

COUNCIL MEETING MINUTES
December 16, 2015

Niles City Council held its regular meeting on December 16, 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 Lastic to accept the Minutes from the November 23, 2015 and November 27, 2015 special meeting and December 2, 2015 regular meeting and place them on file.

Motion carried.

REPORTS AND COMMUNICATIONS

FROM The City of Niles Treasurer

Income Tax Division Monthly Receipt Totals through November 2015

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

Motion carried.

FROM the Office of Building Inspector

A letter from Anthony Vigorito confirming the Niles Planning Commission approved the renaming of Pine Alley to Harry Stevens Alley.

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

Motion carried.

FROM Geauga-Trumbull Solid Waste Management District

A notice of a public hearing to discuss its intent to designate facilities for the receipt of solid waste generated within Geauga and/or Trumbull Counties

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

Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Bo Marchionte 1339 Clinton Street. I have a couple of things. I would like to say this and I don't know if it is the wrong way or the right way, but I know the gentleman sitting here in this seat, Mayor Infante, and this will be one of your last council meetings and I know this didn't end the way you wanted it to end, but I look at everything and you know I love football and I look at this as like a great college coach (inaudible), and that goes for Neil and MooMoo and everybody in the administration. Also, you guys on Council, I say the same thing. (inaudible) but in the

end, we are in fiscal crises and we need to be nice and we need to come as one and we need to do the right thing together for the city. It's a simple thing, a house divided cannot stand. We have to work together. If we work together, we can figure everything out. We have the finances, we have the resources and we have the ability. We can get this done. We have to work together. No in-house fighting. We have to get it done together. No this guy, that guy, that guy. With that said I would like to say thank you. Mayor, I appreciate everything you have done. As the Union President for the City of Niles the last six months that I have been in office we have been negotiating a contract and Clemson Nelsons. We appreciate that was made as a fair deal, we've made plenty of sacrifices and we have tried to work as much as possible and we're still working behind the scenes with the administration to avoid future consequences that are out there. We're trying to make the City the best we can and we know there is some talk about RITA, Regional Income Tax Agency, and as the Union President I have to speak for those people and say it's a push. If anyone's out there and you guys know if you want a better football game, you have a push and I think this is a push. You have some things that are good and some things that are bad, but in the end I don't think one way out dictates the other. They are the same. I think that should be taken into consideration. Everyone that is for RITA, you guys can come up here and contradict me and I can contradict you, but I have the facts but I'm not going to go into them right now. I'm sure you have guys have the facts too. With that said, I'm going to settle down and say thank you.

President Marino: Thank you. Would anybody else like to address Niles City Council?

Bobby Snyder, I live at 225 Fulton Street. My only question is I was told I own some properties and it has to do with the rentals. I was just wondering, somebody told me that if I want to rent my house out today that I could not rent it out because it was passed last year. I just wanted to verify that.

Mr. Pezzano: Mr. Snyder, who told you that?

Mr. Snyder: I don't want to get anybody in trouble, but they're here and on the board or council or whatever, but anyway that is what I was told so I wanted –

President Marino: I don't want to interrupt you Mr. Snyder, but Mr. Vigorito, our chief building inspector –

Mr. Vigorito: There is nobody saying you can't rent your home if you want to.

Mr. Snyder: Okay. That's all I wanted to know because I would like to rent it out in the next four years. That's what I'm trying to do. I also want to buy another house because I do want to retire early in the next three to four years and then I'm done, but I want to rent the house and I don't know when this rental stuff is going to take effect.

Mr. Pezzano: Mr. Snyder, you were in that round table and we decided to wait to discuss any further discussions about rentals in the City of Niles and wait until the new administration and council members come in, so I don't know who told you that and really don't want to know right now.

Mr. Snyder: I just wanted to verify that if I wanted to rent it out today.

Mr. Pezzano: Sure.

President Marino: I'm glad you came in and asked and got it cleared up for you. Anybody else?

Steve Mollica, 471 Bonnie Brae. I wanted to elaborate a little on Bo. (inaudible)

President Marino: Thank you, Mr. Mollica. Anyone else wish 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. 104-15)

AN ORDINANCE AUTHORIZING THE MAYOR AND THE SERVICE DIRECTOR TO ENTER INTO AN AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS FOR INDIGENT LEGAL SERVICES; AND DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Stredney, seconded by Lastic to adopt this Draft No. 104-15

YEAS: 7 NAYS: 0

This Draft No. 104-15 has been adopted on the 16th day of December 2015.

ORDINANCE NO. ____ (Draft No. 105-15)

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO EXECUTE AN AGREEMENT FOR RESIDENTIAL SOLID WASTE COLLECTION AND DISPOSAL; AND, DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Stredney, seconded by Pezzano to adopt this Draft No. 105-15

Mayor Infante: The bids came in today and we had one bid from the same – Republic Services got the bid. It is 19 cents more a month. I think that is pretty good and senior citizens is 10 cents.

President Marino: Thank you, Mayor.

YEAS: 7 NAYS: 0

This Draft No. 105-15 has been adopted on the 16th day of December 2015.

ORDINANCE NO. _____ (Draft No. 106-15)

AN ORDINANCE AMENDING ORDINANCE NO. 17-12, KNOWN AS THE AUTHORIZED STRENGTH ORDINANCE TO ADJUST COMPENSATION SOURCES AND TO MAKE CORRECTIONS TO PAY RATES THAT CONFLICT WITH UNION CONTRACTS, AND DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

This Draft No. 106-15 has been adopted on the 16th day of December 2015.

ORDINANCE NO. _____ (Draft No. 107-15)

AN ORDINANCE REPEALING CODIFIED ORDINANCE NO. 121.01; RESTATING THE SALARIES AND ESTABLISHING PAY SOURCES FOR THE POSITIONS OF MAYOR, PRESIDENT OF COUNCIL, WARD COUNCIL MEMBERS AND COUNCIL MEMBERS AT LARGE, THE LAW DIRECTOR, THE AUDITOR AND THE TREASURER; 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 Stredney, seconded by Giancola to adopt this Draft.

YEAS: 7 NAYS: 0

This Draft No. 107-15 has been adopted on the 16th day of December 2015.

Clerk: Draft No. 108-15 to be brought to the floor for the first time.

Mr. Dull: Mr. President, there's been a few changes that have happened since this was originally drafted. I have an amended draft to pass out. The change is that there was an additional vehicle that was sold through the police department, so instead of the original amount that you have in the ordinance that was in your packet, that's been raised by roughly \$400 and also there's another correction. The money that was received from all of these sales actually was deposited into the general fund and not into the police and fire 1/2 % fund so that the language is amended to show that this is coming out of the unappropriated general fund and going into the police department's vehicle maintenance fund. Those are the two changes. They are not major, but they are changes.

President Marino: Can I have a motion to amend the Agenda to reflect the Amended Draft 108-15?

It was moved by Giancola, seconded by Lastic to amend tonight's Agenda to reflect the amended draft. All in favor signify by aye.

President Marino: Motion passed. Would the clerk please present Amended Draft No. 108-15 by caption.

AMENDED RESOLUTION NO. ____ (Draft No. 108-15)

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

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Giancola, seconded by Stredney to adopt this Draft No. 108-15.

YEAS: 7 NAYS: 0

This Draft No. 108-15 has been adopted on the 16th day of December 2015.

RESOLUTION NO. _____(Draft No. 109-15)

A RESOLUTION APPROVING THE TENTATIVE LABOR AGREEMENT BETWEEN THE CITY AND THE AFSCME BARGAINING UNIT; AND, DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Giancola, seconded by Stredney to adopt this Draft No. 109-15.

YEAS: 7 NAYS: 0

This Draft No. 109-15 has been adopted on the 16th day of December 2015.

RESOLUTION NO. _____(Draft No. 110-15)

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 Stredney, seconded by Papalas to suspend the rule requiring three readings.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Giancola, seconded by Stredney to adopt this Draft No. 110-15.

YEAS: 7 NAYS: 0

This Draft No. 110-15 has been adopted on the 16th day of December 2015.

RESOLUTION NO. _____ (Draft No. 111-15)

**A RESOLUTION ACCEPTING THE FACT-FINDING REPORT ISSUED
DECEMBER 11, 2015 FOR THE OPBA POLICE SUPERVISORS' UNIT; AND
DECLARING AN EMERGENCY**

Mr. Papalas: Mr. Chairman, I would like to make a motion to amend. In the heading, change resolution accepting to resolution rejecting the fact-finding report.

It was moved by Papalas, seconded by Giancola to amend from accepting to rejecting.

Mr. Dull: Mr. President, you will also need to change the wording in Section 1 from accepting to rejecting.

President Marino: Let the motion of Mr. Papalas seconded by Mr. Giancola reflect the aforementioned comments from our Law Director that all pertinent language in the ordinance reflect council's will regarding rejecting.
Motion carried.

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 Papalas, seconded by Lastic to adopt this Draft No. 111-15

YEAS: 7 NAYS: 0

This Draft No. 111-15 has been adopted on the 16th day of December 2015.

RESOLUTION NO. _____ (Draft No. 112-15)

**A RESOLUTION APPROVING THE MAYOR'S SECOND REVISED FINANCIAL
PLAN REQUIRED BY OHIO REVISED CODE SECTION 118.06 FOR SUBMISSION
TO THE FINANCIAL PLANNING & SUPERVISION COMMISSION FOR THE CITY
OF NILES; AND, DECLARING AN EMERGENCY**

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

Mr. Swauger: I just want to put on the record that I sat back there and I want council to have it on the record that my voice and my opinion is that this plan saves minimal if any money with regard to part number 7 and I gave you guys plenty of different options or examples how this plan is truly wrong. There are cities that are paying more than what the plan is calling for. There are cities that have lost money for a few years and I want it on the record that I did inform

council of this. The other part that I want on the record is that only one council member has ever had a conversation with RITA. There has never been any round table with RITA to go over this plan. I want it on the record that six out of seven councilmen have never ever had any discussion about RITA. It's the wrong thing to do for minimal savings, if none. You sat back there with the Auditors and said that there might not be any savings whatsoever. I gave you guys examples of it.

Mr. Mientkiewicz: I just want Mr. Lintner to explain the value of this finance plan and what we talked about in order to proceed with cost saving measures.

Mr. Lintner: The Fiscal Commission has requested a new plan be presented on December 21st this coming Monday. The plan has to have five years out of positive forecasts in the general fund. If it does not, the plan doesn't work at which time the Fiscal Commission can vote to take the City of Niles to 85% of the prior year's appropriations. That is why this plan is being presented now before council. The council has to pass the plan before it goes to the Fiscal Commission.

Mr. Swauger: As it relates the plan Part Number 7, there is no savings.

Mr. Papalas: I just want to say that nobody's happy with this plan and I do want to emphasize that the people affected in the Treasurer's Office who might be losing their jobs, personally I pledge to the incoming Mayor and Service Director that I will work with them and see what we can do because that is their goal as well. We've waited a long time for a better plan. I am the one councilman who has also talked to RITA and did everything I could. Nobody is happy with this plan and we are trying to minimize the layoffs especially our safety forces as well as the others who will be affected and their families as well. The Auditors are here this evening and they are going to be here very often to make sure that we get our budget reduced. If it is reduced to 85% of what it is now, it's going to be a disaster. Some of you sitting and standing in the audience may not be here later and we don't want that to happen. We'll do all we can to prevent any of that. I want to finally say and I've said this before over the years – probably 30 to 35 years, I don't remember voting against a contract that you and the Mayor has negotiated. We've been very good to the employees in their contracts. You know that. I'd like to continue with that but when times are bad, just like at home, you have to cut back. That's what we are doing here. This is uncomfortable for all of us, but we have to do it.

Mr. Lastic: Council as a whole will work with the new administration to make sure that
(inaudible)

Mr. Giancola: I don't know if you caught the comment about reducing the budget to 85%, that's not off of this year's budget, it's off of last year's budget which was a lot higher than this years, so that 85% could be a lot more than 85% of this budget.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Papalas, seconded by Lastic to adopt this Draft No. 112-15.

YEAS: 7 NAYS: 0

This Draft No. 112-15 has been adopted on the 16th day of December 2015.

RESOLUTION NO. _____(Draft No. 113-15)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED WATER FUND TO VARIOUS ACCOUNTS IN THE WATER DEPARTMENT; 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 Stredney, seconded by Lastic to adopt this Draft No. 113-15.

YEAS: 7 NAYS: 0

This Draft No. 113-15 has been adopted on the 16th day of December 2015.

MISCELLANEOUS REMARKS

President Marino: Gentlemen, we need to schedule a special council meeting for the purposes of approving the fiscal year 2016 budget. We can't pass that until we receive the judgment regarding the movement of the money and I believe that court case is tomorrow, so when would everyone be available after tomorrow for a special council meeting? Would Friday at 4:00 work for you?

Mr. Stredney: 5:00 would be better.

President Marino: Friday at 5:00 there will be a special council meeting in council chambers for any and all business considered before council by order of Niles City Council.

Motion carried.

President Marino: This is the final formal meeting of Niles City Council and I'd like to thank Mayor Infante for his years of service to this community. I think that Mr. Marchionte said it better than I. To Mr. Buccino and Mr. Guarino, we appreciate your years of service to this community and to the members of council that will be leaving us I, too, would like to thank you for your years of service to Niles. We all know that public service is often a disservice to our families and please convey from me through you to your families that we are appreciative of the

fact that you've made sacrifices to make Niles a better place to work and live. To the incoming Mayor and his administration, Mr. DePasquale and Mr. Hogan, I look forward to working with you in the coming months and as we begin to lift the City up into a better financial stead. With that being said, the swearing in ceremony for the new council members and the new administration will be held on December 26th at 10:00 a.m. in the Wellness Center. It is a public event. Please note that, although it is occurring on the 26th because many members of council will be out of town the affidavits will be effective January 1. From my family to yours, I wish you a Merry Christmas and a Happy New Year.

Mayor Infante: At this time I would like to thank council for all of their cooperation we have had over the past 24 years. All the department heads, we've probably done over 100 projects over the past 24 years and it's all been with cooperation from council, department heads, employees and it's been a great 24 years. I've dedicated my life to being Mayor. I probably haven't missed a day's work or very few times. I'm always the first one there at 7:30 in the morning and it's been a great pleasure to work with all of you and I want to personally thank all the union members. You guys all worked hard. You've done a great job over the years, police, fire, AFSCME service workers, dispatchers, everybody has done a great job and it was great working with all of you and I appreciate all you have done for me. With that, I'll just say Happy Holidays to all of you, Happy New Year, Christmas and be safe. I wish the best of luck to the new administration.

Mr. Buccino: Just thank you and Happy Holidays.

Mr. Guarino: Happy Holidays.

Mr. Dull: To the Mayor, thank you for everything you have done for us and Reggie and Ed, it's been great working with you guys as well. To Neil and MooMoo, thank you. Everybody have a great holiday and be safe.

Chief Hinton: Happy Holidays.

Chief Danielson: Happy Holidays.

Mr. Vigorito: Merry Christmas, Happy New Year and have a safe and healthy New Year.

Mr. Swauger: Mayor Infante, congratulations on 24 years. You had a great run. Enjoy your time and now you can sleep in for a couple of days. We may not have agreed all the time, but I will agree that you made the City a better place to live. Neil, MooMoo, same to you guys, have a good retirement or take a couple days off before you start something else, and to the three council members, you guys have been here as long as I've been here so it's been a pleasure. I appreciate all your help. Merry Christmas to everyone.

Mr. Lastic: Merry Christmas.

Mr. Papalas: I have a couple of things I want to say. (inaudible) Mayor and Neil, we worked closely over the years and I know there were times when we didn't agree, but Ralph when we did

have disagreements it was with the door shut. We would laugh about it afterwards because that's what you do. You certainly worked very hard on the second plan. I was impressed because you didn't have to do that. I am thankful. I want to thank the outgoing council members. We worked hard together and I appreciate that. I look forward to working with the new administration and Tom I know we are not going to agree all the time. We will work together and I look forward to it. As I have already pointed out, the Auditors are here this evening and they will be at other meetings and they have become our friends and we will be working very closely with them because they are an essential part of what we need to do. That's about all and I want to wish everyone a Merry Christmas and the best of everything in the incoming year and to my Jewish friends, I also want to wish them Happy Hanukkah.

Mr. Giancola: I want to wish everyone a Merry Christmas and welcome to all the new elected officials.

Mr. McCormick: It's been a pleasure working with everyone for the last eight years. I'm going to miss it a little bit and I want to wish everyone a Merry Christmas and thanks to everyone that has helped me during my terms.

Mr. Stredney: Restating what everyone else said and Merry Christmas to everyone.

Mr. Mientkiewicz: Merry Christmas. To the administration and Mayor Infante, congratulations, good luck and thank you most importantly. Same goes to the council members, Merry Christmas. Remember January 1st is a fresh start.

Mr. Pezzano: It's been a pleasure the last two years working with the outgoing administration, the Mayor and welcome to the new administration coming in and Merry Christmas.

President Marino: Before we adjourn, I need the councilmen elect to come forward so we can get our committee appointments done for next term.

ADJOURN

It was moved by Lastic, seconded by Papalas to adjourn the meeting.



LORI KUSZMAUL, Clerk of Council



ROBERT MARINO, JR, President of Council