

## **SPECIAL COUNCIL MEETING MINUTES**

### **August 22, 2016**

Niles City Council held a special council meeting on August 22, 2016 at 5:30 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 Kuzmaul, called the roll:

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

It was moved by Lastic, seconded by Steffey to excuse Councilman Papalas, Councilman Pezzano, Law Director Dull and Mayor Scarnecchia.

Motion carried.

President Marino: We do have one report that has to be acted upon due to timing.

### **REPORTS AND COMMUNICATIONS**

**FROM** The Ohio Division of Liquor Control

A Notice of Legislative Authority for Tonya L. Cross DBA Tommy Doggs & Patio, 631 Vienna Avenue, Unit 1, Niles, Ohio

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

Motion carried.

President Marino: Next order of business is Agenda items, but before we get into the Agenda items, members of council the Safety Service Director and I met with the Law Director on Friday afternoon. He shared with us his written opinion regarding the ability under Urgent Necessity of the Ohio Revised Code 153.65 and Ohio Revised Code 735.05 that you are permitted to move forward with legislation regarding contracting with the Sekanick Architectural Services to address the roofing and structural deficiencies at City Hall. Jim and I both have that letter and I believe it was shared with you. Before we deal with the Agenda items, I will turn it over to our Safety Service Director, Mr. DePasquale.

Mr. DePasquale: Just to let you know, Mr. Marino and I talked to the Mayor and I was told he is going to be released tomorrow and he told us he is looking forward to getting back to work as soon as possible. Also, with regard to the administration building, if you have anything that you need to do with the tax office, they have been relocated to the Wellness Center temporarily. As far as the administration building, we opened up two offices because of what has happened and it's business as usual. With that, I am going to turn this over to Bruce Sekanick and if you have any questions, he can explain about the administration building.

Bruce Sekanick: My name is Bruce Sekanick and I'm from Phillips and Sekanick Architects of Warren. Last week we were called out to take a look at the existing building, particularly the

roof on the building as well as the wall and all systems that were affected by the water. Our biggest concern, obviously, is the roof, which is the biggest source of water although there is a secondary concern with maintenance that has been done or not done with the actual wall system of the building. Structurally the building is sound from our initial investigation, but there is maintenance that needs to be done on the roof, the wall system and actually in some of the foundation areas within the building itself. We have provided, after reviewing the building, walking through it and also observing Lewis Construction, we have provided a proposal for our services that we have given the Service Director and at this point we are recommending is a roof replacement and the degree of that roof replacement right now is we are looking at the entire roof area, but that will be determined as we get the opportunity to look at the different areas. The roof on the administration building right now is billowing, which basically means that it's inflated and all the fasteners that held that roof down (inaudible) so there are areas where water is probably seeping into around the perimeter and the edges and it definitely needs to be replaced. It should have probably been replaced earlier, but it's one of those issues that we have to deal with. Secondary concern is our wall system. There are areas where patches have been made in previous efforts to keep water from penetrating the walls. Some of that looks like it was actually some grout as opposed mortar. Some looks like it was caulking. Some areas of the lentils particularly on the second floor have actually expanded. Normally it is a quarter inch. Some of that has expanded where it can actually drop to two inches and that forces the wall. On the west side of the building actually one of the upper walls is buckling outwards and that would have to be torn out, relieved and rebuilt. Then obviously we have concerns where the water was actually coming into the basement of the building. As we looked at that, you could actually see areas where there is no outside wall. The walls have actually been peeling the paint up to about 3 feet which means those walls are wicking moisture up from the ground and those are issues that we have to address. So the proposals that we have provided the Service Director include us looking at all those issues and in particular the first one, though, we have to do the roofing system and then we would have to meet with the Service Director on the findings and recommendations and move forward quickly so you can get the job bid out and you can get numbers back. I can go into a lot of the defects in the parts of the building, but I can probably answer your questions better so I'll leave it at that and address any concerns you might have.

Mr. McNaughton: I have a question. I quote you when you say, "the roof should have been replaced earlier." Could you kindly give me an expert answer ball park how much earlier it should have been replaced?

Bruce Sekanick: I can't tell because this was the first time I had been on the roof, but for the lentils to have let loose, it is basically like a bounce house, you know, from side to side it has let loose. It's obviously been in a bad state for a number of years, but I can't tell you exactly. I've read a report that someone had recommended a replacement of the roof in 2011. I don't know who made that recommendation. I believe it was another architectural firm is what I understood.

Ms. Marchese: My question and my concern is the structure of the building itself. If the basement is in this bad of shape and eroding and the outer walls are beveling in, is it feasible to put a lot of money back into this building?

Bruce Sekanick: That's one of the things that we would be looking at. First of all, we look at the different roof areas themselves and evaluate. You actually have three different buildings there; four different roof systems on there. We'll look at each one independently and see what needs to be done. The idea is we would replace all at one time, but they may not all need to be replaced. Obviously, you have cost issues and concerns. That's what our recommendation will be. What you will actually need to replace and make it water tight. That's the first thing. If we get up there and look at what's actually going on with the roof system and finding that it is worse than what we saw, we would come back and say, it's not you worth putting the money into. That's part of our evaluation of what we do with the entire project. The nice thing about our contract as well is our contract is signed for the total amount but if we come back to you and say we shouldn't go forward, you only pay for the services that have been rendered so you're not stuck with a large contract. You really only have to pay for the services rendered.

Ms. Marchese: What is bothering me is you said that part about the walls might have to be taken out.

Bruce Sekanick: Right.

Ms. Marchese: If that is taken out, wouldn't that –

Bruce Sekanick: We wouldn't take that out immediately. We are going to do the roof first, then document the areas where the walls are affected and then bid that out. That would be the second phase of the project going forward. Right now, the walls haven't collapsed. We don't think it is that bad that it would fall apart. Obviously, people have made attempts in the past to actually fix it and it hasn't been fixed well and if it continues, you need to take a look at it. We'll tell you straight up if it's something that we should look at and reconsider the entire building itself or actually go ahead with the entire project. The nice thing is we will have a time period where we have evaluated the building and put out for bids and as this project is out for bids for the roof, we'll have that time frame for us to look a little more closely before you ever have to make a decision to forward. So there is time available to that.

Ms. Marchese: I see what you're saying on the roof, but my concern since you brought this up, is the walls itself.

Bruce Sekanick: Most of the walls, especially at the lower level, are in good shape, even the lentils above the windows. It's when it gets actually to the higher lever or the second floor and the roof. The west side is the worst area on the building and we will certainly take a look at it. We have done these type of repairs before, though, where water gets in behind the walls, it gets trapped back behind the brick and as it gets trapped back there, it affects the lentils and the lentils expand and the wall buckles and you have a problem. We've seen that a hundred times and it's just because water is getting into the walls. Once you stop the water, you do the repair and the building is fine.

Mr. Mientkiewicz: That's just that specific west wall?

Bruce Sekanick: Particularly the west wall. There are some concerns with the lentils in other areas of the wall, we may have to actually go in the cut out the lentils, put new ones in and put the brick back in place.

Mr. Mientkiewicz: You mentioned the foundation.

Bruce Sekanick: Yes, that's what we found when we were in there. It appears that there is a vault underneath the sidewalk and drains toward that curb and towards that sidewalk. Water comes into that part of the building and then it sits down there and drains into the floor drain. That is especially bad during a storm. Even after a storm there is water sitting there and so that wall is constantly wicking moisture up and we need to stop it. So that's almost like a third phase of this work. It's not something that is of real concern right now. It's been probably doing that for 10 or 15 years for all we know, but it's something that needs to be done to make it water tight.

Mr. Mientkiewicz: Is there still cracks? I mean, are there cracks?

Bruce Sekanick: Actually the basement is in reasonably good shape. There's a little bit of falling concrete from the underside of the sidewalk and you can see where someone made some past repairs, but you see that often times in these types of buildings.

Mr. Mientkiewicz: A little bit of drainage and water proof it. That kind of stuff?

Bruce Sekanick: We may choose to seal that area under the sidewalk off with block wall and fill that in.

Mr. Steffey: You will be working in concert with whoever is given the bid for the roofs? But they'll work with your design in play and you manage the project from start to end with that in mind?

Bruce Sekanick: That is correct. The proposals that have been given to the Service Director is that we would provide the design for the roofing system as well as anything else, whether small repairs. There will most likely be request from multiple contractors (inaudible) but we work through the bidding process, we'll make the recommendation for the award based on the lowest and best bid and then we go through the project administration phase as well making sure they are meeting specifications (inaudible) following bid documents, signing off on payments, etc. Making sure the city is getting what you paid for.

Mr. McNaughton: Worst case scenario, a recommendation comes back and says way too much money, should we start working on a Plan B just in case in concert while they are doing their due diligence?

Mr. DePasquale: If you would like to do that. I have been looking at some buildings. The General Electric building and the cost of that building is \$830,000.00 and it's full of asbestos, so that would have to be addressed and that would put the price well over a million dollars and it would have to be refurbished. It's a plant. The money we're talking here and Bruce would

probably agree with us on this, if you go out and look for a building, if we can repair this building, it's cheaper to stay where we are if it's structurally sound then to go out and buy a building and set it up for offices. Don't forget, we still have a light department there and the trucks. We have been in contact with the State Auditors and they agree that this has to be taken care of.

Mr. McNaughton: I'm not saying buying a building. Just for conversation.

Mr. DePasquale: For sake of argument I did pull up a few things on the net just to see what the prices are on that and it's incredible what they are. We have been in contact with the State Auditors and they agree that this has to be taken care of.

Mr. Mientkiewicz: On the other side of the coin, as Ryan mentioned, let's say that the evaluations comes back and we get a number to move forward, do you have a life expectancy once renovations are completed as to – I don't want to have to come back 10 years from now and do this all over.

Bruce Sekanick: On the roofing system in particular or the building in its entirety? Yes.

Mr. Mientkiewicz: Yes.

Bruce Sekanick: Normally a roof like this you're looking at a 25 year warranty, which is what you're looking for. I don't put a lot of value in warranties because they only mean one thing and that is the material itself. It doesn't mean labor. It doesn't mean interior. So there's a lot – it's something, but not something to hang your hat on. So our biggest efforts would be to make sure that what is in place when the whole project is done falls (inaudible) and it's something that you can probably use for another 30, 50 years as long as it is maintained. That is really the key for all of this. I mean, you don't buy a car and then never change the oil. You change it when you're supposed to. That's what a building needs to have done too and you have to have a roof inspection and have everything done in an appropriate manner.

Mr. Steffey: We appreciate your expertise.

President Marino: For timing purposes, I want to spell out what Jim, the Law Director, Bruce and I have worked out relative to the pace of which this is going to move forward. We're going to have to have another special council meeting on August 24<sup>th</sup> on Wednesday because it is going to require three readings because of council's inability to suspend rules. So if it's council's intent to move forward, on the 24<sup>th</sup> after a third reading, Bruce will get a contract. The Board of Control meeting has been moved to Friday so at that Board of Control meeting Jim will move forward and as well as my participation in the absence of the Mayor. Bruce should have to us on or about August 30<sup>th</sup> the bidding documents for the project. On or about September 1<sup>st</sup> we should be able to advertise for bids. It is our intent that the bids will be due at 10:00 a.m. on or about the 16<sup>th</sup> of September. Bruce's firm will review the bids and make recommendations to the city regarding adherence to the specifications. On or about September 20<sup>th</sup> we'll receive the recommendation and upon signature from Mr. DePasquale, the Safety Service Director, it is our intent to have all the work done within 30 days with the Notice to Proceed being issued, so it's a

pretty aggressive timeline and it does confirm to law per the Law Director. There are multiple steps involved here, so while the bids are taking place, if I heard you right, you will be evaluating the facility and then coming back to us on a recommendation on yes, it is the right course or –

Bruce Sekanick: That is correct.

President Marino: Okay. Any other questions of Mr. Sekanick? Thank you. Next order of business tonight is legislation. Will the Clerk please present the first draft?

### **ORDINANCES AND RESOLUTIONS**

**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 Marchese, seconded by Steffey to give this Draft a third reading.

**YEAS: 4    NAYS: 1 (Mientkiewicz)**

This Draft No. 84-16 has received a third reading.

It was moved by Steffey, seconded by Lastic to adopt this Draft No. 84-16.

**YEAS: 4    NAYS: 1 (Mientkiewicz)**

This Draft No. 84-16 has been adopted after its third reading on the 22<sup>nd</sup> day of August 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 McNaughton to give this Draft a third reading.

**YEAS: 4    NAYS: 1 (Mientkiewicz)**

This Draft No. 87-16 has received a third reading.

It was moved by Lastic, seconded by Steffey to adopt this Draft No. 87-16.

**YEAS: 4    NAYS: 1 (Mientkiewicz)**

This Draft No. 87-16 has been adopted after its third reading on the 22<sup>nd</sup> day of August 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**

President Marino: Before we move, can you make a motion to amend the Agenda to read  
“Amended Draft No. 91-16.”

It was moved by Steffey, seconded by McNaughton to amend the Agenda.  
Motion carried.

It was moved by Steffey, seconded by Marchese to give this Draft a third reading.

**YEAS: 5    NAYS: 0**

This Draft No. 91-16 has received a third reading.

It was moved by McNaughton, seconded by Lastic to adopt this Draft No. 91-16.

**YEAS: 5    NAYS: 0**

This Amended Draft No. 91-16 has been adopted after its third reading on the 22<sup>nd</sup> day of  
August 2016.

**ORDINANCE NO. \_\_\_\_\_ (Draft No. 104-16)**

**AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO AN  
AGREEMENT FOR THE PURCHASE OF A VOIP TELEPHONE SYSTEM FOR THE  
VARIOUS DEPARTMENTS OF THE CITY; AND, DECLARING AN EMERGENCY**

It was moved by Mientkiewicz, seconded by Lastic to give this Draft a second reading.

**YEAS: 5    NAYS: 0**

This Draft No. 104-16 has received a second reading.

**ORDINANCE NO. \_\_\_\_ (Draft No. 105-16)**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE TRUMBULL COUNTY ENGINEER AND THE TRUMBULL COUNTY COMMISSIONERS FOR ASSISTANCE IN WATERLINE MAINTENANCE AND GENERAL ENGINEERING ASSISTANCE; AND, DECLARING AN EMERGENCY**

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

**YEAS: 5    NAYS: 0**

This Draft No. 105-16 has received a second reading.

**ORDINANCE NO. \_\_\_\_ (Draft No. 106-16)**

**AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH PHILLIPS/SEKANICK ARCHITECTS, INC FOR DESIGN SERVICES FOR THE REMEDIATION OF THE ADMINISTRATION BUILDING; AND, DECLARING AN EMERGENCY**

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

**YEAS: 5    NAYS: 0**

This Draft No. 106-16 has received a first reading.

**ORDINANCE NO. \_\_\_\_ (Draft No. 107-16)**

**AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH LEWIS CONSTRUCTION FOR THE REMEDIATION OF THE ADMINISTRATION BUILDING; AND, DECLARING AN EMERGENCY**

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

**YEAS: 5    NAYS: 0**

This Draft No. 107-16 has received a first reading.

## MISCELLANEOUS REMARKS

President Marino: I want Mr. DePasquale very quickly to explain and provide you with an update regarding the OWPC Grant.

Mr. DePasquale: We had a meeting today with Trumbull County, Randy Smith, who will try to get this for us. He doesn't see a problem with it. It will be submitted (inaudible) It will be about receiving funds, grant money for the three areas that we're having trouble with orange water. Right now we're flushing hydrants and using automatic flushers on Carnegie and it will have to be done permanently, so they're going to be going after that. This will be Carnegie, Nebraska and Difford. We'll have that in before next week and he expects us to get that grant.

Mr. Steffey: Jim, we use the grant to try to tie that into existing lines?

Mr. DePasquale: Yes. The only thing is he's trying to get a cost estimate on that (inaudible) and there's a little more to it than -- he'll give us a cost estimate on that. He believes that the grant money that we'll be getting is, which is \$225,000.00, the city share should only be roughly \$60,000.00 or \$70,000.00. It should be \$300,000.00 to do that or in that range.

President Marino: Is there any council action required?

Mr. DePasquale: Mark just came in today and I did say something about a resolution and Mark said that is not necessary until after we receive the grant.

President Marino: Great.

Mr. McNaughton: Have you received any feedback from residents as far as the flushing?

Mr. DePasquale: I haven't had any complaints since Carnegie. It's been running for two weeks and I haven't had any complaints on it, so we have it running from 12 to 6 in the morning.

Mr. Lastic: I've had feedback on Carnegie and it was Friday night and it was clear.

Mr. DePasquale: It was clear. The only problem that concerns me is the batteries and winter. If this would work year around it would be a quick fix and it does work, but with the batteries, that's a problem.

Mr. Steffey: So because this project is going to be further than this winter out? You're not talking about getting this started before winter of this year?

Mr. DePasquale: No, I don't see that. It's going to be 2017.

Mr. Steffey: The permanent ones that are available for us to purchase through the engineer, are those are viable?

Mr. DePasquale: Those are wired electrically and that's what we're looking into. If we have to do that –

Mr. Steffey: We're just borrowing the temporary ones?

Mr. DePasquale: Yes. They work great.

Mr. Steffey: I would also be fearful of the water being let below on the street.

Mr. DePasquale: Then you have a problem on the street and we're aware of that.

Mr. Steffey: So the permanent one you can tie into the sewer and you can tie into the electric?

Mr. DePasquale: Yes. We're looking into that. If they work in the winter –

Mr. Steffey: The fact that the residents are drinking clean water tonight –

Mr. DePasquale: Well, we're doing what we have to do and I know flushing hydrants is not the fix, but they have to have clean water so whatever we have to do in the meantime, we'll do that.

Mr. Steffey: Very good.

President Marino: Also, I asked Chief Holland to come this evening because I wanted to clarify the assistant position – I don't know what her position is.

Acting Chief Holland: Chief Administrative Position.

President Marino: Sofia's position in bringing that back. I was of the impression that the injured employee was back as well as Sofia and that was –

Acting Chief Holland: That was incorrect.

President Marino: I was incorrect. When you're wrong, you're wrong. I'm one of the few people who admit that I'm wrong.

Acting Chief Holland: Our full time record's clerk is still on sick leave. She'll be out for at least another few months.

President Marino: Okay. The funding of that position was correct because when she asked me and I went, "really" I wanted to make sure that record is accurate in terms of the information that leaves this room so that everybody's fully informed. I was aware of that and we are all on the same page. I think it's important that everyone knows that.

**ADJOURN**

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

  
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LORI KUSZMAUL, Clerk of Council

  
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ROBERT MARINO, JR., President of Council