlo, seconded by Pezzano to accept the report and place it on file

Motion carried.

FROM the Niles Police Department

Overnight parking permits issued to 8 vehicles.

It was moved by Giancola, seconded by Papalas to accept the letter and place it on file.

Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

(Because of recording difficulties, the Clerk typed from notes taken at council meeting and followed as much of the tape as possible.)

Judy Tursack, Trumbull County Children Services asked that city council support the renewal levy on the ballot November 4, 2014.

David Rosine, 313 Walnut Street, Niles, Ohio. Third ward. Concerned about a resident living in a tent on the corner of Grant and Walnut. The gentlemen has been staying in the tent for about a month. I'm concerned because my daughter catches the school bus there and I'm concerned about the guy using the facilities or whatever his is going to do. I'm just concerned about him putting up a tent on the property. I would like somebody to address that and see if we can't get him out of there.

Mr. Vigorito: I have been up there and he hasn't been there when I go. I know his father. I don't know him personally, but I do know his father and talked to him about getting a message to the son about not being able to put a tent over there. But I haven't been able to catch him over there. I even yelled through the tent. I was told the other day that he had moved, so I left him a note saying he wasn't allowed to live there and now I hear he is back, so I'll be back down there tomorrow.

President Marino: Would anybody else like to address Niles City Council? There being none, council reports.

COUNCIL COMMITTEE REPORTS

Mr. Papalas: Mr. Chairman, we had a roundtable last week in which we discussed several issues that are on the Agenda tonight. I would also like to schedule a roundtable at 1:30 p.m. on Friday so that department heads could discuss any transfers they might need. That will be at City Hall in the first floor conference room.

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. _____ (Draft No. 80-14)

A RESOLUTION AUTHORIZING THE EXTENSION OF THE "AGREEMENT FOR INDIGENT DEFENSE SERVICES IN MUNICIPAL COURT" CONTRACT; AND, DECLARING AN EMERGENCY

It was moved by Papalas, seconded by Lastic for suspension.

YEAS: 7 NAYS: 0

It was moved by Papalas, seconded by Lastic to adopt Draft No. 80-14.

YEAS: 7 NAYS: 0

Draft 80-14 has been adopted on the 15th day of October 2014.

ORDINANCE NO. _____ (Draft No. 81-14)

AN ORDINANCE ESTABLISHING THE ALLOCATION OF ADMINISTRATIVE COSTS TO THE ENGINEERING FUND; REPEALING ALL FORMER ORDINANCES IN CONFLICT THEREWITH; AND, DECLARING AN EMERGENCY

It was moved by Papalas, seconded by Giancola for suspension.

Mr. Papalas: This is the result of a recommendation from the state auditor. It shows the new breakdown from the enterprise accounts that will financially cover the engineer's office.

YEAS: 7 NAYS: 0

It was moved by Papalas, seconded by Pezzano to adopt Draft No. 81-14.

YEAS: 7 NAYS: 0

Draft 81-14 has been adopted on the 15th day of October 2014.

ORDINANCE NO. _____ (Draft No. 82-14)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED PRISONER TRANSPORT FUND TO THE PRISONER TRANSPORT'S CONTRACTED SERVICES ACCOUNT; AND, DECLARING AN EMERGENCY

It was moved by Lastic, seconded by Papalas for suspension.

Mr. McCormick: Will this let us through the end of the year?

Mr. Papalas: Yes.

YEAS: 7 NAYS: 0

It was moved by Papalas, seconded by Giancola to adopt Draft No. 82-14.

YEAS: 7 NAYS: 0

Draft 82-14 has been adopted on the 15th day of October 2014.

ORDINANCE NO. _____ (Draft No. 83-14)

A RESOLUTION AUTHORIZING THE LINE ITEM TRANSFER OF FUNDS FROM THE LIGHT DEPARTMENT'S EQUIPMENT PURCHASE ACCOUNT TO THE LIGHT DEPARTMENT'S CONTRACTED LABOR, IT AND SUPPLIES ACCOUNTS; AND DECLARING AN EMERGENCY

It was moved by Papalas, seconded by Lastic for suspension.

Mr. Papalas: These are all as a result of last week's meeting; transfers within the light department.

YEAS: 7 NAYS: 0

It was moved by Papalas, seconded by Giancola to adopt Draft No. 83-14.

YEAS: 7 NAYS: 0

Draft 83-14 has been adopted on the 15th day of October 2014.

ORDINANCE NO. _____ (Draft No. 84-14)

A RESOLUTION AUTHORIZING AND DIRECTING A FINAL LOAN REPAYMENT FROM THE LIGHT FUND TO THE GENERAL FUND; AND, DECLARING AN EMERGENCY

It was moved by Papalas, seconded by Merlo for suspension.

Mr. Papalas: This is the last of the loan repayment from the light department to the general fund for a million dollars, so it's one of the results of our efforts to get our finances back to where they should be. It is very important to everybody in town that they know we have done this.

Mr. Stredney: What is our covenant amount for AMP Ohio?

Mr. Newbrough: I believe we need 10% unencumbered funds whatever our debt is (inaudible)

Mr. Stredney: By doing this, we won't jeopardize that? Would it jeopardize our covenant agreement with AMP Ohio?

Mr. Newbrough: I'm not aware that it would.

Mr. Papalas: Chuck addressed that. Were you at the meeting?

Mr. Stredney: No.

Mr. Papalas: Well, Chuck was there and we explained what we wanted to do and I think if there was a problem with that, he would have certainly raised the red flag. But thank you for asking.

YEAS: 7 NAYS: 0

It was moved by Merlo, seconded by Lastic to adopt Draft No. 84-14.

YEAS: 7 NAYS: 0

Draft 84-14 has been adopted on the 15th day of October 2014.

ORDINANCE NO. _____ (Draft No. 85-14)

A RESOLUTION AUTHORIZING THE LINE ITEM TRANSFERS OF FUNDS FROM WATER AND SEWER ACCOUNTS TO THE IT ACCOUNT; AND, DECLARING AN EMERGENCY

It was moved by Papalas, seconded by Merlo for suspension.

Mr. Papalas: All these transfers are for our software and so forth, IT account.

YEAS: 7 NAYS: 0

It was moved by Papalas, seconded by Pezzano to adopt Draft No. 85-14.

YEAS: 7 NAYS: 0

Draft 85-14 has been adopted on the 15th day of October 2014.

ORDINANCE NO. _____ (Draft No. 86-14)

A RESOLUTION APPROPRIATING FUNDS FROM THE UNAPPROPRIATED POLICE & FIRE ½% TAX FUND TO THE POLICE EQUIPMENT MAINTENANCE ACCOUNT; AND, DECLARING AN EMERGENCY

It was moved by Merlo, seconded by Papalas for suspension.

Mr. Merlo: This is the last portion of payments due to Emergitech.

YEAS: 7 NAYS: 0

It was moved by Papalas, seconded by Merlo to adopt Draft No. 86-14.

YEAS: 7 NAYS: 0

Draft 86-14 has been adopted on the 15th day of October 2014.

ORDINANCE NO. _____ (Draft No. 87-14)

AN ORDINANCE ACCEPTING AND APPROVING THE CARNEGIE HEIGHTS PLAT NO. 1; AND, DECLARING AN EMERGENCY

It was moved by Lastic, seconded by Papalas for suspension.

Mr. McCormick: I spoke to Mark about this and it looks like we have covered all bases now so that everything is proper.

Mark Hess: Tony and I were approached by Jason Altobelli about this some time ago about putting in some single family housing up on N. Carnegie Avenue. There is some vacant area there. The road is already there, but what is not there is storm water retention and what's not there is sidewalks. So Plat No. 1 is – he built the first house, and Plat No. 2, he is eventually going to have five in addition to the one he already built, so there will be five additional ones.

Jason Altobelli: Five total.

Mark Hess: Ok. So what we require of him is that he put in the sidewalks and storm water retention. So once everything is set (audible) and we can approve both plats, Plat 1 and Plat 2.

YEAS: 7 NAYS: 0

It was moved by Papalas, seconded by Giancola to adopt Draft No. 87-14.

YEAS: 7 NAYS: 0

Draft 87-14 has been adopted on the 15th day of October 2014.

ORDINANCE NO. _____ (Draft No. 88-14)

AN ORDINANCE ACCEPTING AND APPROVING THE CARNEGIE HEIGHTS PLAT NO. 2, SUBJECT TO ENGINEERING DEPARTMENT APPROVAL; AND, DECLARING AN EMERGENCY

It was moved by Merlo, seconded by Pezzano for suspension.

YEAS: 7 NAYS: 0

It was moved by Papalas, seconded by Merlo to adopt Draft No. 88-14.

YEAS: 6 NAYS: 0

Draft 88-14 has been adopted on the 15th day of October 2014.

ORDINANCE NO. _____ (Draft No. 89-14)

A RESOLUTION ADOPTING THE “CITY OF NILES BASIS FOR SELECTION / DISQUALIFICATION FOR HIRING PROCESS” POLICY; AND DECLARING AN EMERGENCY

It was moved by Giancola, seconded by Lastic for suspension.

YEAS: 7 NAYS: 0

It was moved by Giancola, seconded by Lastic to adopt Draft No. 89-14.

YEAS: 7 NAYS: 0

Draft 89-14 has been adopted on the 15th day of October 2014.

ORDINANCE NO. _____ (Draft No. 90-14)

A RESOLUTION INDICATING THE CONSENT OF COUNCIL FOR THE TRUMBULL COUNTY COMMISSIONER TO ENTER INTO AN AGREEMENT WITH J.T. MOTOR CARS, INC., DBA TOYOTA VOLVO JAGUAR OF WARREN, FOR THE ABATEMENT OF REAL PROPERTY TAXES; AND, DECLARING AN EMERGENCY

It was moved by Stredney, seconded by Lastic for suspension.

Mr. Stredney: Mayor, who is in charge of the police or fire for this?

Mayor Infante: Howland.

YEAS: 6 NAYS: 0 ABSTAIN: 1 - Merlo

It was moved by Stredney, seconded by Lastic to adopt Draft No. 90-14.

YEAS: 6 NAYS: 0 ABSTAIN: 1 - Merlo

Draft 90-14 has been adopted on the 15th day of October 2014.

MISCELLANEOUS REMARKS

Mr. McCormick: Mr. Chairman, I would like to make proposal that Niles City Council would pass a resolution or whatever to endorse the Children's Services Levy.

Moved by McCormick, seconded by Lastic for the will of council to support Children's Services levy.

Motion carried.

President Marino: This afternoon, Mr. Papalas, the Mayor, service director and myself did meet with the representative from the State Auditor's office. Sharon Hanrahan will be the chair of our fiscal oversight commission. She explained the process and I concur with what the Mayor is doing with respect to the submission of names (inaudible) to get the ball rolling relative to the status of the oversight commission. Mr. Papalas did ask her about the budget and as far as the budget hearing, do you want to comment on that now?

Mr. Papalas: No.

President Marino: Ok. Steve will explain that process to you when he makes his remarks. I did want you to know that we did meet as to the fiscal oversight commission.

Mayor Infante: We did complete our tire grant program. We collected a total of 1,024 tires. More than last year. We have two tractor trailers.

Mr. Guarino: I just wanted to commend Officer Crank for doing a terrific job on the parking ban. I want to thank him publicly.

Mr. Dull: We are required to have a public hearing on the vacation of Charter Alley. We are also required to have six week notice of the public hearing so I wanted to suggest that we schedule the public hearing for December 3rd, which would be our first meeting in December.

Mr. Giancola: Terry, would it be appropriate to have a couple meetings prior to that and do a reading on it and then the public hearing?

Mr. McCormick: I think we have already given two readings to it.

Mr. Dull: We'll have the meeting at 5:45 before the council meeting.

President Marino: Is everyone ok with that?

Mr. Vigorito: We should have another letter; one for Charter Alley and then the recommendation of Carnegie 1 and Carnegie 2?

Mr. Papalas: They are all on the same letter.

Mr. Vigorito: Ok. I just wanted to make sure.

Mr. Papalas: Mr. Chairman, I just wanted to say that last week at council meeting, the Tribune was not here and yet we saw the onion that we all got in the newspaper last weekend, which again signifies that the Tribune doesn't know what we are doing. I do notice that you are here, but you were late and I hope you know we transferred a million dollars into the general fund from the light department in an effort to get our city's finances back into shape. I know that you didn't write that onion and I feel badly about that, so you can tell that person what I think.

Mr. Harris: I have no say on what the editors write.

Mr. Papalas: I know that.

Mr. Harris: I just want you to like me and work with me.

Mr. Papalas: I do like you. Also, we are going to continue our budget hearings again this year. It is something that we do annually and once again we want to do what we've done for this previous year and that is to strip the budget of all line items except wages and benefits. As department heads need something, they are going to have to present that so we know how they are spending the money. It's going to be a little more work and takes a little more time, but in the end it helps us all understand the budget. So we are going to start the budget meetings and we would like to get it wrapped up. Very quickly. That's it.

Mr. McCormick: I was talking to one of the people in attendance tonight before the meeting and she brought up something that concerned here. She always tries to keep up with her neighborhood online with the police reports and they haven't been on there for some time now. I know we are going through some transition with the computers and things like that, but if there is a light at the end of the tunnel when we might be able to see those once again – I spoke briefly with the chief, but maybe Mr. Merlo may know more about it. Do you know anything more?

Mr. Merlo: On what?

Mr. McCormick: On the police activity appearing online.

Chief Hinton: We are working to get it back online. We have had problems with the software.

Mr. Cormick: I appreciate that.

Mr. Stredney: Chief, what happened to the 911 with Emergitech?

Chief Hinton: What happened?

Mr. Stredney: Yes. The news reported that the 911 computer went down?

Chief Hinton: Actually it was a non-news incident. The computer went down last month and it was non-news event. It goes down sometimes an hour or so during the week. When it does go down, we have a back-up. It happens to the computers, they go down. (Inaudible)

Mr. Stredney: We do have back-ups?

Chief Hinton: Yes. We do have back-ups in place.

Mr. Stredney: Also, I wanted to know if the state auditors are going to help with (inaudible)

President Marino: Great question, Ed. Steve did pose that question to the auditors when we met with them earlier.

Mr. Papalas: They told us to go ahead as if they weren't here. And really they want to give us, the Mayor, Chuck and Treasurer concerning the budget, a great deal of help if we need it, if the Mayor wants it with negotiations. So by the time we got done I felt like these people were going to be working beside us. Like what we went through in 1984 -85, these people seem very willing to help us and I think we are going to be fine. As far as the budget hearings, they have advised us to go ahead with them.

President Marino: They were also pleased to hear that you have approached a zero based budgeting platform and that department heads have to bring requests to you for approval to get a handle on the finances. (Inaudible) In addition to those, the state auditors will assist in verifying fund balances which we all know has been a problem. We have not been able to find out what fund balances are, and they will also ensure the books are reconciled. As you know, when we all learned about the water fund deficit, that was a shock. We don't need any more shocks like that. We need to know what the numbers are and that they are verified. We need to know that the numbers that we get are 100% accurate, after the books have been reconciled, and we expect that to be done in (inaudible). The numbers going forward will be reconciled.

Mr. Papalas: I want to reiterate, we cannot go to the general fund for the rest of the year. So all departments, don't expect anything from the general fund unless you really really need it.

Mr. Merlo: First, I just want you to know CUSI has been on site for our utility software and they're conducting training for our employees and they're doing a fine job. I want to commend them for doing that. Secondly, I also sat and talked to our financial auditors for a few minutes, I took it upon myself, and our IT budget is something that we are going to need to look at for 2015. We will probably have to come up with an ordinance for 2015 for the way we allocate funds to the IT budget, so with Terry's help and Chuck, we just can't be utilizing water and light. We need to include general fund. IT doesn't just come from water and light. With that said, also at the last IT meeting we had, Mike Dibble expressed his concerns to all of us up here about the drive that he needed replaced. We told him to buy another drive and that drive was used on Monday. We have no spare.

Mr. Papalas: Didn't we buy a drive?

Mr. Merlo: Yes. We used them all up.

President Marino: Steve, you're the one who told him to buy two drives.

Mr. Papalas: We went through both of them?

Mr. Merlo: Yes.

Mr. Papalas: You know what? I think we should get a couple right now. I'll make a motion on the floor, if you don't mind, that we have the auditor allocate funds for two more drives.

President Marion: This is a council as a whole motion?

Mr. Papalas: Yes.

Motion carried.

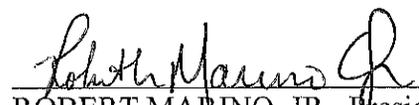
Mr. Merlo: And lastly, I want to schedule an IT meeting for Monday, October 27th, 2014 at 4:00 p.m. at City Hall in conference room #1. And also CUSI will be running parallel on October 27th. Our goal date is still on schedule as of November 17th. That was confirmed today.

ADJOURN

It was moved by Giancola, seconded by Pezzano to adjourn the meeting.



LORI KUSZMAUL, Clerk of Council



ROBERT MARINO, JR., President of Council