

COUNCIL MEETING MINUTES

MAY 4, 2016

Niles City Council held its regular meeting Wednesday, May 4, 2016 at 6:00 p.m. in Council Chambers, Safety Service Complex, Niles, Ohio.

The meeting was called to order by President, Robert Marino, and the Clerk Pro-Tem Mary Kay Nicholas called the roll:

Lastic-P, Papalas-A, McNaughton-P, Steffey-P, Marchese-P, Mientkiewicz-P, Pezzano-P, Marino-P

President Marino: Motion to excuse Councilman Papalas due to a death in the family and Clerk Lori Kuszmaul due to a health issue in the family.

It was moved by Lastic, seconded by Marchese

Motion carried.

President Marino: There are minutes of the previous meeting before you.

It was moved by McNaughton, seconded by Steffey to accept the Minutes from the April 20, 2016 regular council meeting and place them on file.

Motion carried.

REPORTS AND COMMUNICATIONS

FROM The Niles Auditor

Clerk reports by Check Numbers April 1, 2016 through April 30, 2016

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

Motion carried.

FROM The Ohio Division of Liquor Control

Notice to Legislative Authority

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

Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

President Marino: Our clerk is out Mary Kay Nicholas is joining us. We would ask that you project your name and address clearly for the record.

Paul Davis, 44 Hartzell Avenue, First off all I am disappointed that every time we turn around I am tired of hearing the electric department is going to get beat up our already de-funk water department

is going to get beat up, it's in the red I think 100 and some thousand and the same with the sewer. The next thing you will be coming to us with rate increases on the electric and water, my last bill was \$107.00, that's beside the point. We were promised that the agenda would be online it's not as far as I know. The minutes of the April 6th meeting are in place of April 20th meeting, there is no April 20th meeting on there, that's a simple task. So one thing I was going to ask about the cityofniles.com it's now silly to ask that. But one thing I would like to hear at council meetings, if it's possible and I don't see why not. Instead of all us writing down from the auditor, the figures in the month before and the current month, that at the second reading, that gives them plenty of time, that's the third Wednesday, of how much money is in the electric fund and what was in it the month before, how much is in the water fund and how much was in it the month before, the same with the sewer and so on. Is that a possibility?

Mayor Scarnecchia: Sure it is, the auditor can give you that.

President Marino: It's not impossible, it's possible.

Mayor Scarnecchia: Joe Merlo will look into that.

Paul Davis: The reason I am saying that, I believe it was the last meeting somebody gave a financial report, I heard one of the councilman, I won't say who said I don't recall for sure, turn and say are there any surprises. We would like to know if there are any surprises out here also. Thank you very much.

President Marino: Thank you Paul. Mike would you check and find out about those minutes, transposing of the minutes April 6th and April 20?

Mr. Dibble: There was an old one that they sent me, they put a stop on it, than they sent me a new one so that was posted, the one that was posted was April 6th.

President Marino: Could you check with Lori and get that straightened out. Thanks.

Pat Carney, North Roads, I would like to ask the mayor, what in the world would we need a \$150.00 an hour lawyer to negotiate, I seen in the paper that we were hiring Attorney Blair.

Mayor Scarnecchia: We are not hiring Blair, we are looking at somebody else, but we have to according to the fiscal plan, it's in the plan that if we negotiate with any of the unions we have to have an outside attorney with Terri. It's in the plan, there is nothing we can do about that

Pat Carney: What plan is this?

Mayor Scarnecchia: The recovery plan.

Pat Carney: Ok

Mayor Scarnecchia: Stop in I will be happy to show you, it's in the plan.

Pat Carney: Nothing seems to be happening, you know I have dealt with companies twenty-five of them. The first thing you do is see if they are making money, if they're not making money the only alternative they have is layoffs, something like here. If you are a business man you don't have the money to pay your employees you've got to layoff, you have to do something. I hate to see that, but I see your budget, where are you getting the money? Somewhere soon I hope. When the other mayor was here he was giving you a pretty good start. So far I hear about a swimming pool, you talk about where do we save money, I know you don't want layoffs, but I think sooner or later you're going to find it's going to happen. That's all.

Mayor Scarnecchia: Thank you Pat.

President Marino: Thank you.

Sherry Smith, 1342 Robbins Avenue, Two weeks ago, the police department had given a strategic plan. I get from the round table, the decisions that you came up with from the strategic plan, did all departments submit a strategic plan and did the police department help you make those decisions?

Mayor Scarnecchia: No

Sherry Smith: Well, why not?

Mr. DePasquale: The unions submitted the plan, speaking for all departments.

Sherry Smith: The unions presented the strategic plan?

Mr. DePasquale: Yes, with all the departments in mind.

Sherry Smith: Can I get a copy of that?

Mr. DePasquale: I don't have it, the union would have that we talked verbally about this at a round table in the Mayor's Office. Actually it's right here, this is what we came up with, and that's the plan.

Sherry Smith: Is there short term goals, medium term goals, and long term goals?

Mr. DePasquale: The short term goals is to get help for the parks and cemetery. Long term goals would to bring back the police and fire ASAP. I hate to say long term and ASAP, but that the long term goal and also the short term goal we would like to bring those people back now or as soon as possible.

Mayor Scarnecchia: Sherry, I think what we're working on now is a going to be a plan for the citizens. The contributions for the insurance will be coming out shortly for council soon. Thank you.

Mary Ann Miller, 209 Cherry Avenue, You talk about saving a little bit here and there, I know I don't know how it works, you know we have several employees that have retired and rehired. Now do we still pay their health benefits, when they come back?

Mr. DePasquale: Yes

Mary Ann Miller: We do?

Mr.DePasquale: Yes

Mary Ann Miller: Well if they have already retired, they should find their own insurance.

Mr. DePasquale: Mam, I agree with you. It's a law, PERS, if the city offers insurance they have to take it. It's not an option.

Mayor Scarnecchia: They can't even opt out.

Mary Ann Miller: Then don't hire retirees.

Mr. DePasquale: We haven't done that, we are not for that.

Mary Ann Miller: Oh, thank you.

Patricia Wyatt, 503 Belmont Avenue, I'm just hoping that the next contract, that they contribute for their health insurance, because I just retired from Trumbull County and we have been paying for ten years plus - contributions to our insurance.

Mayor Scarnecchia: Mam we have never done that in the city.

Mary Ann Miller: I know.

Mayor Scarnecchia: It is time.

Mary Ann Miller: Yes, yes it is. Especially when you have all those people, from businesses coming in, car lots, etc., those people pay for their insurance. They won't be making money like the people in the county make.

Mayor Scarnecchia: Thank you.

Mr. Cantola, 208 Vienna Avenue, I just want to follow up on the round table and direct this toward council and that is, you have park employees that have the opportunity to bump into a full time union job which is awesome. We have firefighters and police that never had an opportunity to get bumped anywhere they got laid off. How can we even play the difference between the safety forces and the park employee to pass anything more between departments, I'm sorry they got laid off or if your happy they got laid off, but you know what firefighters and police they had to go. We spend more time stressing on a park employee then we do on our fire and police department. I am sorry, but honest to God that's the truth and you guys are the ones that are going to be voting on it. I don't care how sweet you make it sound, whether it's \$50,000,00 in the whole, take the whole hit, lay them off. I will say this these enterprise funds are not going to be able to carry these guys forever. This only means that all of us are going to continue to pay, we passed a tax that we can't do anything with, we don't even have a plan on paper, but we're talking about something. The fiscal guys were in from the state they slammed us we look like knuckle heads. We lost \$30,000.00, we're in the whole 150,000.00 we haven't even touched 15, yet we know we're going to get slammed somewhere. Guys we bought new trucks for the light department from our former people. Holy crap where is this thought we can't keep

moving and spending it, this is insane, this really is insane. You have got to make the cuts you have got to them lay off, that's what has to happen, If it has to start at the top then start at the top and let the guys cut the grass. Thank you.

Wanda Burns, 562 Wyoming, I want to go back where we left off two weeks ago, I have three questions which I have not received the answers for to date, but in addition tonight I hear the plan of trying to save the 129,000.00 appreciate the effort, don't agree with it, but appreciate and understand the urgency here. I want to go back to the other one point something million dollar, which is the recovery plan, where are we on the recovery plan, what was the effective date of the recovery plan as far as the projective date, is it for the whole year or what was that date?

Mayor Scarnecchia: It is until we have a balance budget and money in the general fund then.

Wanda Burns: But when did it start?

Mayor Scarnecchia: When did it start?

Wanda Burns: Yes, Your recovery plan that you produced.

Mayor Scarnecchia: Well, when we came in, in January we revised the one that was put in by the previous administration. To me that was the start and hopefully we can get out of this mess eventually and that we do have the money needed to run the general fund and the enterprise funds, we really do, we are not spending a lot of money or we are not extravagant in anything that we're doing believe me, I think you know that Wanda.

Wanda Burns: I don't have faith first, you just can't have hope, and you just can't hopefully come out of this. The only way we're going to come out of it, is that we have a plan and we stick to it. So part of the plan was the in-pound lot, how much additional revenue have we made from the in-pound lot as oppose to what we would have made without the in-pound lot to date?

Mayor Scarnecchia: \$30,000.00

Mr. DePasquale: A year.

Mayor Scarnecchia: No, so far.

President Marino: No, \$3,000.00 or \$4,000.00

Mr. DePasquale: If we didn't have it we wouldn't have made any.

Wanda Burns: You would have made more I have the figures from Mr. Merlo.

Mr. Steffey: We would make more without the in-pound lot?

Wanda Burns: Yes,

Mr. Steffey: How's that?

Wanda Burns: Because we still receive funds from the towing companies that come to Niles to tow. We received a stipend from them. So in my opinion and I could be wrong, but I encourage you guys to go back and revisit the recovery plan.

Mr. Steffey: I don't think you're correct on that, I am sorry. Those figures are not right, I think he misunderstood you.

Wanda Burns: I'll get you those figures.

Mr. Steffey: Alright

Wanda Burns: Ok, let's just say hypothetically then, which of those points in the recovery plan have we met our goal to date and which have we not and how are we going to make up the income that we are behind on?

Mr. DePasquale: Wanda, the plan is in motion there are things being done by the in-pound, Ok. We are trying to save money here and there, things that are happening as far as the Wellness Center that we are trying to do, Ok. It is going to be a yearlong or better process.

Wanda Burns: We don't have a year, the state told us December 31st--

Mr. DePasquale: We are going to balance by the first of the year that's the goal. Starting tonight with \$80,000.00, we have to get it on the table. We are going to try to do that with help here. There's a bunch of options to do this, everyone plays a roll.

Wanda Burns: We have what three week, three weeks the state is coming back, the 25th and today's the 5th - 4th.

Mayor Scarnecchia: The state told us that we better come back with a balance budget by the end of this month.

Wanda Burns: It just can't be.--

President Marino: Wanda let him finish, let him finish.

Wanda Burns: It has to be workable.

Mayor Sacarnecchia: It has to be workable, well, we are working on it Wanda, we really are.

Mr. DePasquale: The state approved this budget.

President Marino: Concerning the budget Wanda we are required by law to the end year with the general fund not in the red. The other funds are costed out over five years or five year forecast. Over those five years based on the Mayors plan the state will be looking for positive fund balances over five years. When that occurs and they feel that the funds balances can handle the debt obligation, the operational cost, and employee cost we get released from fiscal emergency. Until that point five years out and the water fund was at a deficit, I believe of \$1,2 million, I believe, by the end of the year I

believe, it is projected to be a quarter of a million without additional cost stressing the accounts. The sewer account is in the positive, however we have a 30% nausea, I apologize, I pity myself on numerous occasions we have a \$35,000,000.00 plant that we have to pay for, we also have an info structure in this town that we have to maintain, we also have employees that we have to pay, we also have equipment that we have to maintain. All of that needs to be factored in, costed out by the fiscal supervisors and our auditors to make sure that the rates generate sufficient revenue over the five years, the same is true with the water and the lights. And I know the light department has a series of projects that they are working on, I see them putting polls up, working all over the place in town right now. That's to answer your question.

Mayor Scarnecchia: If I am not mistaken we are going to have a fiscal commission for five years, right.

President Marino: It would be our hope Tom that we could get out of it sooner.

Mayor Scarnecchia: Sooner.

President Marino: Much sooner, but it is all predicated on a five year forecast. I would encourage all of you that are here tonight to come to our fiscal commission meetings as well.

Wanda Burns: And is there anything worse than fiscal emergency?

President Marino: No, that is probably as low as you can ask.

Wanda Burns: So the state can't say this is not working, now we are going to make these decisions.

President Marino: The state will send the plan back to the mayor, as Mr. Potter stated and force the mayor to revise the plan, submit a plan to the fiscal supervisor costed out meaning to meet the balance budget requirements of the Ohio Revised Code. Mr. Potter said that in not so many words.

Wanda Burns: So that will be May, so six months behind before we--

President Marino: Well, Yes, Yes. Thank you Wanda.

Jim Casey, 306 Emma Street, I have put up with property destruction for years from large eighteen wheel trucks, I am tired of it and if nothing is done about it, I am going to suit the City of Niles. Mr. Steffey was there and saw it.

Mr. Steffey: I visited Jim this morning, I noticed the size of holes he has from eighteen wheel trucks turning. We have problems on Neal, Holford, and we also have problems at the end of Maple and Emma. This morning he showed me where the trucks have gone up into his yard and the end of his sidewalk as well the neighbors. I actually have that down, I was going to bring it up in my comments tonight, because I haven't had a chance to speak to the acting chief. But as we spoke this morning we realize it's important to support the businesses here in town, but we have to respect the residential areas as matter of safety and as a matter of his property is concerned. I spoke with him this morning, he told he would be here, I appreciate him attending. It was something I was going to discuss with Acting Chief Holland to see if would could possibly release a letter to existing businesses in that area so they can contact their suppliers let them know the truck routes they are clearly posted.

The signage is not the problem. I had a resident send me pictures over the last week of trucks that are stuck, because those roads aren't meant for eighteen wheelers. Holford is like a single lane road. It is something that we need to address, I understand that we are shorthanded. I thank you for coming in Mr. Casey.

Jim Casey: This needs to be taken care of. I am tired of it and I will suit Niles.

President Marino: Thank you Mr. Casey.

Ms. Cantola, Vienna Avenue, Mayor, I would like to know did you or have you or will you move the dispatchers to Trumbull County?

Mayor Scarnecchia: At the moment, No.

Ms. Cantola: At what moment will you.

Mayor Scarnecchia: I want to keep it in house.

Ms. Cantola: I just don't understand, I think we will save a lot of money. While we're sitting here trying to figure out where we can hope to borrow money.

Mayor Scarnecchia: Mam, I can't tell you how necessary they are to have for the police and fireman am I wrong.

Acting Chief Holland: We want our dispatchers in house.

Mayor Scarnecchia: Personally I don't know how much, I know it would save, but I don't want to send them to Trumbull County.

Ms. Cantola: I understand they are going to have jobs. The Trumbull County dispatchers can do just as well as the Niles dispatchers

Mr. DePasquale: No they don't, I am sorry I don't mean to interrupt, no they don't.

Ms. Cantola: How can you say that?

Mr. DePasquale: Because they don't, they don't know the City of Niles. When they have calls and they're not sure. GPS is not infallible there are times when they have to have someone direct them, they do not know.

Ms. Cantola: We have that mistake in Niles also. Ok, we've been there to, everybody makes mistakes. But I truly think they would be trained with what they have to be able to dispatch for Niles also with everyone else they have.

Mr. DePasquale: We would not have the same service in Niles. We would not save money that money would be coming to you in a year or two down the road. Trumbull County will assess you for those calls in a couple of years.

Ms. Cantola: But we are looking at trying to save money, will it save money right now?

Mr. DePasquale: We are saving money by keeping our people in house. Ms. Montevideo presented that many, many times and showed the figures and it came down to what was actually a \$3,000.00 savings totally keeping it.

Ms. Cantola: Can I see that on paper.

Mr. DePasquale: I don't have it, she has it, and she will give it to you.

Ms. Cantola: Thank you.

Mr. DePasquale: She has went over it several times, in here.

Ms. Cantola: I know, and there also the other numbers to.

Mr. DePasquale: That was approved by the state to, they looked at that.

President Marino: Thank you.

Kelly Hall, 528 Stanton Avenue, I read in the Vindicator that our Treasurer's Office isn't familiar with the software and the Columbus people have threatened a law suit in order to follow the offages. Can you explain more, when were they asked to start using it? Why haven't they been able to?

President Marino: Our Treasurers is here Ms. Hall, Mr. Swauger can address that.

Kelly Hall: What happened you bought the software, but didn't get trained.

Treasurer Swauger: The girl that works in my office was having a bit of trouble finding some numbers to reconcile, had to find some **(inaudible)** made by the auditor's office if not in the bank, **(inaudible)** that's how she reconciles. When she went through and made all the adjustments we were off. I was down there helping her look for it, we could not find it. We are still looking for it, out of reconciliations for last month and for the month of March. We are still trying to find where this \$28,000.00 got lost.

Kelly Hall: **(inaudible)**

Treasurer Swauger: We're off on our debits our credits are all fine.

Kelly Hall: Thank you

Pete Mollica, 471 Bonnie Brae, **(inaudible)**

President Marino: Council had to go through an analysis, all departments had to go through an analysis, regarding budgetary appropriations and the percentages charged to each account based on percentages of work, much like what Jill did in the dispatch with the number of calls. To my understanding that council, mayor, service director etc. are charged - there is a factor used but I'm not sure what it is, because John's not here. One time I believe it was twenty five, twenty five, twenty

five, twenty five back to the eighties. I forget what audit it was, the auditors made us redo that calculation. Which required us then to go and do a budget, re-appropriate dollars back into the general fund and various other accounts to get percentages more adjusted accordingly. Terri do you remember when we redid that one.?

Terri Dull: It was last year.

President Marino: December

Terri Dull: Roughly

President Marino: So it's been updated. There's a percentage of the general fund, light, water, sewer, but I don't know what those percentages are. It's charged accordingly.

President Marino: We do have some guest in the audience tonight, Mr. Freel have some scout here. Do you want to introduce your youngsters that are with us we would like to have them stand up so we can see them, believe it or not about thirty five years ago I hate to admit it's been that long I was where they are, I wish I was where they are now. Mr. Freel.

Mr. Freel: This is Scout Troop 31 they are here to earn their **(inaudible)** badge, they have to attend a council meeting. They spoke to councilmen Steve earlier.

President Marino: You want to introduce them to us?

Mr. Freel: **(inaudible)**

President Marino: Great to see you fellows here.

Mr. Mientkiewicz: I have to give these young guys credit because there questions to me earlier was just as difficult as some of yours. There only thirteen and fourteen years old

President Marino: I hope you inspire to get into public service there's no better a service other than being a father, husband and family member then public service it's a noble cause.

President Marino: Anyone else, there being none in the opinion of the chair. We do have some communications gentleman that we have to approve.

ORDINANCES AND RESOLUTIONS

**Draft No. 24-16 to be brought to the floor for the second time:
AN ORDINANCE AMENDING CODIFIED ORDINANCE NO. 1141.01 BY DELETING
SUBPARAGRAPHS 7(b) AND 7(d) THEREOF TO ASSURE THAT THERE IS ONLY ONE
ORDINANCE ESTABLISHING FRONT YARD BUILDING SETBACKS IN B3 COMMERCIAL
DISRICTS; REPLACING THE MORATORIUM ESTABLISHED IN ORDINANCE NO. 30-15; AND,
DECLARING AND EMERGENCY**

It was moved by Pezzano, seconded by Marchese for a second reading.

President Marino: Questions or comments?

Mr. McNaughton: I would like to thank Mr. Vigorito for his hard work to get this done. This will give a new form, measurements for setbacks, we appreciate his hard work for that. Thank you.

YEAS: 6 NAYS: 0

This Draft No. 24-16 has received its second reading.

**Draft NO. 31-16 to be brought to the floor for the third time:
AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR REQUESTS
FOR PROPOSALS FOR A VOIP TELEPHONE SYSTEM FOR CITY FACILITIES**

Mr. Mientkiewicz: Mr. Dull a question for you if this goes through as a third reading tonight is there a time period that we have to wait for advertising?

Mr. Dull: This is something that could be thirty days as a general rule, if it is not an emergency passage, the ordinance doesn't take effect for thirty days generally that's the situation, talking about spending money but here we are talking about advertising. So I would feel comfortable going forward.

Mr. Mientkiewicz: Again just for the record to clear things up this is for bids only? The IT committee back a couple of months ago discussing a possibility of operating an out of date costly phone system, discussions have been made in council chambers about that and again this is just for bids only to see what they would cost if we do entertain the fact of upgrading our systems.

It was moved by Mr. Mientkiewicz, seconded by Pezzano for a third reading.

YEAS: 6 NAYS: 0

It was moved by Mientkiewicz, seconded by Pezzano to adopt.

YEAS: 6 NAYS: 0

Draft No. 31-16 has been adopted after its third reading.

**Draft No. 33-16 to be brought to the floor for the third time:
AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF A FOUR WAY STOP SIGN AND
CROSSWALK AT THE INTERSECTION OF THIRD AND NASH STREETS; AND, DECLARING AN
EMERGENCY**

It was moved by Steffey, seconded by McNaughton for a third reading.

YEAS: 6 NAYS: 0

It was moved by Steffey, seconded by Lastic to adopt.

YEAS: 6 NAYS: 0

Draft No. 33-16, has been adopted after its third reading.

**Draft No. 43-16 to be brought to the floor for the first time:
A RESOLUTION TRANSFERRING AND APPROPRIATING FUNDS FROM THE GENERAL FUND
TO THE POLICE VEHICLE MAINTENANCE ACCOUNT; AND, DECLARING AN EMERGENCY**

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

YEAS: 6 NAYS: 0

It was moved by Pezzano, seconded by Steffey to adopt this Draft No. 43-16.

YEAS: 6 NAYS: 0

Draft No. 43-16, has been adopted under suspension of rules

**Draft No. 44-16 to be brought to the floor for the first time:
A RESOLUTION APPROPRIATING AND TRANSFERRING FUNDS FROM THE
UNAPPROPRIATED BRT CLEAN UP FUND TO THE GENERAL FUND; AND DECLARING AN
EMERGENCY**

It was moved by Steffey, seconded by McNaughton for suspension

President Marino: Questions or comments?

Mr. Steffey: I spoke with the auditor earlier today, what this pertains to on December 18, 2015 the city council authorized monies to go toward the cleanup of grounds, grant money will be coming to replace that. Grant money has arrived four months later and that grant money is going to be deposited into Federal Funds

YEAS: 6 NAYS: 0

I was moved by Steffey, seconded by Pezzano to adopt this Draft No. 44-16.

YEAS: 6 NAYS: 0

Draft No. 44-16, has been adopted under suspension of rules.

Draft No. 45-16 to be brought to the floor for the first time:

A RESOLUTION AUTHORIZING THE CITY OF NILES, OHIO TO ENTER INTO A PARTNERSHIP AGREEMENT WITH THE CITY OF GIRARD, OHIO AS THE GRANTEE, AND THE CITY OF HUBBRD AS PARTNER TO ADMINISTER AND IMPLEMENT THE PY 2016 COMMUNITY HOUSING IMPACT AND PRSERVATION PROGRAM GRANT IF FUNDED BY THE OHIO DVELOPMENT SERVICES AGENCY, OFFICE OF COMMUNITY DEVELOPMENT (OCD), AND DECLARING AN EMERGENCY

Mr. Lastic: You know of any time line?

Mr. DePasquale: Yes, there is a time line on this.

Mr. Lastic: **(inaudible)**

Mr. DePasquale: That I can't give you exactly, I have everything in the Mayor's office, if you want to stop by or call tomorrow.

Mr. Lastic: **(inaudible)** suspend?

Mr. DePasquale: I would think **(inaudible)**

Ms. Marchese: **(inaudible)**

Mr. DePasquale: This is just grant money that the three cities got involved with for housing and rental improvements. No cost to the city. If you do apply and you qualify you can get grant money to repair your rental property or your home.

Mayor Scarnecchia: Does this have to do with Jeff Crowley.

Mr. DePasquale: Yes. I don't see any reason to hold up on it.

Mr. Mientkiewicz: We have a greater chance of qualifying if we partner with other municipalities

Mr. DePasquale: That's the way they are doing it now, It use to be Niles and Girard, but now it's Niles, Girard and Hubbard. I wouldn't hold up on it.

President Marino: We have been doing this for years

It was moved by Lastic, seconded by Steffey for suspension

YEAS: 6 NAYS: 0

It was moved by Pezzano, seconded by Marchese to adopt

YEAS: 6 NAYS: 0

Draft No. 45-16: has been adopted under suspension of rules.

**Draft No. 46-16 to be brought to the floor for the first time:
A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE
UNAPPROPRIATED WATER FUND TO THE WATER DEPARTMENT'S CONTRACTED LABOR
ACCOUNT; AND, DECLARING AN EMERGENCY**

Mr. McNaughton: This is in regards to cleaning out water towers, this needs to happen yesterday. I think we can all agree that this is a paramount concern for all of us. They need to be cleaned out. That is what this is about.

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

YEAS: 6 NAYS: 0

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

President Marino: Questions or Comments

Mr. Steffey: Can you let us know was there a study done on the paint and is it going to be addressed on the outside that's important.

President Marino: Call the roll for adoption on Draft No. 46-16.

YEAS: 6 NAYS: 0

Draft No. 46-16: has been adopted under suspension of rules.

**Draft No. 47-16 to be brought to the floor for the first time:
AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR BIDS ONLY
FOR THE REPLACEMENT OF THE HVAC SYSTEM FOR THE CITY BUILDING; AND,
DECLARING AN EMERGENCY**

It was moved by Steffey, seconded by Marchese for suspension.

President Marino: Questions or comments?

Mr. Mientkiewicz: Can you explain why this is being done?

Mr. DePasquale: The old system is shot, there is no air conditioning or heat in the administration building. I had four companies come in, three of them declined to bid on it. I gave every one of you a proposal from Roth Brothers for a considerable amount of money, has to be done.

Mr. Mientkiewicz: Again this is for bids only?

Mr. DePasquale: Yes

Mr. Mientkiewicz: Ok

Mr. Lastic: This is the one we received?

Mr. DePasquale: It was the only one that was sent back. The three companies told me the job was too big for them and walked away.

Mr. Steffey: Would you be able to get a denial from them? If they are not willing to bid on it.

Mr. DePasquale: When we go out to bid we are going to see who comes in anyway.

Mr. Steffey: If we don't get three bids?

Mr. DePasquale: If we don't get three bids, we will get something.

Mr. Steffey: We appreciate it.

Mr. DePasquale: The fact remains there is no air and there is no heat. The units are shot they are twenty one years old, they're two ten ton units on the roof, moved with a crane, set with a crane, they are dinosaurs. Even if we signed today it will be twelve - thirteen weeks out as far as orders. So we won't have air for the summer.

President Marino: Call the roll for suspension:

YEAS: 6 NAYS: 0

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

YEAS: 6 NAYS: 0

Draft No. 47-16: has been adopted under suspension of rule.

**Draft No. 48-16 to be brought to the floor for the first time:
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 THE DECLARING OF AN EMERGENCY**

It was moved by Marchese, seconded by Mientkiewicz for suspension.

President Marino: Questions or Comments?

Mr. Mientkiewicz: Mr. Dull does this happen often? Is this just housekeeping?

Mr. Dull: Annually a company comes in and they look at all the changes of the revised code plus the changes that we made in ours.

Ms. Marchese: Most of this is with the police department, correct, the majority of it?

Mr. Dull: The majority of it.

Mr. McNaughton: Nothing major, it's just housekeeping we keep up with, correct?

Mr. Dull: Correct, Correct. **(Inaudible)**

YEAHS: 6 NAYS: 0

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

YEAHS: 6 NAYS: 0

Draft No. 48-16: has been adopted under the suspension of rule.

**Draft No. 49-16 to be brought to the floor for the first time:
A RESOLUTION AMENDING RESOLUTION 15-16, THE 2016 BUDGET; AND DECLARING AN
EMERGENCY**

It moved by Steffey, seconded by Pezzano for suspension.

President Marino: Questions or Comments?

Mr. Steffey: I met with the city auditor this morning, this is a funding of full budgets for every department except water, sewer and engineering. They are already funded until the end of May. So you can consider what we spoke about at the mayor's round table earlier because that would not impact the budget of those three departments. So with that in mind, we only funded those three departments.

YEAHS: 6 NAYS: 0

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

YEAHS: 6 NAYS: 0

Draft No. 49-16: has been adopted under the suspension of rule.

President Marino: Mr. McNaughton.

Mr. McNaughton: Mr. President I would like to kindly, respectfully add **Draft No.50-16** to tonight's agenda.

President Marino: Seconded by Steffey, to add **Draft No. 50-16** to tonight's agenda.

President Marino: Questions or Comments?

President Marino: All in favor signify by Aye – **AYE** – Opposed - ...

President Marino: Motion carries.

President Marino: Will the clerk please present **Draft No, 50-16, by cap.**

**Draft No. 50-16 to be brought to the floor for the first time:
A RESOLUTION APPOINTING RICHARD HALE AS COUNCIL'S APPOINTEE TO THE BOARD
OF DIRECTORS OF THE MAHONING VALLEY SANITARY DISTRICT**

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

President Marino: Questions or Comments?

Mr. McNaughton: I would like to make a couple of comments, Monday night council sat in here for maybe three hours, conducting interviews and then having an honest robust discussion of the canadettes who all came in here, they were impressive, they were unique, they had different skill sets which we were all impressed with, but you know you can only choose one. Mr. Hale is the selection of council to represent us as one of the two appointees of MVSD the term starts tomorrow, timing was an issue. I sincerely want to thank all the candidates they were all very impressive, I really want thank council and administration who put in a lot of time on a Monday night to work through this. I appreciate everybody's efforts.

YEAHS: 6 NAYS: 0

It was moved by McNaughton, seconded by Steffey for adoption

YEAHS: 6 NAYS: 0

Draft No. 50-16: has been adopted under suspension of rule

President Marino: Congratulations Mr. Hale, would you like to say a few words?

Mr. Hale: I appreciate the confidence of everybody and looking forward to get to work.

MISCELLANEOUS REMARKS

President Marino: The only remarks that I have concerning the mayor's administrative plan to relocate the general fund jobs, the enterprise account and the contingency transfer on either receiving funding from the enterprise funds specifically in the light department for a mechanic or choosing an assistant mechanic, lineman and a cashier. It would be my sincere hope that would be reconsidered filling those positions. And if it is the administrations intent to fill those positions that they would be costed out and that council be afforded the forecasting financial information regarding the implications of those additional positions. I'm gravely concerned about our enterprise funds as I am about our general, police, fire and the overall financial health of the city. I recognize that people work hard, I to in my civilian job, I'm a government employee I work for the county we to have had to make cut backs and everyone has been asked to do more, pay more. This is not politics adding these positions, at the very least it is my opinion, if the fiscal supervisors cost out and share that information.

That's all my remarks, excuse me Mayor Scarnecchia.

Mayor Scarnecchia: No Comment.

Mr. DePasquale: We were asked by the fiscal commission to save **(inaudible)** we came up with \$80,000.00. If there are any other ideas **(inaudible)**. I think it's a good idea, there's not lot of ways to go on this, you are always talking about tough decisions this is another one. I think it's the right thing to do.

President Marino: I want to call upon my remarks, I agree with Jim and the moving of the positions, I do. To support that it was costed out with the fiscal supervisors. What you should not have is adding the four additional positions in addition to the transfers. I absolutely do support the administration and told this to you on Friday, I support that, I want to make sure that the record accurately reflects the chairs position. I support you and I agree that those are tough decisions.

Acting Chief Holland: Nothing

Acting Chief Danielson: Nothing

Tony Vigorito: Nothing

Mr. Newbrough: No Comment

Mr. Swauger: Not at this time.

Mr. Dibble: No Sir

Mr. Lastic: We will be meeting next Wednesday here?

President Marino: Well there's a couple ways to do that, one the mayor can call a special council meeting, it's in the rules he sets the time sends the notices etc., he has that right or four of you can request it. You just have to give preferably forty eight hour notice or twenty four but preferably forty eight so that the community has ample opportunity to be present.

Mayor Scarnecchia: If we don't have anything finalized we will post it forty eight hours before hand.

President Marino: I appreciate that mayor. It would only be agenda items that the mayor is requesting sponsorship, because you would have to determine four members of you and two members of the committee to sponsor legislation.

Mr. Dull: Looking through the issue of having legal counsel for the labor negotiations, I would like some form of legislation to present at this special meeting next week. To authorize a specific firm to authorize the administration to choose someone. We need to start moving on this so we can get it done. So in addition to the mayor's agenda I would like to see some type of legislation to be considered next week.

Mr. McNaughton: Is there people and or firms that can be shared with us, we have no idea?

Mr. Dull: There is one specific proposal we have at this point from a Law Firm in Warren well there actually Warren and Youngstown. I am waiting for two others that I have spoken with, are they going to make a proposal or not they are both also from Youngstown.

Mr. McNaughton: First off congratulations to Mr. Hale, I know he will have our best interest and the tax payers of Niles best interest in mind as you serve for us on the board of MVSD. Couple things I don't think the gentleman is here Mr. Kearney I say this with all respect, I didn't know this was open mic night inside city council chambers, that the former mayor has put us in good shape, we've seen the blue prints and I'm sorry we couldn't share that with the gentleman. I was thinking today on the recovery plan folks are trying to get creative, I certainly as I shared with the round table, I have my concerns about this plan laid out, I see it as a shell game were cutting the head of a dandelion and were not digging up the root. People far smarter than me have said the definition of insanity is doing the same thing over and over and getting the same result. I respectfully, respectfully submit that the taxpayers, administrators and all of us here, this city is broken in more ways than one were literally broken and the way we are doing business is broken and it takes some humility anybody private enterprise, public service to look in the mirror and realize, yes, this might have worked in the past it's not working anymore. This is not working anymore. So a city employee asking us tonight about our salaries, we are working for these people, that's where we are at, we are cannibalizing each other, were broken. It's my hope, I hope people, I hope, your decision now, I hope folks have seen that a lot of us new folks are bringing a different approach to our jobs. I hope you folks realize we are being as open and honest with you as possible that your access to us and information is exponentially then it ever was in the past and if not please, tell me I'll be better, I promise, tell me I want to get better every day at this service and I know we do. I hope you see that, but every single person in this city including tax payers which by the way we are as well first and foremost we have to change the way we do things leadership, council, to residence creating contracts looking at benefits saving money bringing revenue we have to change. If it worked for thirty years it's not working any more we have to look at the next thirty years we can't look at being good just at the end of May, like Ms. Burns said our jobs are to get this city better at the end of this year at the end of five years at the end of ten years. I am willing to work my rear end off to contribute in any way to do that. I have no doubt that these folks are also, because I have seen how hard they are working. It is time to eat a massive slice of humble pie and realize we are done doing things the way we were. However that look into the future it starts tonight, it has to start, because I refuse to accept the status quo, I refuse, we all need to be better. Even the equipment on top of the city building is failing that's where we are. Thank you.

Mr. Steffey: I would like to ask our Safety Director to stay after I would like to talk about some of the concerns that Mr. Casey had about the semi trucks, I would appreciate that. I would just like to remind our residences I have had several calls over the last couple of weeks about people putting trash out to the street including

furniture, large TV's, a week before, they might get their trash picked up Thursday, Friday they start loading up the curb, there is an ordinance in the city that you take the trash out the night before it gets picked up. I know it seems silly, but if you want to clean up this town, clean up the image, you don't want to drive past these piles of garbage for a week you don't want to back out of your driveway and see this garbage in the street because that's what people see. In speaking with the Trumbull County Commissioners recently there is going to be a large convention in Cleveland this summer and I think Niles will do a trickledown effect to that Republican National Convention that's going to be held we need to clean out city up we need to keep it clean it's something very simple to do I would just like to remind residences if you could adhere to that it really goes along way it won't upset your neighbors.

There's been some surprises there have been somethings I have expected and somethings that I haven't. I tell you from my business background one thing that I have never dealt with is, people, I just want to request this, that if you are a department head, if you're the mayor, if you are the service director any department head in this city do not direct your employees to call me and lobby for certain things. I will deal with department heads I have no problem with that I will not negotiate, because that is not our job. Our job is to legislate and appropriate. So I am asking that every department head for the City of Niles recognize that my number is not to be given out to every employee of the City of Niles, because guess what I don't only answer to them, I answer to the nineteen thousand people in Niles. So I don't have the time or the inclination to meet or talk with every employee in every department. I ask you to please, take that under advisement, I would appreciate that respect.

President Marino: Well said, well said.

Mr. Mientkiewicz: I would add to that Barry, all of our numbers, because it's not just you, it's all of us. Thank you Barry.

President Marino: What do want to say Jim?

Mr. Newbrough: I just have a question, are we aloud to direct our employees not to call our councilman? I have never actually told any of my employees to call a councilman and have never given them a number.

President Marino: I don't think he directed that to anyone person. If I heard him correctly

Mr. Newbrough: I'm saying as a department head, I can't tell my employees not to call a councilman. I don't think so anyway.

President Marino: I don't believe Mr. Newbrough that Mr. Steffey said Mr. Newbrough is telling the light department employees call him. I think what he said Mayor, Service Director and Department head please don't direct your employees to call me. I think he was asking in a respectful manner, I believe, I know how many calls he shared with me, for some reason they choose not to call me, because maybe they're going to hear something they don't want to hear. I applaud Mr.Steffey and all seven of these council members to say that in such a respectful manner and an elevated tone, because it could have been, we've been in here when it's been very accosting and direct tones the department heads. From the chair I appreciate his elevated request.

Ms. Marchese: First mayor, we may not always see eye to eye on certain articles, but I have a great respect for you, you got into a hot seat like every single person here did, everybody is in a hot seat right now. Secondly I would like to thank - not going over the whole details, but Chief Holland for his help in my ward we had a very serious situation and I want to thank you and the police department for your help. Also the fire chief, they've

been over there, we had another situation with the house, it was very shocking when I got home and again our fire department was there they stayed there they observed it, they waited for about four hours maybe.

Acting Chief Holland: Two hours

Ms. Marchese: It seemed longer than that, anyway they were right there on top of it, they stood by with our joint task force. So I would like to thank you and your men also.

Mr. Mientkiewicz: Yes, a few things and I'm not going to go on a big spiel, because I think everyone prior to me summed up concerns about the round table, but I know you guys are trying your hardest, I know you are trying to make things right. My concerns is that we're patching a hole to stop the leak today but three years from now another one is going to spring up. It's my fear that these people out here are going to be the ones paying the price, whether it's rate increase or what and that's what I don't want to see, I don't want that to happen, like Mr. Marino said, I would hope by next Wednesday, that's when you're calling your meeting. You invite the Fiscal Supervisors, they are there or they do give us some sort of report, some sort of cost analysis report that outlines the next few years making these moves. Because again I would hate to see another leak sprung and the people out having to pay the price for it.

The next thing Safety Director Hogan and Chief Holland, I'm getting some more complaints about ATV's I know I'm beating a dead horse. What is our policy on ATV's on City Street?

Acting Chief Holland: **(inaudible)**

Mr. Mientkiewicz: Ok it's a **(inaudible)**.

Acting Chief Holland: **(inaudible)**

Mr. Mientkiewicz: Right it's a very difficult thing to address, I know that.

Acting Chief Holland: **(inaudible)** we can go back into the trails. **(inaudible)**

Mr. Mientkiewicz: Can you just notify everyone, remind everyone that this is illegal. Would you be able to forward something to Mr. Dibble so we can put it on our web site, as a public notice, because it is getting to be that time of the year? I'm sure we will receive a lot more of these type of calls. Just reminding people that it is illegal and that if caught them will be prosecuted.

Next thing I was called on my way down here by a constituent of mine of the 2nd Ward. Mayor they are interested in buying a piece of city property, who would - would I defer them to.

Mayor Scarnecchia: Probably,

Mr. Mientkiewicz: How do we go about that?

Mayor Scarnecchia: **(inaudible)** property

Mr. McNaughton: Is it a land bank?

Mr. Mientkiewicz: It's actually up by the water tower in Oak Forest and around the property there is landscaped beds and benches, I don't know why there up there.

Mr. Steffey: And this is city property?

Mr. Mientkiewicz: It's city property, yes, but it hasn't been maintained last year. We had to get someone up there last year to clean that up. He is very interested in purchasing part of that property. I don't know if you have to have so much property around that water tower or what?

Law Director Terry Dull: There would have to be a determination made, by council and a portion of the administration **(inaudible)** that whatever is being sold that it is no longer needed for municipal purposes. In order to be able to sell anything **(inaudible)**.

Mr. Mientkiewicz: Ok, how do we go about doing that?

Mayor Scarnecchia: I think first of all, the property around it, do you have drawings of that water tower?

Mr. Mientkiewicz: Of course. There's those two landscape beds and that bench. Why they are there, I have no clue.

Mr. DePasquale: **(inaudible)** I'm assuming they belong to us?

Mr. Mientkiewicz: They are.

Mr. DePasquale: **(inaudible)** take care of those. I will go for a ride tomorrow and see what's up there.

Mr. Mientkiewicz: Like I said he is – if you could check it out - he is interested in possibly purchasing some of that property.

Mr. McNaughton: Steve, do you know how close to the water tower that property is?

Mr. Mientkiewicz: It dead ends in the guys' back yard – you know so – fifty yards away.

Mr. McNaughton: I am just curious of the cities policy on that.

Mr. Mientkiewicz: Then again, the last thing, just thanking, I think they all left, the boy scouts and Mr. Freel, for spending the evening with us, I'm sure they were well entertained tonight.

Mr. Pezzano: I want to thank Mr. Newbrough and Mr. Sam Mollica and their departments that they took care of a couple of weeks ago for the first ward. Thank you.

President Marino: Before we adjourn, I do have one additional request, I apologize, I state to you now, I was speaking about the enterprise funds, Mayor can we request a medium CIC to begin **(inaudible)** the Regional Chamber of Commerce to develop.

Mayor Scarnecchia: We discussed that, didn't we? Yes

President Marino: Well, we discussed that in December, I think it is time that we begin to move forward on that, not only do we have a revenue problem and one of the ways we need to address that is looking at our 422 commercial corridor and engaging the Chamber in helping us develop a plan to revitalize that. I use the analogy of turning off Route 11 and 224 that was corn field several years ago we met with Mr. Humphreys, Mr. Kobiair

and others, Sarah Viarco engaging them to beginning the process helping us with economic development. We have another (**inaudible**) company and other businesses coming, so it would be nice to get that ball rolling. So I hope you respect that.

Mayor Scarnecchia: May I say something now?

President Marino: Sure Tom

Mayor Scarnecchia: We should have more information on grants or whatever, we are meeting with our congressman tomorrow, we should know more by then. Then the following week we meet with the Chamber.

President Marino: Great, appreciate that.

Mayor Scarnecchia: I'm sorry, I forgot to mention that.

President Marino: We forget things, Tom there is a lot going on

Mayor Scarnecchia: Oh, I got this.

ADJOURN

President Marino: Motion to Adjourn is in order.

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

MARY KAY NICHOLAS, Pro-Tem Clerk of Council

ROBERT MARINO, JR., President of Council