

COUNCIL MEETING MINUTES
November 4, 2015

Niles City Council held its regular meeting on November 4, 2015 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, Mientkiewicz-P, Pezzano-P, Marino-P

It was moved by Stredney, seconded by Pezzano to accept the Minutes from the October 21, 2015 regular meeting and place them on file.

Motion carried.

REPORTS AND COMMUNICATIONS

FROM U.S. Department of Justice

Letter regarding COPS grant

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

Motion carried.

FROM the City Income Tax Division

Monthly Receipts Totals through October 2015

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

Motion carried.

FROM the Auditor's Office

Statement of Cash from Revenue and Expense from 01/01/15 to 10/31/15.

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

Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Jack Liberatore, 1198 Salt Springs Road. I might have been misinformed about utility usage. (inaudible). I was told to come down here.

President Marino: You're in the correct place if you have a question regarding your utility bill. Ms. Ford can explain to you why all of our bills – mine was close to \$500.00 – why that occurred.

Ms. Ford: Your current bill was an estimate? (inaudible) You can look on the back.

Mr. Liberatore: Back two to three months (inaudible)

Ms. Ford: (inaudible) I can meet with you after the meeting and get the information.

President Marino: Thank you. Would anyone else like to address Niles City Council? In the opinion of the chair there being none, committee reports.

COUNCIL COMMITTEE REPORTS

Mr. Giancola: On October 26th at 7:15 a.m. myself, Mr. Pezzano and Mr. Lastic took a drive down to Steubenville and met with the city people down there concerning the neighborhood conservation district that they have down there. That is stopping the rentals in the cities. We are at 37.6. We are going to have a Safety Committee meeting on November 10th at 4:00 p.m. at the safety building and at that meeting one of the ordinance's we have is a moratorium on gas pumps which Tony is going to talk about, if he wants to, but that will be discussed at that meeting. Steel roofing will be discussed at that meeting, the neighborhood conservation district will be discussed at that meeting and Mr. Pezzano has something on –

Mr. Pezzano: Yes, Mr. Giancola. As probably a lot of the people in the audience probably read last week the City of Warren amended their ordinance for dogs that during severe weather conditions to bring your dog inside and put them in the garage. Myself and Mr. Dull attended a conference meeting prior to that to get the information about it because Mr. Dull has the ordinance. Prior to that, a couple of weeks before that, I had an informal meeting with the Chief and Mr. Dull about this also. We would like you to know that Warren did it and it's pretty much easy. When a weather advisory comes out you bring your animals inside during cold weather or put them in the garage. That's what that is going to be about. If anybody has any questions about it, feel free to ask me.

Mr. Giancola: So it will be November 10th at 4:00 p.m. on those four issues.

President Marino: At the city building, lower conference room?

Mr. Giancola: Yes, sir.

President Marino: Okay. Are there any other committee reports? Would the clerk please present tonight's legislation?

ORDINANCES AND RESOLUTIONS

RESOLUTION NO. ____ (Draft No. 86-15)

A RESOLUTION AUTHORIZING THE SALE BY INTERNET AUCTION OF CERTAIN OBSOLETE POLICE AND FIRE VEHICLES NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE BY THE CITY; AND, DECLARING AN EMERGENCY

It was moved by Papalas, seconded by Lasite to suspend the rule requiring three readings.

Mr. McCormick: The sale of that when it comes back in, is that going into the general fund or does it go where?

Mayor Infante: Yes, except it will be earmarked for fire trucks.

Mr. McCormick: Okay. That's good. I wondered about that. Thank you.

Mr. Papalas: Well, wait a second. Section 5 says, "the net proceeds of the auction for the police vehicles as contemplated by this Resolution, shall be intended for future appropriation into the Police Department's Vehicle Maintenance Account." That's not the general fund.

Mayor Infante: It's still general fund.

Mr. Papalas: But the fire vehicle in Section 6 says in black and white where that's going, what account.

Mayor Infante: That's the grant account.

Mr. Papalas: Yes. So those are earmarked to specific funds?

Mayor Infante: Yes.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Papalas, seconded by Giancola to adopt this Draft.

YEAS: 7 NAYS: 0

This Draft No. 86-15 has been adopted on the 4th day of November 2015.

RESOLUTION NO. ____ (Draft No. 87-15)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED HOSPITAL SELF INSURANCE FUND (HSIF) TO THE HSIF CONTRACTED LABOR ACCOUNT AND, DECLARING AN EMERGENCY

It was moved by Papalas, seconded by Lastic to suspend the rule requiring three readings.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Papalás, seconded by Giancola to adopt this Draft.

YEAS: 7 NAYS: 0

This Draft No. 87-15 has been adopted on the 4th day of November 2015.

RESOLUTION NO. _____ (Draft No. 88-15)

A RESOLUTION DECREASING APPROPRIATIONS PROVIDED FOR IN THE COMMUNITY DEVELOPMENT FUND IN THE BUDGET FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2015; AND, DECLARING AN EMERGENCY

It was moved by Papalás, seconded by Lastic to suspend the rule requiring three readings.

Mr. Papalás: Mr. President, I would like the auditor to explain this so that we have it in the Minutes. It's important.

Mr. Merlo: These are just appropriations for December that were budgeted this year that we are not going to spend so we are not decreasing the budget in any way, it's just decreasing what we can spend.

Mr. Papalás: Thanks.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Papalás, seconded by Giancola to adopt this Draft.

YEAS: 7 NAYS: 0

This Draft No. 88-15 has been adopted on the 4th day of November 2015.

ORDINANCE NO. _____ (Draft No. 89-15)

AN ORDINANCE PLACING A MORATORIUM ON THE AUTHORITY OF THE BUILDING INSPECTOR TO ISSUE PERMITS FOR THE CONDUCTING OR INSTALLATION OF CERTAIN AUTOMOBILE SERVICE STATION AMENITIES WITHIN GENERAL COMMERCIAL ZONING DISTRICTS IN THE CITY; AND, DECLARING AN EMERGENCY

It was moved by McCormick, seconded by Stredney to suspend the rule requiring three readings.

Mr. Giancola: Tony, would you have to say something about this?

Mr. Vigorito: It just came to my attention because I have had several requests for new service stations in town that we have conflicting issues in our zoning on the positions of the gas pumps and the canopies so I wanted to get that to the safety committee so we can straighten it out and make sure are all on the same page.

Mr. Giancola: That will be discussed on November 10th.

President Marino: Where's the issue in the community at?

Mr. Vigorito: Based on the ordinance it places the gas pump 19' foot the straight line and we have a 30' setback rule.

President Marino: Where is this occurring?

Mr. Vigorito: Pardon?

President Marino: Who's putting in a gas station?

Mr. Vigorito: Actually I've had three requests for information on putting gas pumps in. The old Hardy's and the one out on the corner of 46 and Salt Springs Road.

President Marino: Okay. Thank you.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Giancola, seconded by Pezzano to adopt this Draft.

YEAS: 7 NAYS: 0

This Draft No. 89-15 has been adopted on the 4th day of November 2015.

RESOLUTION NO. _____ (Draft No. 90-15)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED STREET FUND TO STREET DEPARTMENT'S STREET GRANT ACCOUNT; AND, DECLARING AN EMERGENCY

It was moved by Papalas, seconded by Lastic to suspend the rule requiring three readings.

Mr. Papalas: Mr. President, this deals with the tire pick-up grant.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Papalás, seconded by Giancola to adopt this Draft.

YEAS: 7 NAYS: 0

This Draft No. 90-15 has been adopted on the 4th day of November 2015.

MISCELLANEOUS REMARKS

President Marino: My phone went up like a Christmas tree this morning with TV stations and newspapers calling me regarding the failure of the income tax and what happens next. We are going to have to confer with the fiscal commission chair, Mr. Quintin Potter, regarding the steps required of us to revise, amend or completely develop a new plan on the recovery for the fiscal commission. Until we speak to Mr. Potter to get guidance from him, I don't really have any direction. Additionally, we have Mayor Elect Scarnecchia who will be taking office January 1st so we'll be speaking with Mr. Potter and we will need to confer with him regarding the commencement of Tom's term and the conclusion of Mayor Infante's term and how this is going to work with one administration taking over the other because we want to be fair to the community because our employees and residents of this community are the ones who are going to be impacted by these decisions. Until we get direction from Mr. Potter, it would be very premature for us to really say or do anything beyond that. Our next fiscal commission meeting is on November 18th at 4:00 p.m. here. I'm going to try and visit with the Mayor and I know Auditor Merlo is meeting with the fiscal supervisors on Friday and he too is going to try to get some information and direction for us so that we know how best to proceed in terms of revising, amending or developing a brand new plan because of the \$600,000.00 shortfall in the next fiscal year. So I felt it was important that we close and rather than meet with every TV station and reporter they can read the Minutes. Concerning Mayor Elect Scarnecchia, Councilman Elect Steffey, McNaughton and Marchese, congratulations on your election. To the members of council, I will be reaching out to you within the next several weeks to get together to review council rules and provide you with information. It will not occur until after the Board of Elections has certified so following that, we'll get together and very quickly bring you up to speed. So congratulations and welcome to the board. Tom, congratulations. We live in interesting times and there certainly will be interesting times in the future. We have tough days ahead of us.

Mayor Infante: I want to congratulate Tom and ask you to come into my office and I'll take you over that plan and see what you need and what you want to do and give you some pointers on the plan, how we got to it and where it's going to go. Congratulations to all the candidates. Thank you.

Mr. Buccino: Congratulations to all elected officials.

Mr. Guarino: I want to thank Reggie for moving forward with the ordinance. I also want to congratulate all the newly elected candidates. (inaudible)

Chief Hinton: Congratulations to all the elected officials and I look forward to working with you.

Chief Danielson: Congratulations to all the elected officials and a special thank you to the fire and police departments for all their help in trying to get the tax levy passed.

President Marino: I would also like to, if I was remiss in my comments, thank the Fire Department and the Police Department for their efforts regarding the income tax. They did a yoman's job. I know a group of us went out and walked on Saturday and Sunday and we're going to have to regroup and figure out where we go very quickly and get the team back together. Please convey to those who were responsible for spearheading the effort. Those efforts do not go unrecognized nor do they go unappreciated on all our parts.

Mr. Dull: Congratulations to all the newly elected officials.

Mr. Vigorito: Congratulations to everybody. I just wanted to request two more small subjects to be discussed at that safety meeting. Jeff and I found a conflict between the zoning and the housing ordinance. We need to talk and I wanted to discuss steel roofs. I'm getting a lot of request for steel roofs and different types and we just wanted to discuss it.

Mr. Giancola: Yes, I already had that down to discuss. The other one was a conflict on what?

Mr. Vigorito: A conflict on – actually boarding houses or halfway houses, whatever they are called.

Mr. Crowley: Congratulations to all the elected officials.

Mr. Vivolo: Congratulations to all the candidates. My prayers are with you and good luck.

Mr. Merlo: I congratulated everyone already but congratulations again. A couple things; one, the Statement of Cash Position that I handed out to all of you tonight I just want to make it known that if you look at last month compared to this month, you look at the general fund we are already into our cash reserves, so we are already in there and we're only at November 4th. If you look we transferred money into police and fire. We'll have to do it again already, so it's happening and it's happening fast.

President Marino: John, do you feel that we'll end the year in the black in the general fund?

Mr. Merlo: Again, we're waiting on the ruling from the Court of Common Pleas on the additional unclaimed funds.

President Marino: That's the lynch pin?

Mr. Merlo: Yes.

Mr. Swauger: Congratulations to all the newly elected officials.

Mr. Catanzarite: I want to congratulate everybody. I also spoke to the EPA and got a verbal commitment and our loan did go through last Thursday. Funds should be in the account by next week. I'm going to set a pre-con meeting.

Ms. Ford: Congratulations to everyone. Also, I have gotten all actual readings (inaudible)

Mr. Lastic: Congratulations to everyone.

Mr. Papalas: I want to address the Chief for a moment. Chief, I would like you to thank Officer Pike for the excellent police work he did concerning the individuals involved in the railroad bed the other day. I read the report and that was just plain good police work.

Chief Hinton: Yes, it was. I have already issued accommodations on this to Officer Pike.

Mr. Papalas: Great job. Please let him know that I said thanks. Also, Mayor, I am very pleased to hear that you invited Mr. Scarnecchia to your office to look over the documents. I know changes in the administration in the past didn't go very smoothly and some Mayors didn't share information with others before they left and I was hoping you would take the highest road possible on this and I see that you intend to do so and I want to commend you for it. It's important to the community and I see you recognize that.

Mayor Infante: Thank you.

Mr. Giancola: I want to congratulate all the newly elected officials and I would like to ask if members of city council are not busy on the 10th that you try to attend the safety meeting.

Mr. McCormick: To the newly elected candidates, good luck and God speed.

Mr. Stredney: Add my congrats to everyone.

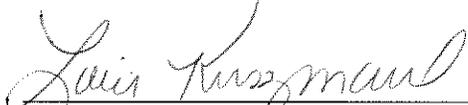
Mr. Mientkiewicz: Once again, congratulations to all the new members. I know we have spoken for quite some time now and we all share the same goals and that is to continue to make Niles a better place to live. I look forward to working with everyone and the new administration in January.

Mr. Pezzano: Congratulations also. I have spoken to everyone before and I want to thank Chief Danielson for last night for attending my block watch meeting. He did a great job again and also and I said it before, Mr. Steffey and I attended a fire class a few weeks ago and it was called Feel the Heat to see what our guys go through. It was a fantastic class and thank you again Chief.

President Marino: May we also let the record reflect that Niles City Council and administration congratulate Niles gir'ls soccer team on the excellent season they had. They did a great job. I was in Nordonia last night and they are a pretty awesome bunch of kids and they did a great job representing our community and I couldn't have been prouder. Barry was sitting up behind me and it was a very exciting game. We are very proud of them.

ADJOURN

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



LORI KUSZMAUL, Clerk of Council



ROBERT MARINO, JR., President of Council