

MINUTES
April 1, 2015

Niles City Council held its regular meeting on April 1, 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, Merlo-P, Pezzano-P, Marino-P

It was moved by Merlo, seconded by Stredney to accept the Minutes from March 18, 2015 and place them on file.

Motion carried.

REPORTS AND COMMUNICATIONS

FROM The Ohio Division of Liquor Control

A Corporation Inquiry of Renewal of Liquor License Macalis Deluxe Super Markets dba Macalis Niles Giant Eagle, 48 Vienna Avenue, Niles Ohio.

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

Motion carried.

FROM The Niles City Income Tax Department

The Monthly Receipt Totals through March 2015.

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

Motion carried.

Mr. Merlo: Bob, thank you for the third page concerning delinquencies. I appreciate that.

Mr. Swauger: Yes. You're welcome.

President Marino: Is there a plan on what we're going to do with going back to 1988?

Mr. Swauger: Eventually we will write them off through an ordinance of council. This is by statute. I can't go back and just write them off.

President Marino: How far can we go back?

Mr. Swauger: Six years after they file. So some of them from I think it's from '09 or something like that, we still have a couple years to collect them.

President Marino: I would assume then that '09 to present we're aggressively pursuing to collect?

Mr. Swauger: Yes. A lot of that – those numbers do include anybody that is on a payment plan right now because they are considered delinquent until it is paid. So if they are on a payment plan, it does show up as a delinquency but as long as they maintain their monthly payment through the courts, it will decrease.

Mr. Lastic: We took them to court?

Mr. Swauger: Yes. Unless they voluntarily come in and sign up for a payment plan, anything that goes through a court they pay through the court then.

President Marino: Bob, in '11 I see \$3.00 in interest; what does that mean?

Mr. Swauger: There's \$3.00 in interest. When somebody owes us money, it does accrue interest at 1½% per month. So somebody owes us \$3.00 in interest for that year.

President Marino: But where is the interest for the other \$68,000.00?

Mr. Swauger: If they're on a payment plan we don't charge them interest.

President Marino: Ok. I got it.

Mr. Lastic: One more question. 1994 all the way up when to the court?

Mr. Swauger: Let me clarify that. We charge them interest and penalty up until they sign the payment plan, then we stop it.

President Marino: Ok.

Mr. Lastic: So from 1994 forward they all were through the court?

Mr. Swauger: I don't know if all of them back then were through the Court. Not all of that is court. Those are only updated as to when we got the new software in '06 when a lot of that was found. We tried to collect on it even though – we can't enforce it but if we can get somebody to pay, we still try. We can't take them to court to pay it after the statute runs out, but we still write them a letter and try to collect some of it.

President Marino: Is there any chance of an amnesty program going back to whatever the year is? You look at '11 \$68,000.00, '12 is \$45,000.00, '13 is \$72,000.00 '14 to date is \$16,000.00?

Mr. Swauger: Right. Back in '08 we did the amnesty program and we got three individuals show up to take advantage of it. That is all that showed up.

President Marino: If we could collect that money – that's all general fund money right, Ralph?

Mayor Infante: Well, yes.

President Marino: That's a significant sum of money that would definitely help a very stressed general fund.
Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Chris Gatta, I live at 1445 Hillcrest. I have come to inquire about getting an easement of the alley property behind us and I was wondering what we had to do to possibly purchase that. The property is at 28 E. Park.

President Marino: Right. Does that go to Mark?

Mr. McCormick: There's a walkway that goes up between there that was designated as – it comes up between the Dairy Queen and the back of the buildings?

Mr. Gatta: Yes.

Mr. Giancola: It's a wide sidewalk.

Mr. Lastic: It's an alley?

Mr. Gatta: I don't know.

President Marino: It's a city walkway from Main Street all the way down to –

Mr. Hess: It was designated a walkway back when they did the urban renewal. It was just a walkway that the city put in. So you're asking if you – there should be an easement already there.

Mr. Gatta: Well, I want to purchase that walkway.

Mr. Hess: The easement would probably go through just more than your property so I don't know what kind of order it would take.

Mr. Dull: I'll go back and look but it seems to me that there was something done with the Dairy Queen when they put in their drive through.

President Marino: Yes, there was.

Mr. Dull: I'll have to go back and research that.

Mr. Gatta: There's like a curb. If you go out our back door you see that walkway you could fit a car both sides. There's a curb that goes right down the middle and goes into their – but I want to find out what I can do to buy up to the curb.

Mr. McCormick: Chris, it is your intention to have us vacate the property so you can expand?

Mr. Gatta: Yes.

Mr. McCormick: At your place of business?

Mr. Gatta: Yes.

Mr. Hess: The actual easement for the walkway goes from the alley to Main Street.

Mr. McCormick: It goes form State Street?

Mr. Hess: No, just from the alley to Main Street.

Mr. McCormick: But the part he's talking about is the part down by the Dairy Queen.

Mr. Giancola: Yes, it goes all the way down.

Mr. McCormick: To the apartments.

Mr. Giancola: Its goes all the way to the apartments.

President Marino: Terry, you're going to check on that then?

Mr. Dull: Yes.

President Marino: Anybody else like to address Niles City Council? In the opinion of the chair, there being none, Committee Reports?

COUNCIL COMMITTEE REPORTS

Mr. Stredney: Prior to city council meeting tonight we had a public hearing with Ed Stark and Larry Connelly from Fairhaven Board concerning House Bill 64 and we had discussed a possible voice vote creating a resolution from city council opposing the elimination of the tangible personal property tax, which not only affects Fairhaven but also our public schools. The reason that we were looking for a voice vote is that our legislators may vote on this prior to our next council meeting so we were thinking that we could take a voice vote and have Mr. Dull create the legislation and send it to our state representatives and so forth.

President Marino: Terry, we are talking about the opposition to HB 64 tangible personal property. Ed has proposed you drafting a resolution based upon the will of council and sending it based on voice vote.

Mr. McCormick: If that's in the form of a motion, I'll second that.

President Marino: Moved by Stredney, seconded by McCormick.
Motion carried.

Mr. Pezzano: Mr. President, I have a committee report. For cemetery and parks, we had a meeting and it was presented by Mr. DeChristofaro and John Martin about the new sign for the cemetery, and Mr. Martin met with the board of the Rotary Club and they're going to donate approximately \$3,000.00 and Mr. Marino's father also from the Vets will also donate \$1,000.00. That was mostly the discussion about the cemetery. Thank you

President Marino: Any other committee reports? There being none, would the clerk please present tonight's legislation.

ORDINANCES AND RESOLUTIONS

RESOLUTION NO. ____ (Amended Draft No. 10-15)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED SEWER FUND TO THE SEWER DEPARTMENT'S CONSULTANT FEES ACCOUNT AND, DECLARING AN EMERGENCY

It was moved by McCormick, seconded by Giancola to suspend the required three readings.

YEAS: 7 NAYS: 0

It was moved by Giancola, seconded by Lastic to adopt Draft No. 10-15

YEAS: 7 NAYS: 0

Draft No. 10-15 has been adopted on the 1st day of April 2015.

ORDINANCE NO. ____ (Draft No. 13-15)

AN ORDINANCE APPROVING THE RECODIFICATION, EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF NILES, OHIO, AND DECLARING AN EMERGENCY

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

Mr. Dull: This is our standard ordinance that you have every year.

Mr. Papalas: This is a routine ordinance.

YEAS: 7 NAYS: 0

It was moved by Giancola, seconded by Pezzano to adopt Draft No. 13-15

YEAS: 7 NAYS: 0

Draft No. 13-15 has been adopted on the 1st day of April 2015.

ORDINANCE NO. ____ (Draft No. 14-15)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED WASTEWATER TREATMENT PLANT DESIGN AND IMPROVEMENT FUND TO THE WASTEWATER TREATMENT PLANT'S DESIGN AND IMPROVE FUND'S CONSULTANT FEES ACCOUNT, AND DECLARING AN EMERGENCY

It was moved by Papalas, seconded by McCormick for a first reading.

YEAS: 7 NAYS: 0

Draft No. 14-15 has received its first reading.

MISCELLANEOUS REMARKS

Mayor Infante: I just to report after the first quarter of our enterprise accounts, electric department is \$800,000.00 more in the first quarter this year than last year. The water is \$200,000.00 more in the first quarter of this year compared to last year, and the sewage is \$100,000.00. A great job the billing department has done and Stephanie is here and if you have any questions. She's done a great job and the girls worked real hard in that office on that changeover. They went through every account and worked a lot of hours and put a lot of time and stress into that. They did a great job and it's starting to show.

President Marino: I would like to echo the Mayor's remarks. Stephanie is doing an admirable job.

Mr. Catanzarite: Just real quickly. I had another meeting with the engineers and the EPA two weeks ago and I have another meeting with them next Tuesday. They are submitting 90% of plans to us. They are then going to try and schedule a meeting in Columbus with the financial people. There's been some uncertainty on exactly how our plan is going to be done. I did find out that we can roll the payments that we've been doing at 4.3% into the overall loan and that would get it down to somewhere between 0 and 2-3% interest rates.

President Marino: Thanks Andy.

Mr. Hess: Very quickly. I attended a preconstruction meeting for the Main Street resurfacing project that's going to take place this summer. The project is going to start June 1st and again they are going to pave Main Street, they're going to pave Main Street all of it to where we ended up paving last year on Federal Street. They are going to pave the part of Robbins Avenue from the bridge just going up Robbins Avenue a few hundred feet and then they are going to pave State Route 46 from Vienna Road to State Route 422. This project's estimated cost is \$622,000.00. We paid our local share last so we don't have any cost in this this year. They expect to finish this project around the week of July 4th. So I'm going to be working with the groups that have the downtown Harry Stevens Hot Dog Day and stuff like that to make sure that we can get it done before that so you can go about your business and everything is good. So that's what we're going to be shooting for.

Mr. Giancola: You did say they are going to be doing 46 downtown, part of Robbins Avenue and 46 and you're talking Niles Vienna Road to 422.

Mr. Hess: No. Actually we did Niles Vienna Road five years ago. That's only like five years old.

Mr. Papalas: Stephanie, I want to thank you for the work that you and your department did and I think that you could not have done better in explaining the issues and so forth to the people that I had call into you. You did very well and I can't compliment you enough. You did a great job. Thanks.

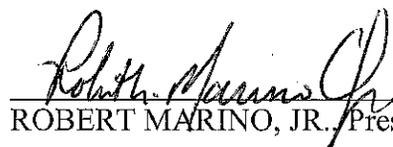
President Marino: Before you run out, the next financing meeting meets on April 15th at 4:00 here and then our council meeting.

ADJOURN

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



LORI KUSZMAUL, Clerk of Council



ROBERT MARINO, JR., President of Council