

MINUTES
December 17, 2014

Niles City Council held its regular meeting on December 17, 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

It was moved by Stredney, seconded by Lastic to accept the Minutes from December 1, 2014 and Minutes from public meeting held on December 3, 2014 and place them on file.

Motion carried.

REPORTS AND COMMUNICATIONS

FROM The Ohio Division of Liquor Control

A notice of LLC/Partnership Cross Reference Display from RI of Niles OPCO LLC dba Niles Residence Inn Entire Building and Patio

It was moved by Papalas to refer the request to the police chief and safety director for their report and recommendation.

Motion carried.

FROM the City of Niles Income Tax Department

The monthly receipt totals through December 2014

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

Motion carried.

FROM the Auditor's Office

The estimated versus actual revenues through November 2014.

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

Motion carried.

FROM the Niles Municipal Court

Probation Report for 2014

It was moved by Stredney, seconded by Lastic to accept the report and place it on file.

Motion carried.

FROM the Trumbull County Commissioners

Three certified copies of the Transcript Proceedings for the Expedited Annexation of Parcel No. 28-595900 and Parcel No. 28-023100 from Howland Township to City of Niles.

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

Motion carried.

FROM the Niles Police Department
Letter to Ford Motor Company alerting the company of the police fleet.
It was moved by Giancola, seconded by Lastic to accept the report and place it on file.

Mr. Papalas: I have a question for the Chief. I wasn't aware of this. When you get a response from Ford, would you let us know? I'm curious to see what they say and do.

Chief Hinton: I will get you a copy of anything I receive.

Mr. Papalas: Thanks Chief.
Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Bill Santell, President of Local 320. I'd like to speak specifically about Draft No. 109-14. I find it very peculiar that this is being brought to you guys tonight to be passed by emergency two days before a gentleman is set to have a promotion. The Mayor and I have talked before when we were negotiating, which we are no longer doing, Clemans and Nelson are now, about the number of lieutenants. You said you didn't want to touch the number of lieutenants at that time. The audit doesn't say to reduce the number of lieutenants. The audit wants to reduce our number of stations down from two to one. The Mayor said I don't need those lieutenants if I don't have that station. So is this – I want to know Mayor if you can tell me is this an agenda then to close that substation?

Mayor Infante: No. They never said that, did they?

Mr. Santell: You said you didn't need lieutenants.

Mayor Infante: Remember in the contract, your contract doesn't say how many captains and lieutenants that you must have. Correct?

Mr. Santell: Correct.

Mayor Infante: You presented me with a proposal to do that. I said no. I said it's governed by city ordinance.

Mr. Santell: But yet, all the sudden this has become an issue two days before this guy is supposed to go to court.

Mayor Infante, Well, Bill it doesn't say that in the performance audit, but the financial audit said we're in trouble. Okay. And I've reduced 30 jobs throughout the city through attrition. Okay. We still have to dig more. I mean between the police and fire budget, you're talking seven and a half million dollars. We only bring in six million in income taxes. We need to cut. We have to do our due diligence and we have to make sure the city is financially sound. So we have to look

at ways of doing that. Now, we cut down in every department throughout the city. This is not cutting out any man power. Is it cutting any man power?

Mr. Santell: No.

Mayor Infante: We're saying –

Mr. Santell: We're three short now.

Mayor Infante: I'm recommending to city council to eliminate three lieutenants through attrition. It has nothing to do with the court case because we'll honor the court case. That's not a problem. I've told you that several times when we met three times in my office, I said until the end of the year because right now – you went through a lot of overtime in fire. The police went through a lot of overtime. I think you exceeded the police. I think you're about \$180,000.00 in overtime. I told you we could not promote that lieutenant and you turned around and went and filed a suit in court. That has nothing to do with this. This is a plan that I have – I have to do a reduction plan according to the audit.

Mr. Santell: We've been reduced. We've been short three for years. We turned in –

Mayor Infante: You've been short three firemen.

Mr. Santell: Three firemen.

Mayor Infante: We're not taking away firemen.

Mr. Santell: We need those officers running the two stations. We run two engine companies and a truck to every structure fire, plus we have the largest mall complex in the United States. The NFPA standards, we don't even come close on man. It's four guys on a truck. There's an officer on every one of those trucks. We start doing away with an officer then we don't have an officer there. Next thing you know we end up closing stations down.

Mayor Infante: That's why we worked out to hire a low paying scale fireman because we were running through a lot of overtime. We did that.

Mr. Santell: Because we've been short.

Mayor Infante: Well, did we do that?

Mr. Santell: We've been short.

Mayor Infante: Did we put another fireman on?

Mr. Santell: You put two on.

Mayor Infante: To try to save some overtime, didn't we? Because they were paid on a lower scale than the overtime.

Mr. Santell: I know you guys have to work through money how you have to do it, but that overtime – those guys could have been hired. Everybody knew when the chief and Randy Ciminero were going to retire eight years ago – they had drop dead dates – I'm sorry, I don't want – I guess I am putting the blame. The city knew when they were – they should have been planning better for the buyouts and everything else. Has the chief even been consulted on how he feels about the reduction in the officer strength?

Mayor Infante: Yes.

Mr. Santell: And how does he feel? Does he feel we should reduce?

Mayor Infante: You'll have to ask him. I'm making this recommendation to council. I have a financial responsibility to the City of Niles as well as city council.

Mr. Santell: But does it need to be done by an emergency?

Mayor Infante: It doesn't matter if it's an emergency or however it goes. It's through attrition, Bill. It's not cutting anybody out of anything.

Mr. Santell: So the third guy that took a test and believed he was told he was going to be promoted, so he's out of luck now? The one guy that don't sue, he's out of luck. The one guy that sues –

Mayor Infante: Why don't you bring me a plan to try to save some money for the City of Niles and I'll be all ears for you?

Mr. Santell: Well, one, I'm not allowed to negotiate with you. You guys did that so that's up to Clemans and Nelson. Chief, how do you feel about the reduction in the number of officers?

Chief Danielson: I'd like to see the six lieutenants.

Mayor Infante: We have a financial responsibility to the taxpayers. And it's all written in this book from the state auditors, okay? We'll be starting our commission probably in January and we have to show ways of cutting.

Mr. Santell: You're saving money right off the bat by running us three short all the time. You have saved that for I don't know how many years.

Mayor Infante: That still doesn't account for the 7.7 million the police and fire uses in the budget for the year.

Mr. Santell: The overtime costs are there because you don't want to properly fund the fire department. That's why the overtime.

Mayor Infante: The fire department is properly funded. It's been funded for 30 years. Did we ever have any layoffs, Bill?

Mr. Santell: Not since I've here, no.

Mayor Infante: Okay. Our responsibility was to keep the safety forces at full strength as long as we can. We let everything else go in other departments to keep the police and fire going because we care about the safety of the community, but there comes a time when you don't have enough money to support all of that.

Mr. Santell: The police department, they keep their rank and the number they have. You're fine with that?

Mayor Infante: We didn't get to the police department yet. We didn't fill three jobs in the police department. They were at 36 – 37. We're down to 31 – 32 right now. So everybody has to give a little bit.

Mr. Santell: Well, I think we've given a lot. Thank you.

President Marino: Anyone else like to address Niles City Council? In the opinion of the chair, there being none, committee reports?

COUNCIL COMMITTEE REPORTS

None

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. ____ (Draft No. 63-14)

AN ORDINANCE AUTHORIZING THE VACATION OF A PORTION OF CHARTER ALLEY

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

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

Draft No. 63-14 has been adopted under suspension of rules on the 17th day of December, 2014.

ORDINANCE NO. _____ (Draft No. 95-14)

AN ORDINANCE ACCEPTING THE ANNEXATION OF TWO PARCELS OF LAND FROM HOWLAND TOWNSHIP OWNED BY JOSEPH MARZULLO AND NILES CORTLAND COMPANY, LLC; ESTABLISHING THE ZONING FOR SAID PARCELS; AND DECLARING AN EMERGENCY

It was moved by Stredney for suspension.

Mr. Pezzano: Mr. President, may I make a motion to have a roundtable on this?

President Marino: You can if somebody will second it. There was also a motion to suspend. You want to have a meeting before passage?

Mr. Papalas: Is this a second reading? We had a first reading. We can go to the second reading because we still have his -- okay. How about we rescind that motion for suspension and go to a second reading so that we can have that roundtable.

Mr. Stredney: Amend that motion?

President Marino: You would be seconded that motion?

Mr. Stredney: I'll make a motion for a second reading, seconded by Pezzano.

YEAS: 6 ABSTAIN: 1 (Merlo) NAYS: 0

Mr. Papalas: Mr. Chairman, I think that we have to set that date now. Make sure the Mayor is there to answer questions.

Mr. Pezzano: Is everybody okay before the next council meeting around 5:00?

Mr. President: All right. There will be a council roundtable on January 7th, 2015 at 5:00 p.m. in city council chambers to discuss that and any other business that might come up. We'll leave it open because there might be other things out there, so we won't set it as specific for that.

Draft No. 95-14 has received its second reading.

RESOLUTION NO. _____ (Draft No. 107-14)

A RESOLUTION APPROPRIATING FUNDS FROM THE UNAPPROPRIATED POLICE AND FIRE ½% TAX FUND TO THE POLICE VEHICLE AND EDUCATIONAL ACCOUNTS; AND, DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

Draft No. 107-14 has been adopted under suspension of rules on the 17th day of December, 2014.

RESOLUTION NO. _____ (Draft No. 108-14)

A RESOLUTION AUTHORIZING THE YEAR-END TRANSFERS; AND, DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Giancola, seconded by Papalás for adoption.

YEAS: 7 NAYS: 0

Draft No. 108-14 has been adopted under suspension of rules on the 17th day of December, 2014.

ORDINANCE NO. _____ (Draft No. 109-14)

AN ORDINANCE AMENDING ORDINANCE NO. 17-12, IN PART, BY REDUCING THE AUTHORIZED NUMBER OF LIEUTENANTS IN THE FIRE DEPARTMENT THROUGH ATTRITION; AND, DECLARING AN EMERGENCY

Mr. Papalás: I'd like to make a motion that we save Draft No. 109-14 and 111-14 for last because we need to go into executive session on those two ordinances. The other ones, let's get those cleared now. Can we can a second on that?

Mr. Lastic: Second.

President Marino: A motion to amend the Agenda with No. 5 and No. 7 last.
Motion carried.

RESOLUTION NO. _____(Draft No. 110-14)

A RESOLUTION ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2015; AND, DECLARING AN EMERGENCY

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

Mr. Papalas: Mr. Chairman, as I told council at the last meeting, this budget will be amended several times over the coming year as needs arise. We had budget discussions last week and the week before. We stripped a lot of things from these budgets and I know that the department heads are going to need some aspects that we cut out such as overtime and when that situation arises, we have meetings with them to discuss their budgets further and we'll take action at that time. So to the department heads, there are a lot of things that you, I know, want that aren't reflected in this budget. We'll address that.

President Marino: I also think it bears repeating what the Mayor noted regarding our fiscal emergency status and the soon to be set fiscal commission for the city in January. The Mayor will have to develop and council will have to approve a recovery plan and expenditures over, I believe, a \$5,000.00 mark will have to be approved by the fiscal commission. So there are a lot of things on the horizon relative to the budget and procedures that you're going to have to go through to spend money in this community.

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

Draft No. 110-14 has been adopted under suspension of rules on the 17th day of December, 2014.

ORDINANCE NO. _____(Draft No. 112-14)

AN ORDINANCE AUTHORIZING THE SUSPENSION OF ANY CITY EMPLOYEE CHARGED WITH CERTAIN CRIMES; AND, DECLARING AN EMERGENCY

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

Mr. McCormick: Is this something that might be appropriate to discuss during our executive session? Are there any specifics to this or anything?

President Marino: I don't know that.

Mr. Papalas: I don't see how we can discuss this in executive session. Why would you be against this?

Mr. McCormick: I'm not saying I'm against it. But I'm wondering if it is referring to anybody in particular or whatever.

Mayor Infante: This is just a general policy.

President Marino: That's how I interpreted it when I read it. The Mayor is just having council approve the policy.

Mayor Infante: The same as when I presented to you the hiring policy, you guys passed it.

Mr. McCormick: Okay.

Mayor Infante: A lot of the polices that we pass I like to bring them to city council.

President Marino: Anything else, Ed?

Mr. McCormick: No. Can I have just a second to review this again? I looked at it once. This is just if an employee is charged with a crime. Say he goes to trial and he is innocent, do things go back? I don't see that. If he turns out to be innocent or whatever, is he restored pay? How is that going to work?

President Marino: If I read section one correctly, that sentence says, "pending the outcome of a criminal proceeding against the employee." So if the employee is not made whole during the suspension, we would make him whole. Terry, is that right?

Mr. Dull: The first option is whether the suspension is going to be with our without pay. I would agree with you, I expect in a situation like that, that the person would be made whole.

President Marino: Sure. I think the Mayor could do it now. I agree with him that it's good practice that council approves these things and it gives a little more meat to what the Mayor is trying to do.

Mr. McCormick: All right. Thank you.

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

Draft No. 112-14 has been adopted under suspension of rules on the 17th day of December, 2014.

President Marino: Did you want to add that other Draft to the Agenda or did you want to wait until the end?

Mr. Papalas: Mr. Chairman, I'll make a motion to add Draft No. 113-14 to the Agenda, seconded by Stredney.
Motion carried.

RESOLUTION NO. _____ (Draft No. 113-14)

A RESOLUTION APPROPRIATING FUNDS FROM THE UNAPPROPRIATED GENERAL FUND TO THE INCOME TAX REFUND ACCOUNT; AND, DECLARING AN EMERGENCY

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

Mr. Papalas: The Treasurer requested this for the refund.

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

Draft No. 113-14 has been adopted under suspension of rules on the 17th day of December, 2014.

Mr. Papalas: Mr. Chairman, I would like to make a motion that we go into executive session only to discuss Draft No. 109-14 and Draft No. 111-14, seconded by Stredney.

YEAS: 7 NAYS: 0

President Marino: Let the record reflect that at 6:27 p.m. council adjourned to executive session.

President Marino: Let the record reflect that council reconvened at 7:19 p.m. Would the clerk please call the roll for reconvening?

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

ORDINANCE NO. ____ (Draft No. 109-14)

AN ORDINANCE AMENDING ORDINANCE NO. 17-12, IN PART, BY REDUCING THE AUTHORIZED NUMBER OF LIEUTENANTS IN THE FIRE DEPARTMENT THROUGH ATTRITION; AND, DECLARING AN EMERGENCY

Mr. Papalas: Mr. Chairman, I'd like to first of all make the motion to amend Section 1 of this ordinance so that it reads for the record, "That council hereby amends Ordinance No. 17-12, effective February 1, 2015, in part to reduce by attrition the number of lieutenants in the fire department from 6 to 3."

Seconded by Giancola.
Motion carried.

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

YEAS: 3 NAYS: 4

President Marino: Your rules are not suspended.

Mr. Papalas: Mr. Chairman, I'll move for a first reading, seconded by Lastic.

YEAS: 6 NAYS: 1 (Stredney)

Draft No. 109-14 has received its first reading.

RESOLUTION NO. ____ (Draft No. 111-14)

A RESOLUTION OF THE CITY OF NILES, OHIO, AMENDING RESOLUTION NO. 22-13, AMENDING AND RESTATING THE PENSION PICK-UP FOR THE PATROLMEN IN THE POLICE DEPARTMENT; AND, DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

Draft No. 111-14 has been adopted under suspension of rules on the 17th day of December, 2014.

MISCELLANEOUS REMARKS

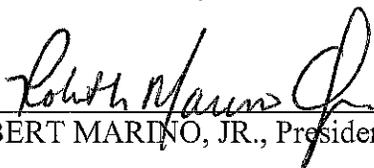
Mr. McCormick: Just one note. I received a package from John Williams concerning the anti-fracking. If anybody is interested in seeing the information he provided, contact me and I'll see that you get a copy.

ADJOURN

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



LORI KUSZMAUL, Clerk of Council



ROBERT MARINO, JR., President of Council