

COUNCIL MEETING MINUTES

July 20, 2016

Niles City Council held its regular meeting on July 20, 2016 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, McNaughton-P, Steffey-P, Marchese-P, Mientkiewicz-P, Pezzano-P, Marino-P

It was moved by Marchese, seconded by Steffey to accept the June 15, 2016 regular council meeting and July 7, 2016 special council meeting and place them on file.

Motion carried.

REPORTS AND COMMUNICATIONS

FROM The Niles City Auditor

Statement of Cash from Revenue and Expense 01/01/16 to 06/30/16

President Marino: John are there any accounts that we should be concerned about or is everything performing?

Auditor Merlo: General fund is up as because of the income tax collections.

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

Motion carried.

FROM The Niles City Auditor

Check Report by Check Number 06/01/16 to 06/30/16

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

Motion carried.

FROM The Ohio Division of Liquor Control

A notice of legislative authorities regarding Permit Renewal Objections.

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

Motion carried.

FROM The Niles Income Tax Department

Monthly Receipts Total through June 30, 2016

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

Motion carried.

FROM The Office of Superintendent Water and Wastewater
Letter dated July 29, 2016 updating Council on the expansion project.
It was moved by Papalas, seconded by McNaughton to accept the report and place it on file.
Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Al Cantola: 208 Vienna Avenue, Niles, Ohio. I guess I would like to start with the general fund. We laid individuals off and we brought them back. We've talked about (inaudible) we can't have everything in the administration, having dispatch, having fire and police come back. We've eliminated an engineering department, we've brought it back or partially bringing them back. This is all on council's back. I don't see where we've saved or done anything. It seems like we've eliminated something for a month and then we bring it back, and it's an emergency, so you're going to vote on it and I realize exactly how you guys are feeling. You're given information and it has to be voted on today right now or we're going to lose it or it's not going to happen or the tower is not going to go up and everything is an emergency because we have no plan. Then we find out from Mark that you can't eliminate your engineering department, you have to bring it back. These are just costs that are constantly going around and around and nothing is being saved or eliminated. If we lay somebody off, we put them in the light department because they have money, so we bring them back because now we need the custodian and secretary back. I'm confused on where we're taking the city. I don't know. I don't know what the administration is doing and when we make a decision it seems like it's not 30 days later and here we are bringing everybody back right back into the positions they were. Help me.

Mayor Scarnecchia: Mr. Cantola, I have invited you into my office many times. Please come down and see me and we will discuss what the administration has done. Okay? Hoping with the backing of council, I will.

Al Cantola: I work. I work every day. I work hard every day.

Mayor Scarnecchia: I'll stay at night. Okay. Just call me.

Al Cantola. Okay. I understand. What I'm saying is we vote everything every time we are here, every two weeks, to make a decision and we leave here believing that we're going in the right direction and I think we have had some, but when I come to the safety meeting I see them making suggestions and making comments and I don't see anything to really correct it. I agree one hundred percent that you and I should discuss this but you have to get some plans in front of you before you keep voting on everything because clearly as a citizen watching you vote and then changing something two weeks down the road because it just doesn't look like we're getting the information we need to make the proper decision. So we have to start voting and getting plans in place. We've made some great promises, shell games, but I see it going right back to the same direction.

Mayor Scarnecchia: I think you have to be very happy that we are very transparent. Nothing is a secret in this city now. Before nobody knew anything, but now that's why we work on the plan, some go forward and some go back, but you have to understand (inaudible)

Al Cantola: I agree. We are very transparent, but we are still paying overtime to deliver mulch wherever, we still pay overtime to cut those trees wherever on the weekends. You're absolutely right. We do do partial jobs on people's property and it looks extremely poor and they wouldn't accept it. You wouldn't accept it in your yard, but yet individuals in the city have to live with that. You're right, we're transparent but we're still doing everything that we were doing before with no changes. We still have outrageous overtime budgets and you're absolutely right, you're completely transparent, but we are not controlling our overtime. I agree with that. Thank you.

President Marino: Thank you, Mr. Cantola. Mr. Sollitto, your name and address for the record.

Doug Sollitto, 2101 Robbins Avenue, Niles. I'm sitting here and I'm hearing the need to have a custodian, secretary and it's appalling to say that we only have four police officers on the road and four is not even acceptable. You want to bring businesses to town, you want to bring reputable citizens, you want to make your city safe. You want to make Niles known as the safest city it is. You can't totally eliminate crime, but you know, I'm sure the Mayor doesn't want to see it either because police officers are getting shot around the country left and right and we are lowering our numbers. That is absolutely appalling. Perhaps you forgot you ran as a Democrat and you're supposed to be for the union and the middle class. That's what you're here for and to turn around and say there's an open invitation for drug dealers and everything, there's only four on the road now. If I want to deal drugs and I want to commit crime, I'm going to come to Niles. That's the place to be because the Mayor is saying let's lower the security here. Understand when you get a union contract, that's the law. That's part of Revised Code 4117. We talk about the previous administration that broke the law, but at the last meeting when the Mayor said, just file a grievance, so you're going to break the law and have a grievance filed; are you any better? The last thing I saw about Niles wanting to bring revenue in about the CCW and one of the councilman said we don't want to do that, that supports guns. Are you saying you are going to outlaw all guns in Niles because if you want to get a CCW, what you're doing is getting a better way to track who has a gun as well as bringing revenue in. So unless you are outlawing all guns, how can you say I'm not going to support having this plan?

Mr. Mientkiewicz: Sir, I don't support the city as a city government supporting or advocating for people's right to conceal or not to conceal and that's all on that.

Doug Sollitto: With all of that going on and that's the Ohio law that says CCW, they'll go next door and get it so why give up the revenue here? You're going to have it. That's the law. The law says you have to have a CCW, so if you're going to allow it across the state, why wouldn't somebody drive to McDonald or Warren and get it when we could have the revenue here? You can have your personal (inaudible) it doesn't change the law. You're going to have to live with it and bring the revenue in. Thank you.

President Marino: Your name and address for the record.

Jeannie Duffett, 344 Pratt Street, Niles. This goes along with what everybody else is saying. These are the properties that are across the street from me. This is what I have to look at every day.

President Marion: Hand them to Council so they can look at them.

Jeannie Duffett: This is what you see across the street. This is a rental property. This gentleman owes – am I allowed to say his name?

President Marino: I'm afraid not.

Jeannie Duffett: He owes \$2,664.00 in back taxes. Look at his property. This gentleman that owns this house owes \$2,885.00 back taxes. That house is rented. How can these people make money off of these places and they're rented and they owe back taxes? That money could be going to our schools. That money could be going to Fairhaven. This is what I had to look at for three weeks, trash on the curb, a couch sitting there for five weeks. This is a property across the street from me, 339 Pratt. It's condemned. If you look real close at the picture, that's the gentleman that lives there. How can we let a gentleman live in a condemned house? Their back taxes are like \$539.00. I've just had enough. I've had enough. If you guys had to live across the street from those houses, how would you feel? We're trying to put money into our houses. We have a beautiful back yard. We have the bike path. We have a park. We have everything going for us there except for that. I'm embarrassed to bring people to my house. I'm embarrassed to have parties at my house, my grandmother at my house because of the way that looks. This is a great opportunity for Niles. We have a bike path that goes straight through. Do you know how much those bikes costs? Those people have money. Why don't we capitalize on that? It's a beautiful area until you look across the street. Please help us. Please.

Mr. Papalas: Have you talked to Mr. Crowley?

Jeannie Duffett: Yes. Yes.

Mr. Papalas: Jeff, what's going on?

Jeff Crowley: The house is condemned. Her uncle used to live there. He went to Warren Mission. He got kicked out after six months. He squats in the house.

Jeannie Duffett: Selling drugs. Day one he's back, my stepson sees him selling drugs.

Jeff Crowley: We condemn the home, we secure the home, we cut the grass, somebody squats in the home.

Jeannie Duffett: It's not secure. The front door was open all winter long. Open. I called the police and I said I don't know where the government is. I don't know where he is living right now. He could be dead in there. You know what I was told? We don't send officers into condemned houses. Okay. Then why are we permitting this person to live there if it's not safe

for anybody? There's got to be an ordinance at some point to say that somebody can't live in an unsafe house. No electric or water. Where is he using the restroom?

Mr. Papalas: You can't board that place up and that's it?

Jeff Crowley: He kicks it in.

Jeannie Duffett: No. No.

Jeff Crowley: I secured that front door myself.

Jeannie Duffett: You shut it.

Jeff Crowley: I shut the door and locked it shut.

Jeannie Duffett: It's a glass door. No disrespect –

Jeff Crowley: I'm not allowed on someone's property to secure their property when they own the property. We condemned it, we secured the property, he got out of the halfway house in Warren and he is squatting on the property.

Jeannie Duffett: It's been over 30 days though. Can't something be done about getting somebody out of the house after 30 days?

Jeff Crowley: They're not allowed to be there.

President Marino: Terry, is there anything in our nuisance ordinance? Are there any other ordinances that would apply?

Terry Dull: I'll talk with Jeff and see what we can do.

President Marino: I'm wondering, Mayor, if you could arrange a meeting with Jeannie, Mr. Dull, Mr. Vigorito and Mr. Crowley later this week or first part of next week in your office – and you're in the 3rd Ward, right?

Jeannie Duffett: Correct.

President Marino: With Ms. Marchese and you could meet in your office and get this taken care of.

Mayor Scarnecchia: Mr. Crowley, (inaudible)

Ms. Marchese: I did stop at the house and caught him on the porch and he told me that that's his house and nobody's going to take him out. He'll go out shooting.

Jeannie Duffett: I know.

Ms. Marchese: There's nothing in there. He told me this is my chair. I sympathize with her because her home is beautiful in the back.

Jeannie Duffett: You know, that is my neighborhood. What about everybody else's? We need to have some sort of ordinance for landlords.

Mr. Papalas: We do.

Jeannie Duffett: Get some insurance policy that in case the house gets to this, we can tear it down and (inaudible) We need something, don't we?

President Marino: Absolutely. I thank you for coming and they will get in touch with you and Linda to get a meeting in the Mayor's office.

Jeannie Duffett: She has my phone number. Thank you.

President Marino: Anyone else which to address Council?

Rich Bailey, 1476 Butterfield Circle. I hope City Council votes this ordinance down to reduce minimum manning. As a taxpayer, I voted for the tax increase to bring our forces back to what they were before the layoffs and now to find out that I voted yes for a tax and then they are going to reduce the number of safety forces that will be out there that I voted for them to come back. Four officers on the road at one time is not unreasonable.

Mr. Papalas: You are one of the police, right?

Rich Bailey: I am.

Mr. Papalas: So can I ask a question?

Rich Bailey: Sure.

Mr. Papalas: If we eliminate minimum manning, doesn't that restore to management their management rights? Would that allow him to rearrange the hours of some officers from a time when we may not need them as much to a time when we need some more?

Rich Bailey: It would, but there's no set clock on crime where domestic or transport or an emergency. An emergency could happen at 5:00 in the morning or it could happen at 5:00 in the afternoon. Having four officers that are available to take a call that are going to be needed at all times. I work all three shifts and all three shifts you have your very dead time and you have all three shifts where four guys are not enough. City Council should be asking for more police instead of trying to reduce.

Mr. Papalas: I agree with that.

Rich Bailey: Four is a number that should not even be discussed. For somebody to have to fear of not being able to go home at night because there's only one guy and nobody to back you up and you have to call Warren PD or Howland PD and then they got to come, if they are available, if they're not busy, find the address, by that time it's too late.

Mayor Scarnecchia: We do have four and then we have the specialty force, which are three more people on duty on the day turn and they are doing an excellent job of covering this town and so are you.

Rich Bailey: They're doing a completely different job than the ones taking the calls, looking for drug dealers, all that is done by (inaudible) and your traffic officer, but to have less than four guys on an afternoon turn, less than four guys on a midnight turn, I don't care whether it's February or I don't care whether it's July 4th, four is not enough. Four is manageable, but any less than four you're putting your citizens at risk. The City voted overwhelming to pass the tax saying we want our forces back and we want them back at this number and we're willing to pay for them. We can't have the officers come to work every day and have worry about am I the only one out here today? Four is the number that is has to remain. Thank you.

President Marino: Wanda, your name and address for the record.

Wanda Burns, 562 Wyoming. I have several just quick questions. One, of the four officers, does that include like the captain? Is one of those four when you're on duty?

Acting Chief Holland? Yes. It's a combination of any ranking officer or patrol officer. A captain and three officers, you have –

Wanda Burns: So not four patrolman?

Acting Chief Holland: No. A combination of rank and patrol.

Wanda Burns: And the fire department, what's minimal manning and, this is something that is sort of out of order, but I think it's so unfair to the citizens that this appears on an Agenda which wasn't online still tonight at 5:00 so we're here scrambling for our information hearing a lot of this for the first time and you don't even know what questions to ask or what information to bring to you folks which might change your mind. So fire, what's minimal manning in fire? Is there such a thing?

Chief Danielson: Six.

Wanda Burns: So how many down here is –

Chief Danielson: We're down two. (inaudible)

Wanda Burns: And there are times that both stations are out at the same time?

Chief Danielson: We are known to have two calls at one time and every now and then we'll run three calls.

Wanda Burns: Many of those calls the police are there also, correct? Police and fire are on the same team?

Chief Danielson: Well, it depends on the type of call it is.

Wanda Burns: Absolutely. I voted yes and I appreciate transparency, but transparency does not make things right. Just because you're transparent doesn't mean your decision was right and at this point transparent doesn't mean I have trust now. Transparent is you said vote yes so that we have safety protection and I trusted when I voted yes that when I call 911 I'm going to have someone there right away and I'm having my doubts. It just makes me livid and I just want to go on record to say it is not enough for anyone that's ever been in that business, anybody that works in the emergency room, which I did for years, it is not enough. With the crazy things that go on out there, ten is not enough. So I just want to really say be careful how you vote on that tonight.

President Marino: You have about a minute and a half, Wanda.

Wanda Burns: Okay. My other question is, the police vehicles we are paying for them through the OVI fund? Was there enough money in the OVI fund and was that OVI fund all OVI funds?

Auditor Merlo: We are working with the Judge to determine the OVI.

Wanda Burns: Did we go ahead and purchase the cars?

Auditor Merlo: There is no purchase order for the purchase of the cars.

Wanda Burns: Okay.

Mayor Scarnecchia: Excuse me, Wanda –

Wanda Burns: I do have one more questions, because I want my five minutes.

President Marino: Mayor, can you let her finish.

Wanda Burns: Just let me ask it then you answer me because I don't want him to cut me off.

Mayor Scarnecchia: You've never changed Wanda.

Wanda Burns: I haven't changed. I won't change. I'm 61. Too late. What is your definition of proper public purpose?

Mayor Scarnecchia: In what content are you are saying?

Wanda Burns: What is your definition of proper public purpose? When you're making a decision and it's for proper public purpose.

Mayor Scarnecchia: What is good for the people of this town. That's my definition.

Wanda Burns: Okay.

Mayor Scarnecchia: You know you can only please half the people half the time. But also, may I answer what you said why the legislation is not online? It's because the IT man is on vacation and he's the one who puts all those things on line. That's why. I knew that was going to come up tonight because he's been gone, so we will resume when he comes back. Thank you, Wanda.

Wanda Burns: Thank you.

President Marino: Would anyone else like to address Niles City Council?

Paul Davis, 44, Hartzell Avenue, Niles, Ohio. A little comment. I agree with the officers. In fact, I would expand on that saying from afternoon turn to midnight turn there should be two men in every car and a minimum of three cars on the road. That's my feeling. With what's going on right now, no question two people in every car. I have some concern about the meeting two weeks ago. I think I expressed it at that time. Was that meeting legal to have a council meeting, emergency and throw in more legislation than we have passed at many of our meetings?

President Marino: Yes, it is legal.

Paul Davis: It's legal.

President Marino: They gave proper notice.

Paul Davis: That's all I wanted was that answer. Now, in your Rules for Council there is nothing that says I cannot speak at a special meeting.

President Marino: At a special meeting, it is determined that when the notice is presented, Paul, when I begin the special meeting, I state agenda items only for the purpose of the meeting.

Paul Davis: Well, we should be able to speak out on that agenda.

President Marino: Well, they run –

Paul Davis: Unfortunately, it's their rules –

President Marino: Paul, I'm talking now.

Paul Davis: -- that are line and says I can speak.

President Marino: Paul, Paul, I stopped speaking when you were speaking.

Paul Davis: Go ahead.

President Marino: It's their meeting. If they want to entertain comments, they can do that.

Paul Davis: Okay.

President Marino: I run the meetings, but it's their meeting.

Paul Davis: I'm satisfied.

President Marino: Thank you.

Paul Davis: I read in the Tribune maybe six weeks, five weeks ago that we had study done that we, I believe, the number was 17 people in our Water Department. Can someone comment on that?

Mr. DePasquale: That was done in 2014 by the state comparing sister cities. We have 140 miles of water line and they came up with that number that with the size of our city and the water lines we should have 17 people in that department.

Paul Davis: I accept that also. The state studied this and said we should have 17 more, but we don't take the state's recommendation.

Mr. DePasquale: That's their recommendation. I would love to have 17.

Paul Davis: Thank you.

President Marino: Would anyone else like to address Council?

Bill Santell, 233 Moreland Drive, Canfield. I'm the President of the IAFF Local 320 here in Niles.

Dear Members of Council,

The term minimum manning has become a term that has recently been brought up in conversation in our city. Some of you may be wondering what is minimum manning or minimum staffing as it is sometimes referred to as. Some of you may know exactly what the term means. From a fire fighters' standpoint, it is the minimum number of firefighters to conducting firefighting operations in a safe and efficient manner. This is not only for our safety but for the safety of our citizens as well. The National Fire Protection Association (NFPA) addresses this topic with NFPA 1710 as the standard for Fire Departments nationwide. This standard not only applies to fire suppression but to emergency medical services provided by fire departments. NFPA 1710 is a somewhat lengthy standard and I would be more than happy to discuss it with the safety committee. I have provided a copy to the chair of the safety committee, Frank Pezzano.

The term fire department is somewhat of an outdated term since we provide many services other than fire suppression as many of you are already aware of. From the services provided I would say the more appropriate term should be City of Niles Fire Rescue Department. If unsure of what services we offer, I would encourage you to sit down with the chief and discuss this. I think many of you would be surprised exactly what we do on a daily basis.

In Niles we currently maintain 2 stations and operate 3 fire apparatus for fire calls. This translates to 2 engine companies and 1 truck company. According to NFPA 1710 we should be operating with 4 personnel per engine company and 6 per truck company for a total minimum of 14 firefighters for an initial response. Our initial response to a fire call is performed with a minimum of 6 fire fighters. As you can see this far below the recommended national standard. For Emergency Medical Services (EMS) we operate with 2 personnel engine companies. This allows us to run 3 basic life support (BLS) medical calls simultaneously if the need should arise. We have 27 fire fighters which is 3 below our authorized ordinance strength. So as you can see we have answered the call to do more with less as many departments have had to do. On March 15, 2016 the voters of this city overwhelmingly voted in support of their police and fire departments. This vote was to maintain the level of services that were being provided, not cut them. Any reduction in manning will reduce services by the closing of station 8 due to safety concerns by the Fire Chief, Dave Danielson. The area covered by station 8 is the mall area which is a high risk area including 2 new hotels and a new senior living facility that is being built. The voters of this city have spoken and to reduce manning is to ignore their vote. Minimum manning is a NEED, not a want I have included a short article that will hopefully explain the reasoning behind manning standards. I or any other members of my executive board would be happy to answer any questions you may have.

President Marino: Would anyone else like to address Niles City Council? Your name and address for the record.

Mark Joseph, 1227 North Road, Niles. I'm going to read from my notes because I'm a little nervous. I am a third generation Joseph. My grandparents immigrated here from Lebanon. My uncles, my aunts, my parents lived here their entire lives. You probably know members of my family. I graduated from Niles in 1977 went to Hiram College and I am deeply rooted in this town. It saddens me to see what we've done to it. This town has an incredible history, but it seems that we are too willing to let it disappear. Just like what we are doing with our downtown. First off, I want to compliment everyone for how good the tone of the last meetings have gone. I truly do. This is my fifth meeting and I must admit the first two meetings I went to they were pretty interesting. Mayor, thank you for setting a great example to help our city get out of this conundrum that we've created. To the council, and here are my questions. Shouldn't a city be run like a business? Do we have a city plan? If so, what is the five year plan for our city? Who is responsible for the plan and can the residents read it? Shouldn't we be looking for businesses to create revenue and increase foot traffic in downtown, Main Street? Is there an opportunity for residents to volunteer to help rebuild the downtown area? If we are headed in that direction at all, who can we contact and how can we as residents help? Lastly, has anyone done a traffic pattern analysis to see how many cars bypass the downtown area and instead go down here and connect to Robbins Avenue? They don't even drive past that beautiful memorial we have, the

William McKinley Library. Finally, I just recently relocated here because I'm rehabilitating to Niles and would appreciate if the City Council could introduce themselves to me and then let me know how long you've been a City Council member, if I could do that, if that's proper protocol, I don't know, but thank you for your time.

President Marino: Thank you, Mayor, did you want to answer his questions?

Mayor Scarnecchia: You can address them.

President Marino: I'll address some of them. Your question regarding economic development in the direction of the city and a five-year plan, I can assure you this Council, this President of Council, working with the administration are driving in that direction because that's what we all want. In terms of economic development –

Mark Joseph: Sir, can I just ask?

President Marino: I'm not supposed to and I have to follow the rules, so unfortunately you're done.

Mark Joseph: Okay.

President Marino: But I would love to talk to you afterwards. In terms of economic development, we have had meetings with the Regional Chamber of Commerce and it is our intent through our CIC to engage and get the CIC a contract with the Regional Chamber to assist us in developing and identifying properties in town for commercial and industrial development. The nice thing about the timing of this is that we would like to see, I would like to see, that plan coupled with the plan that the Avenue and Main is working on on the housing study so that for once in several years we have a plan to drive the economic growth and addressing neighborhood issues, stabilization issues along with all the work the previous council has done on rentals and landlord issues and the condition of homes in this town. So the sausage making is taking place and it is being worked on. I was in a meeting with the Mayor several weeks ago with the Chamber so these things are moving. I can assure you. It is our hope, my hope, that we can get the Chamber engaged by fall to begin working on this. The Chamber is tied up with some things right now on their own, but we have had meetings. Regarding the council members, they're all accessible and would be happy to talk to you. I think I've answered all your questions. Oh, the group that you wanted to work with for the downtown, that would be the Avenue and Main and Mr. Crowley is here, Mr. Steffey is here, Mr. Hale is here. It's a great group. It is citizen based community group and if you want to get involved, I would encourage you to get involved with the Avenue and Main and also because you live in the First Ward, Mr. Pezzano, your councilman, has one of the best block watch meetings every month that Frank can talk to you about at the end to get you involved. I certainly recommend it. Thank you for coming and we appreciate you coming. Anyone else?

Amy Cantola, 208 Vienna Avenue, My question is I hear we have numerous openings for employment. How will that be posted? Will it be on the City of Niles web page that you are hiring people? Will it be in the newspapers? (inaudible) the city will take out the (inaudible)?

President Marino: That's a question for the administration.

Mayor Scarnecchia: You're right on two parts. It will be on the website and, if we can, we will be putting it in the paper and the results (inaudible) will be in the paper.

Amy Cantola: So we will only be hiring them through (inaudible) posted. Will that be like hey, I know somebody to do the job?

Mayor Scarnecchia: No. This is open plus we have been looking into developing a test and I'm working with the Civil Service on getting some sort of standardized testing, but they're working on that for us. Whoever we hire will be checked thoroughly and it will not be a one person hiring. It will be the administration and anybody in Council that wants to be involved with us will be welcome.

Amy Cantola: Okay. Do you know how long those postings will be up on the internet?

Mayor Scarnecchia: No. I don't know at this point.

Amy Cantola: A week? Twenty four hours?

Mayor Scarnecchia: I don't know.

Amy Cantola: Okay. Thank you.

President Marino: Anyone else wish to address Council?

George Kuriatnyk: 1206 Mason Street. You weren't at the last finance meeting. Are you allowed to vote? Are you allowed to vote on what they talk about right in there?

President Marino: If they have an Agenda, George, which I believe they did, and I apologize for not being here, but I had a family issue that I had to attend to.

George Kuriatnyk: Sorry about that.

President Marino: That's okay. They had an agenda and they are permitted by rules, as I understand it because I wasn't there, to vote on those special council meeting agenda items, yes.

George Kuriatnyk: Okay. So the resident that came here with orange water a couple months ago is that fixed? I think the Service Director said \$75,000.00 to \$100,000.00 to (inaudible) is that correct?

Mr. DePasquale: Not totally. We are working on it. Flushing hydrants. Resolving this is a huge amount of money and that's not available at this time.

George Kuriatnyk: Not available? They also voted to hire four water department employees that day and they don't have the money to fix their water, but can hire four new employees.

Mr. Lastic: I think he is talking about the finance meeting.

George Kuriatnyk: Yes, finance meeting.

Mr. Lastic: Not the special council meeting.

President Marino: Okay. I stand corrected. Thank you, Mr. Lastic. At that finance meeting, that's where they discuss how the ordinances come to be.

George Kuriatnyk: And you're allowed to vote there?

President Marino: That's not voting.

George Kuriatnyk: No one can vote?

President Marino: Hang on George, let me finish. Don't get upset. I will never ever misinform you. I don't want you to get upset. Our rules require council members to sponsor legislation so when you interpreted them as voting what they were doing was saying, yes, we will allow this ordinance to come on the agenda to be voted on formally. An ordinance cannot just show up here by whatever. There's a process for items to get on their agenda, but that voting was them saying, okay we'll allow that to occur. Additionally, on those four water department positions you spoke of, it was originally on one ordinance and council members said no, we want them all separated, so the ordinances were redone which is what we were talking about.

George Kuriatnyk: So you weren't there and members said are we going to vote to hire these employees and they go one, two, three, four yes we're voting we are going to hire them. To me, that's a vote. You weren't here, but that was a vote. We have no money to fix the water, but we can hire four more people in the water department.

President Marino: Regarding the water department, there is a need for those employees. How many, I don't know, but on the flip side I forgot to mention it in here, there is a desperate need for a comprehensive plan to begin to address these things and I think that the Auditor has sent information out from department heads requesting information regarding strategic plans. I know it received an excellent one from the police department and some others, but they are working on that because of hiring needs, we've got water line needs, we have to get water meters installed so we need a comprehensive plan to address the water department.

George Kuriatnyk: And I agree 100% you do need water department employees, but at that meeting Frank asked the administration about hiring three (inaudible) why can't two guys rotate? The administration told Frank that they were afraid of heights. You're afraid of heights and you're working in the tree department? Don't you think you could move them to the water department? I'm being serious. You know what I'm saying?

President Marino: No comments from the audience.

George Kuriatnyk: Mr. Mayor, you said transparency. You said it will be on the website on the hiring and in the newspaper, remember that?

Mayor Scarnecchia: Yes.

George Kuriatnyk: You talked about hiring four for the water department and someone said something about the new hiring process and the administration said we've already got the application filled out. What about the hiring process he asked again. (inaudible) background check. Word for word. That's not transparency. This is shady to me. Nothing's going on the website.

Mayor Scarnecchia: Let me say –

George Kuriatnyk: I've got it all on tape.

Mayor Scarnecchia: Listen. I said that whoever is hired after being totally checked out thoroughly, then we will meet with the department head, the administration, somebody from council is vited to interview and make sure this is the person that will do a good job.

George Kuriatnyk: You didn't say that. You said were –

President Marino: George, because the Mayor is on record in this formal meeting as deference to him, he has informed you on how the hiring practices are going to take place, so if something occurs that is inappropriate, we'll have department heads involved and if council wants involved, the Mayor invited them too so there's a process. Are there any other questions you have?

George Kuriatnyk: Yes. Three times in February you talked about individuals or department heads, upper management, about taking a cut in pay in healthcare for the healthcare and stuff, did you not?

Mayor Scarnecchia: Yes.

George Kuriatnyk: Three separate times.

Mayor Scarnecchia: I don't know how many.

George Kuriatnyk: Three separate times. I've got all three times. We get the paper now and this union page and they are going to pay \$300.00 and some dollars a month for benefits?

Mayor Scarnecchia: I don't (inaudible)

George Kuriatnyk: I did. It's on the union page. How are they supposed to pay their benefits when (inaudible) don't pay nothing? Upper management, they are refusing to take a cut in pay or pay their benefits, right?

Mayor Scarnecchia: Right now, we are in the middle of negotiations. Once they are completed and we have established what we're going to do about contributions to the insurance, then whatever we do with the unions we will also do with management. I can't come out and take steps now with the union negotiations going on.

George Kuriatnyk: Is upper management all union?

Mayor Scarnecchia: No.

President Marino: George, your time has expired. Anyone else? In the opinion of the Chair, there being none, Committee Reports?

COUNCIL COMMITTEE REPORTS

Mr. Pezzano: I had a brief Safety Committee meeting. The fire chief spoke about the inspection fees.

Mr. Steffey: I make a motion to go into execution session for the purpose of contract negotiations, seconded by Mientkiewicz.
Motion carried.

President Marino: Council went into executive session at 6:50 p.m.

President Marino: Council is reconvening at 7:16 p.m. Would the Clerk please call the roll? Lastic-P, Papalas-P, McNaughton-P, Steffey-P, Marchese-P, Mientkiewicz-P, Pezzano-P, Marino-P.

President Marino: Would the Clerk please present tonight's legislation?

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. _____ (Draft No. 67-16)

AN ORDINANCE CREATING THE COUNCEAL AND CARRY WEAPON TRAINING FUND (CCW TRAINING FUND); AND DECLARING AN EMERGENCY

It was moved by Pezzano to give this Draft a third reading.

Mr. Mientkiewicz: A quick comment. My opinion remains the same on this. The City should remain neutral on this issue and continue to provide public services and not privatize (inaudible)

President Marino: Call the roll for a third reading please.

YEAS: 6 NAYS: 1 (Mientkiewicz)

This Draft No. 67-16 has received a third reading.

It was moved by moved by Pezzano, seconded by Lastic to adopt this Draft No. 67-16

YEAS: 6 NAYS: 1 (Mientkiewicz)

This Draft No. 67-16 has been adopted on the 20th day of July 2016.

RESOLUTION NO. ____ (Draft No. 76-16)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED GENERAL FUND TO VARIOUS SAFETY SERVICE COMPLEX ACCOUNTS WITH THE INTENTION OF RECALLING THE PART-TIME POLICE SECRETARY FROM LAYOFF STATUS; AND, DECLARING AN EMERGENCY

Mr. Steffey: Are we able to amend this, Mr. President?

President Marino: Amend the ordinance?

Mr. Steffey: To fund it for eight weeks?

President Marino: The ordinance that is before you, you can vote to amend the ordinance, yes. It's permitted, but probably not the best time to do it.

Mr. Steffey: Okay.

President Marino: Let me ask this question. Does the dollar amount fund the position for eight weeks?

Auditor Merlo: No, it is funded through the end of the year.

President Marino: Okay. I get it now.

Mr. Papalas: I'm asking then this question. Are to asking to amend this so it is only funded for eight weeks?

Mr. Steffey: Yes, sir. Terry, can we do this?

Mr. Dull: Section One would have different numbers. Do we know the numbers?

Mr. Papalas: Should we table this until the next meeting, is that possible?

Mr. Steffey: I know the position is needed. (inaudible).

Auditor Merlo: You could bring in a reduction at the next meeting.

President Marino: John, what did you appropriate for the position?

Mr. Steffey: \$5,600.00.

Mr. McNaughton: Chief, if we table this, how many more hours at \$30 plus per hour are we looking at?

Chief Holland: (inaudible)

Mr. McNaughton: \$30 bucks an hour, folks.

Ms. Marchese: I have a question. How long are funding this? Are you funding this for 40 hours?

Chief Holland: (inaudible) first week that she got hurt. Now we're down to (inaudible) We were closed today.

Ms. Marchese: So Monday, Wednesday and Friday?

Chief Holland: Depending on availability (inaudible) Always Monday (inaudible).

Mr. Dull: As an option, you can pass the ordinance as it is and then come back at the next meeting with adjusted numbers and do an amendment. (inaudible)

Mr. Steffey: Thank you, Terry. I appreciate your helping us. I move that we suspend it.

Chief Holland: She is to start Monday.

Mr. McNaughton: When would we vote on it then?

President Marino: He moved to suspend the rules as is.

Mr. Papalas: Okay. I'll second it.

President Marino: It was moved by Steffey, seconded by Papalas to suspend the rules.

Mr. Mientkiewicz: Mr. Steffey, is that the plan? At the next meeting we reduce the expenditure?

Mr. Steffey: Yes.

President Marino: Call the roll for suspension.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Papalas, seconded by McNaughton to adopt this Draft No. 76-16.

YEAS: 7 NAYS: 0

This Draft No. 76-16 has been adopted on the 20th day of July 2016.

RESOLUTION NO. _____(Draft No. 77-16)

A RESOLUTION ADJUSTING THE MOTOR FUEL FUND APPROPRIATIONS PROVIDED FOR IN THE BUDGET FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2016; AND, DECLARING AN EMERGENCY

Mr. Steffey: This is just a reduction in the fuel consumption for costs, a reduction of \$43,000.00.

It was moved by Steffey, seconded by Papalas 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. 77-16.

YEAS: 7 NAYS: 0

This Draft No. 77-16 has been adopted on the 20th day of July 2016.

RESOLUTION NO. _____(Draft No. 78-16)

A RESOLUTION ADJUSTING THE HOSPITALIZATION FUND APPROPRIATIONS PROVIDED FOR IN THE BUDGET FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2016; AND, DECLARING AN EMERGENCY

Mr. Steffey: This is a reduction of the appropriations by \$380,000.00.

It was moved by Steffey, seconded by Papalas 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. 78-16.

YEAS: 7 NAYS: 0

Draft No. 78-16 has been adopted this 20th day of July 2016.

RESOLUTION NO. ____ (Draft No. 79-16)

A RESOLUTION APPROPRIATING FUNDS FROM THE UNAPPROPRIATED PARK FUND TO THE EQUIPMENT PURCHASE ACCOUNT; AND, DECLARING AN EMERGENCY

Mr. Steffey: This is in regards to the mower that caught fire at Stevens' Park.

It was moved by Steffey, seconded by Papalas 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. 79-16.

YEAS: 7 NAYS: 0

Draft No. 79-16 has been adopted this 20th day of July 2016.

RESOLUTION NO. ____ (Draft No. 80-16)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED DRUG LAW FUND TO THE MISCELLANEOUS ACCOUNT; AND, DECLARING AN EMERGENCY

It was moved by Steffey, seconded by Papalas 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. 80-16.

YEAS: 7 NAYS: 0

This Draft No. 80-16 has been adopted on the 20th day of July 2016.

RESOLUTION NO. ____ (Draft No. 81-16)

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

It was moved by Steffey, seconded by Papalas 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. 81-16.

YEAS: 7 NAYS: 0

This Draft No. 81-16 has been adopted on the 20th day of July 2016.

RESOLUTION NO. ____ (Draft No. 82-16)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED GENERAL FUND TO THE INCOME TAX WAGE AND BENEFIT ACCOUNTS; AND DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Papalas, seconded by McNaughton to adopt this Draft No. 82-16.

YEAS: 7 NAYS: 0

This Draft No. 82-16 has been adopted on the 20th day of July 2016

RESOLUTION NO. ____ (Draft No. 83-16)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED GENERAL FUND TO THE CIVIL SERVICE CONTRACTED LABOR ACCOUNT; AND DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by McNaughton, seconded by Papalas to adopt this Draft No. 83-16.

YEAS: 7 NAYS: 0

This Draft No. 83-16 has been adopted on the 20th day of July 2016

RESOLUTION NO. ____ (Draft No. 84-16)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED LIGHT FUND TO THE LIGHT DEPARTMENT'S WAGE AND BENEFITS ACCOUNTS TO FUND THE E3 OPERATOR POSITION; AND, DECLARING AN EMERGENCY

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

YEAS: 4 NAYS: 3 (Papalas, Marchese, Mientkiewicz)

President Marino: Your rules are not suspended. Your pleasure?

It was moved by Lastic, seconded by Steffey to give this Draft a first reading.

YEAS: 4 NAYS: 3 (Papalas, Marchese, Mientkiewicz)

This Draft No. 84-16 has received its first reading.

RESOLUTION NO. ____ (Draft No. 85-16)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED LIGHT FUND TO THE LIGHT DEPARTMENT'S WAGE AND BENEFITS ACCOUNTS TO FUND THE ASSISTANT MECHANIC POSITION; AND, DECLARING AN EMERGENCY

It was moved by Papalas, seconded by Steffey to table this Draft No. 85-16.

YEAS: 6 NAYS: 1 (McNaughton)

This Draft No. 85-16 has been tabled on the 20th day of July 2016.

RESOLUTION NO. _____(Draft No. 86-16)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED LIGHT FUND TO THE LIGHT DEPARTMENT'S WAGE AND BENEFITS ACCOUNTS TO FUND THE APPRENTICE LINEMAN POSITION; 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 Papalas, seconded by Lastic to adopt this Draft No. 86-16.

YEAS: 7 NAYS: 0

This Draft No. 86-16 has been adopted on the 20th day of July 2016.

RESOLUTION NO. _____(Draft No. 87-16)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED LIGHT FUND TO THE LIGHT DEPARTMENT'S WAGE AND BENEFITS ACCOUNTS TO FUND THE APPRENTICE TREE LINEMAN/LABORER POSITION; AND, DECLARING AN EMERGENCY

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

YEAS: 4 NAYS: 3 (Papalas, Marchese, Mientkiewicz)

President Marino: Your rules have not been suspended. Your pleasure?

It was moved by Steffey, seconded by Lastic to give this Draft a first reading.

Mr. Papalas: This is a routine ordinance and you'll see others like it a few more times during the course of the year.

YEAS: 4 NAYS: 3 (Papalas, Marchesse, Mientkiewicz)

This Draft No. 87-16 has received its first reading.

RESOLUTION NO. _____(Draft No. 88-16)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED WATER FUND TO THE WATER DEPARTMENT'S WAGES AND BENEFITS ACCOUNTS FOR THE LABOR POSTIONS; AND, DECLARING AN EMERGENCY

It was moved by Papalas, seconded by Steffey to table this Draft No. 88-16.

YEAS: 5 NAYS: 2 (Lastic, McNaughton)

This Draft No. 88-16 has been tabled on the 20th day of July 2016.

RESOLUTION NO. _____(Draft No. 89-16)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED LIGHT FUND TO THE LIGHT DEPARTMENT'S BANK SERVICE CHARGE ACCOUNTS; AND, DECLARING AN EMERGENCY

It was moved by Steffey, seconded by Papalas 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. 89-16.

YEAS: 7 NAYS: 0

This Draft No. 89-16 has been adopted on the 20th day of July 2016.

ORDINANCE NO. _____(Draft No. 90-16)

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE NILES BOARD OF EDUCATION AND THE CITY TO UTILIZE A CITY POLICE OFFICER AS A SCHOOL RESOURCE OFFICER; AND, DECLARING AN EMERGENCY

It was moved by Pezzano, seconded by Marchese to suspend the rule requiring three readings.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by McNaughton, seconded by Pezzano to adopt this Draft No. 90-16.

YEAS: 7 NAYS: 0

This Draft No. 90-16 has been adopted on the 20th day of July 2016.

RESOLUTION NO. ____ (Draft No. 91-16)

**A RESOLUTION APPROVING THE FOURTH 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 Lastic to suspend the rule requiring three readings.

Mr. Mientkiewicz: Mayor, can you fully explain minimum manning? Fully explain it and how you plan to keep not only the officers on the street, but for contract negotiations?

Mayor Scarnecchia: Well, under the contract and correct me Chief if I'm wrong, minimum manning means we must have so many personnel on the shift at one time. Without it and with it an example was used that if we had like in the police department four men on midnight and then had (inaudible) we would have to call an officer out and have to pay four hours overtime. Without it, it would be on their discretion that they would have the right to do what he deems necessary and I know they would keep the four people on but we are just trying to eliminate some of that overtime. That's all. Is that clear enough?

Mr. Mientkiewicz: It is and I just wanted for the record that the chiefs do have full discretion and that doesn't necessarily mean that that minimum number of four officers is going to dip below at all given times, correct?

Mayor Scarnecchia: Correct.

Mr. McNaughton: I'd like to ask the chiefs, if I may, I've heard it from folks out there and I would kindly like hear it from you, the true professionals.

Chief Danielson: Absolutely. Six guys minimum manning that we have is minimum. We are running three people apparatus sometimes four people apparatus. A lot of times (inaudible) tower is safety. If you have a house fire, six guys through NFPA code we have two in and two out, which means two firefighters inside the house and two firefighters outside. The first four fighters (inaudible) Basically, when you first get a house fire with six guys, you're only going to

have two guys in. When you dip down below six guys that substation will be closed. The reason for that is I'm going to watch out for my men downtown. (inaudible) So that at least this way if everybody is downtown, everybody drives at the same time. But the initial hit, we are looking out for the safety of our guys.

Mr. Papalas: Chief, let me ask you this question then. If we eliminated minimum manning and one of your firemen went on vacation from a shift which left you with five, what would prevent the substation from shutting down? What would you do?

Chief Danielson: If it were up to me, I'm closing the substation.

Mr. Papalas: You wouldn't call somebody in and pay them overtime anyway.

Chief Danielson: (inaudible) you better believe I'd call someone in.

Mr. Papalas: Isn't that what you do now?

Chief Danielson: Because of minimum manning, yes.

Mr. Papalas: So the point is, we're giving you that prerogative, right? Not through the contract, but through this ordinance, which eliminates minimum manning and gives you, the management, the right to make that decision.

Chief Danielson: Right, but I'm just worried about coming down the road and I call out my six guys and they all the sudden we have overtime and –

Mr. Papalas: It's your call. We have rarely ever gone against a decision that you made concerning manpower. You've got power vested in you by the state to do that so I want to make that clear to everybody. Those chiefs and this was made by (inaudible) by police years ago have powers that some of us don't realize. That's in the United States Constitution.

Mr. Mientkiewicz: Speaking for myself as a taxpayer, I expect that.

Mr. Papalas: Everybody in here does and I know both of you will do your jobs. There's no doubt in mind.

Chief Danielson: My worry was (inaudible) the Auditor is only looking at the numbers. They're not looking at the safety of my guys. (inaudible) We've been really unlucky the last couple years with injuries. If we stay healthy, minimum manning is fine. Unfortunately, we're working with five guys instead of ten guys. If we get one guy injured (inaudible) If we get the guys to work, the numbers should automatically come down anyways because (inaudible).

Mr. Mientkiewicz: That's the goal at least from my standpoint is I'd like to see that number – the overtime number dip -- so that we can entertain the possibility of adding three – both of your staffs back up to full. Hopefully, in the future.

Chief Holland: If the administration wants us (inaudible) call out the sixth, (inaudible) my question also is if it's not the city's intent to go below four, go below ten, why are we even (inaudible)

Mr. Papalas: You both will and you do have the say over that.

President Marino: Any other questions? Call the roll for suspension.

YEAS: 4 NAYS: 3 (McNaughton, Steffey, Pezzano)

President Marino: The rules are not suspended.

It was moved by Papalas, seconded by Marchese to give this ordinance a first reading.

YEAS: 4 NAYS: 3 (McNaughton, Steffey, Pezzano)

This Draft No. 91-16 has received its first reading.

ORDINANCE NO. ____ (Draft No. 92-16)

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO A CONTRACT AMENDMENT WITH MWH AMERICAS, INC. FOR DESIGN OF IMPROVEMENTS TO THE CITY'S WASTEWATER TREATMENT PLANT; AND, DECLARING AN EMERGENCY .

It was moved by Steffey, seconded by Lastic to give this ordinance a first reading.

YEAS: 7 NAYS: 0

This Draft No. 92-16 has received its first reading.

ORDINANCE NO. ____ (Draft No. 93-16)

AN ORDINANCE CREATING THE FIRE CODE INSPECTION FEE FUND; AND DECLARING AN EMERGENCY

It was moved by Pezzano, seconded by Marchese 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. 93-16.

YEAS: 7 NAYS: 0

This Draft No. 93-16 has been adopted on the 20th day of July 2016

ORDINANCE NO. ____ (Draft No. 94-16)

AN ORDINANCE AUTHORIZING THE FIRE CHIEF TO ESTABLISH A FEE SCHEDULE FOR FIRE CODE INSPECTIONS; DIRECTING THAT FEES RECEIVED BE DEPOSITED IN A SPECIAL FUND TO BE USED FOR EQUIPMENT, TRAINING, AND CONTINUING EDUCATION FOR FIRE INSPECTORS; AND, DECLARING AN EMERGENCY

It was moved by Steffey, seconded by Pezzano to suspend the rule requiring three readings.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Pezzano, seconded by Steffey to adopt this Draft No. 94-16.

YEAS: 7 NAYS: 0

This Draft No. 94-16 has been adopted on the 20th day of July 2016.

It was moved by Steffey and seconded by McNaughton to add the Agenda Drafts 95-16, 96-16, 97-16 and 98-16.

Motion carried.

President Marino: Would the Clerk please present Draft 95-16 by caption

ORDINANCE ____ (Draft No. 95-16)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED WATER FUND TO THE WATER DEPARTMENT'S WAGES AND BENEFITS ACCOUNTS FOR ONE LABOR POSITION; AND, DECLARING AN EMERGENCY

It was moved by Mientkiewicz, seconded by Steffey to suspend the rule requiring three readings.

Mr. Papalas: Mr. Chairman for the record, Mayor, I understand there's a need for additional people at that department. I just want to go a little bit slower. I'll support two of these this evening.

Mayor Scarnecchia: Thank you. That will help

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Papalas, seconded by Mientkiewicz to adopt this Draft No. 95-16.

YEAS: 7 NAYS: 0

This Draft No. 95-16 has been adopted on the 20th day of July 2016

ORDINANCE NO. ____ (Draft No. 96-16)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED WATER FUND TO THE WATER DEPARTMENT'S WAGES AND BENEFITS ACCOUNTS FOR ONE LABOR POSITION; 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 Papalas, seconded by Lastic to adopt this Draft No. 96-16.

YEAS: 7 NAYS: 0

This Draft No. 96-16 has been adopted on the 20th day of July 2016.

ORDINANCE NO. ____ (Draft No. 97-16)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED WATER FUND TO THE WATER DEPARTMENT'S WAGES AND BENEFITS ACCOUNTS FOR ONE LABOR POSITION; AND, DECLARING AN EMERGENCY

It was moved by Marchese, seconded by McNaughton to suspend the rule requiring three readings.

Mr. Mientkiewicz: Mayor, as mentioned during last week's finance meeting, I was comfortable entertaining the idea of two labor positions for water department because of the fact that there are a lot of issues looming above our heads regarding the finances in the department at this time.

YEAS: 3 NAYS: 4 (Papalas, Steffey, Mientkiewz, Pezzano)

President Marino: The rules are not suspended.

It was moved by Lastic, seconded by McNaughton to give this ordinance a first reading.

YEAS: 3 NAYS: 4 (Papalas, Steffey, Mientkiewicz, Pezzano)

President Marino: The Draft did not receive its first reading.

ORDINANCE NO. _____(Draft No. 98-16)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED WATER FUND TO THE WATER DEPARTMENT'S WAGES AND BENEFITS ACCOUNTS FOR ONE LABOR POSITION; AND, DECLARING AN EMERGENCY

President Marino: There was a motion to suspend and a motion for a first reading. It would be my suggestion that you table this ordinance.

There's a motion to suspend, is there a second? The motion dies due to the lack of a second. There was a motion for a first reading. Is there a second?

It was moved by Steffey, seconded by McNaughton to table this Draft No. 98-16.
Motion carried.

This Draft No. 98-16 has been tabled this 20th day of July 2016.

President Marino: That concludes tonight's legislation. The next order of business is Miscellaneous Remarks.

MISCELLANEOUS REMARKS

Mayor Scarnecchia: There was so much discussion tonight and I wanted to thank Council for your help with the water department because I'll tell you what, there's something bad that is going to happen there and then we're going to be in trouble because we don't have the manpower. As far as the recovery plan, we're going to recover some day and we'll keep trying and thank you, Mr. President.

Mr. DePasquale: Thank you for the jobs issues that you gave us tonight. I really appreciate it and it will help us down the road. Also, I want to thank the Niles football mothers who are going

to be painting the fire hydrants through town. They'll be painting half blue and half red and putting the player's numbers on the hydrants and they're doing this on their own time so if you would like to sponsor a player or give a donation for them, call the Mayor's office or my office and we'll tell you how to get ahold of them. Thank you.

Chief Holland: The good news is we had our first impound auction and after all the fees are paid we put over \$3,000.00 into the account.

Mr. Papalas: How much, Chief?

Chief Holland: \$3,000.00 and some change. That's just the auction (inaudible)

Chief Danielson: I'd like to thank council for passing the two ordinances. With the new fire truck, there was a final inspection on the fire truck on Thursday and Friday. There were a couple (inaudible) Hopefully, we will have it sometime Monday or Monday night.

Mr. McNaughton: Are you planning a ceremony for everybody to attend?

Chief Danielson: We'll probably have something going on. (inaudible)

Mr. Crowley: I just wanted to let everybody know the Niles House Assessment has been completed. I thank everyone who participated in that. I heard from YSU and received preliminary numbers today and should have most of that back next week, and you remember why we did that, you remember Trumbull County just received six and a half million dollars grant the other day and the first name that was mentioned was Niles. Thank you very much.

Auditor Merlo: There's a fiscal meeting tomorrow.

Mrs. Rizer-Jones: (inaudible)

Mr. Cantanzarite: A quick update. The sewage plant is right on schedule. I invite all council members to please come down and take a look around. This is a lot of money and I'd like for you see this because a lot of it is buried in the ground and you'll never see it. Just to sum up on what Mr. DePasquale said, that water break today was the 46th already this year. I appreciate the two laborers you are bringing on and hopefully we'll be able to get a couple more. Thank you.

Mr. Lastic: Our next meeting is?

President Marino: August 17th.

Mr. Lastic: August 17th. No surprises. If you've got something, bring it out to us. That's all I'm asking.

Mr. Papalas: Jeff Crowley, on Hogarth Avenue up further on the hill where that fellow is storing and selling cars, any improvement there or progress?

Mr. Crowley: I reported it to the patrol officer and he is running those license plates. He just got back on Monday. Tony has actually (inaudible)

Mr. Vigorito: We had them in court in Niles and he failed up to show at the last hearing in Warren so there's a bench warrant out for his arrest.

Mr. Papalas: So what do you do then?

Mr. Vigorito: I'm not sure. That's what the prosecutor said. We have a bench warrant out for him and next time they pick him up he'll be in jail and then I guess we can proceed from there.

Mr. Papalas: So now my question is, maybe Chief you can help me this straighten me out on this, who takes the steps to make sure that this fellow is picked up? Is it the sheriff?

Chief Holland: That's what I was told. We had to move it to Warren because Niles (inaudible) so in Warren, he failed to show up and that was in the later part of June and so we issued a bench warrant out for Niles for not showing up for the case.

Mr. Papalas: Chief, I want you to know something. If you can take steps to help us rectify this, there is an entire neighborhood that would be very grateful to you.

Chief Holland: I'll have Shawn check on it tomorrow.

Mr. Papalas: I just want you to know that. That's how much it means to a lot of people there because they've been dealing with this for years.

Chief Holland: (inaudible)

Mr. Papalas: I'm afraid they're licensed. They are smart enough to do that, but he's also conducting business there. His mother's property and his is loaded with vehicles. His mother lives across the street. Thank you, Chief.

Mr. Vigorito: Yes, there are dealer's plates on most everything there. This is the third year in a row that I've had them in court. They pay the fine and then we start all over.

Mr. Papalas: One final thing. Lori, I want to thank you for all the work that you have done for us this evening with material and in the past. Thank you.

Mr. McNaughton: First of all, welcome back. We were all thinking about you. We were sorry for the circumstances that you were gone.

President Marino: Thank you.

Mr. McNaughton: Is Mr. Joseph still here? Did he leave? Mr. DePasquale stole my thunder as far as (inaudible) but when he talked about the -I'm terribly sorry. You don't have to stay. Two hours we listen to everybody and now you are going to listen to me for a while.

Mr. Kuriatnyk: If you did your job you wouldn't have to listen —

President Marino: George, George, you have to leave. George, you have to leave.

Mr. Kuriatnyk: Have a nice night.

President Marino: George, you have to leave.

Mr. McNaughton: As far as Mr. Joseph's comments as far as what a city needs to do, I took a little umbrage with the editorial newspaper criticizing our city for how we're conducting certain business. He's right. Not only do we have to limit spending, you have to increase revenue and if you do any research, and I've done some, on cities across the country and how cities are struggling with their finances, they are looking for ways to increase revenue. Sadly, almost every one of them ends with the word tax. We are desperately trying to come up with measures that don't end in the phrase tax, so I commend our city for having the (inaudible). It's making a difference so we don't have to tax our revenue any more. I wanted to share that. I drove by McQuaid's the other day. Isn't that a public health hazard? There are still eggs and butter in the coolers, which I'm fairly sure are not plugged in so I'm wondering what, if anything, we can do because that is an eyesore, a public health hazard. I walked right up to the windows. It looks like people when they left Chernobyl. It's just sitting the way it was. The only thing gone is the ladder is gone.

Mr. DePasquale: The Ohio Marshalls in Cleveland own that building. They've owned that building for about 20 years. It was going to be rented a few months ago to a gentleman who was part owner of the (inaudible) backed out of it, so that's where it's at. I've had one of our laborers going over there to keep the grass cut every other week or so, but that's as far as I can go.

Mr. McNaughton: Is there anything that can be done to extricate the product that is in the building?

Mr. DePasquale: I would have to call the Ohio Marshall's office. I have talked to them originally to lease it. (inaudible) I can call them and see what the status is on that.

Mr. McNaughton: I'll do all I can to help you out on that.

Mr. DePasquale: I agree with you, but that's where we're at.

Mr. McNaughton: Mr. Dull, do we as a council or a city, can we officially invite the owners of the empty properties here in downtown that the seven plus years that I've lived here that are completely empty? Invite them and have them share with us their plans for revitalizing them or turning them into something? Can we make it an official thing?

Mr. Dull: I don't know if you want to invite them to a regular meeting or maybe a roundtable. You can't subpoena them, but we could invite them.

Mr. McNaughton: As a follow-up I did some research and some council can subpoena, but I'd rather not but I want to make a formal invitation, but I'm pretty sure a lot of them have been empty prior to July of '09 when I moved here. So I would love to hear the plan that they have. I would love for us to work with them to do something. Trees should not be growing on the top of buildings in downtown Niles or downtown anywhere. That's all. Sorry if I raised my voice and if the resident is here that when I came back left me a note about rolling my eyes during the meeting, I apologized but when the credibility and authenticity of my colleagues are questioned, I might roll my eyes so thank you.

Ms. Marchese: I want to thank Chief Holland and Chief Danielson. I agree with you 100% on the safety of our men. I don't want one officer going on a drug unit alone. We had a tragedy like I brought up at council on Mason Street where another officer could have been injured.

Mr. Mientkiewicz: Just so I don't forget to remark on Mr. Papalas' comments, Chief can you relay that email I sent to you regarding the same issue about the cars on Isaac Street? Can you relay that to Officer Crank? Do you remember that? It was that one address, remember?

Chief Holland: He found it right away. I'll email you because I know Shawn was there.

Mr. Mientkiewicz: Okay. Thank you.

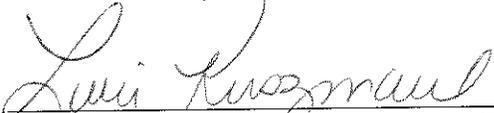
Mr. Pezzano: I'd like to thank Mr. DePasquale and Andy for helping me out on an issue. I'd like to set up a Safety Committee meeting for next Tuesday at 5:00.

President Marino: At the city building?

Mr. Pezzano: Yes. July 26th at 5:00 p.m. in the lower conference room of the city building.

ADJOURN

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


LORI KUSZMAUL, Clerk of Council


ROBERT MARINO, JR., President of Council