

SPECIAL COUNCIL MEETING MINUTES
August 23, 2016

Niles City Council held a special council meeting on August 23, 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 Kuszmaul, called the roll:

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

It was moved by Steffey, seconded by Lastic to excuse Councilman Papalas, Councilman Pezzano, Councilman McNaughton and Mayor Scarnecchia.
Motion carried.

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

ORDINANCES AND RESOLUTIONS

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 Steffey to give this Draft a third reading.

YEAS: 4 NAYS: 0

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

It was moved by Steffey, seconded by Lastic to adopt this Draft No. 104-16.

YEAS: 4 NAYS: 0

This Draft No. 104-16 has been adopted after its third reading on the 23rd day of August 2016.

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 third read reading.

YEAS: 4 NAYS: 0

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

It was moved by Steffey, seconded by Lastic to adopt this Draft No. 105-16.

YEAS: 4 NAYS: 0

This Draft No. 105-16 has been adopted after its third reading on the 23rd day of August 2016.

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 second reading.

Mr. Mientkiewicz: Question. All right, the documents passed out to us tonight, the proposal, can we go through that real quick? Now, this is just a proposal breaking down the architect's cost of \$53,000.00? Correct?

Mr. DePasquale: Right. Subtract \$9,000.00 off of that for the HVAC so it would be \$44,000.00.

Mr. Mientkiewicz: So the HVAC is coming out of this?

Mr. DePasquale: No, they have nothing to do with the HVAC.

President Marino: Yes, it is coming out. We're taking that out.

Mr. DePasquale: We're deducting that so it is \$44,000.00.

Mr. Mientkiewicz: So he's not doing anything with the HVAC, right?

Mr. DePasquale: Right.

Mr. Mientkiewicz: Has he presented any estimates as far as the three, the roof, the brick –

Mr. DePasquale: You have what we have in front of you. That's all we have.

Mr. Mientkiewicz: Okay. I think it would be pertinent for us to get an estimate from the architect before we move forward with this so we know what we're looking at. What we're going to budget for in the future.

President Marino: We can't do that Steven because they have to conduct the analysis of the facility to determine what type of repairs need to be made to the wall and the direction I heard yesterday was that based on his analysis of the facility, the roof, the walls and that vault, that he would come back and make a recommendation to you based on the viability of repairing the facility. I believe Councilwoman Marchese asked that question and he said that he would not recommend to you moving forward if the building weren't worth repairing. So in order for him to develop those numbers, he has to conduct an analysis which is what the proposed contract that the Service Director will enter into.

Mr. DePasquale: That's correct.

President Marino: So I don't know how to provide numbers.

Mr. Mientkiewicz: So \$44,000.00 is for his analysis and if we choose not to move forward with any construction, we're out \$44,000.00.

President Marino: He said that as he is moving through, if he determines that at a time certain that the building is not worth saving, he is not going to continue charging us those fees is what he said. I'm only recalling from memory, but those were his words.

Mr. Steffey: Essentially it's a feasibility study and if he gets to a certain point that it's not feasible to fix it, it will be pro-rated to that point.

President Marino: That's right. That's what he said.

Mr. Mientkiewicz: Which is good. Now, is that in the contract? Is that language in the contract or is that what he is quote unquote saying?

Mr. DePasquale: No, that's what he is saying. Yes.

Ms. Marchese: Do we have that in writing?

Mr. DePasquale: Yes, we do have that. He's already given us his opinion that the building is worth repairing. He will draw that up.

Ms. Marchese: What he said last night was with the walls, he won't know that until he gets in there and starts looking at it.

Mr. DePasquale: That is correct.

Ms. Marchese: It may not be – that's what my concern is after listening to him and thinking about that, if we go ahead, which I know we have to do something, but if we go ahead we're not giving him an open checkbook.

Mr. DePasquale: No, you're not giving him an open checkbook. And again like Bobby said, if he gets to a certain point, okay, and he doesn't think we're going to have so much money into it that it's not worth repairing, he will let us know that. We have to find this out. He's already told me that it is worth repairing. He told me that last night. His exact words were you can 30, 40, 50 years.

Ms. Marchese: He also said some stuff, Jim, that kind of put some doubt in my mind that taking part of the building off and some other things that he is saying that he has some doubts yet.

Mr. Mientkiewicz: I think anyone is going to have some doubts until they actually open up the walls.

Mr. DePasquale: It could even be better. He said that last night. It may not be as bad once he gets in. He also said that. It could do the other way too, but what's the alternative?

Mr. Steffey: Included in that \$44,000.00 is not just the assessment, but he will basically be managing the project.

Mr. DePasquale: They will be managing. But he is also going to design the roof.

Mr. Steffey: Right. The way I understood it in the conversation last night was whoever wins the bid through the bid process –

Mr. DePasquale: He will be with me and be the general on site. We'll coordinate the project with him.

Ms. Marchese: So it won't be a flat roof any more, it will be a –

Mr. DePasquale: No, it's not going to be a gable or anything. It will have a slight pitch to it. It's still a flat roof and there may be a slope just enough to get the water to the gutters. On a normal flat roof the water just lays on top.

Ms. Marchese: So there will be a slope?

Mr. DePasquale: It's going to be minimal, just get the water moving.

Mr. Mientkiewicz: I think the point I'm trying to make is that in most construction cases dealing with architects, engineers and contractors, there is a proposed number to the client before an agreement is reached.

Mr. DePasquale: He has given us that number at \$53,000.00 and we knocked it down to \$44,000.00.

Mr. Mientkiewicz: Total cost of the project.

Mr. DePasquale: That he will give us once we provide (inaudible) we will do that.

Mr. Dull: I'm not sure if you have the same document that I do that has emergency repairs and improvements on Page 6 number 8 there is a breakdown of how he assigns value to what he is doing and he has stigmatic design and design development at \$19,500.00 and after that he is talking about construction, bidding negotiations and construction administration. So if he gets to a point where he says, we're just not going to do anything with it, it appears to me as though he is saying it will not exceed \$20,000.00.

Mr. Mientkiewicz: Stigmatic design is \$10,400.00, am I looking at the right thing?

Mr. Dull: Yes. Then what happens is he develops a number when we go out for bids, he'll have a number that he estimates the project to the end. That's generally done in construction projects and also in public construction projects as well so that if someone comes in with a bid that's 50% over what his design estimate is, then that puts the brakes on us. We're required to rebid the project in that situation it is more than 10% of what his estimate is.

Mr. Mientkiewicz: Okay. Good. And we're talking this \$44,000.00, correct?

President Marino: \$9,300.00 is coming off of that, Steve.

Mr. DePasquale: They have nothing to do with the HVAC.

Ms. Marchese: Jim, so if we go above that, will we be paying per hour? Because it says \$175.00 per hour, will we be paying him more by the hour then? Say something comes up and there are more problems –

President Marino: It would be my expectation that the Service Director hold him to the terms and conditions of this contract and when the Law Director, Service Director and I spoke with Mr. Sekanick on the phone, we made that abundantly clear in terms of our expectations based on our finances and also being cognoscente of the concerns of the community relative to not putting good money after bad. We want to make sure we're making an informed decision. Additionally, Steve, I'm sure the Service Director will review the contract with our Law Director before it is signed to ensure and Terry is hearing all of your concerns to make sure that those are addressed and in the contract.

Mr. Mientkiewicz: Again, my main concern is we're pretty much going to lock in the roof. Budget-wise, we probably could afford a roof, correct John?

Auditor Merlo: Once I get the number I'll give you an answer.

Mr. Mientkiewicz: Based on previous bids. So let's say we're going to go forward with the roof, call it \$300,000.00 –

Mr. DePasquale: I would say you can do the whole project for under that. That's the roof, the remediation and the structure.

Mr. Mientkiewicz: The roof, the brick, restoration and the water proofing?

Mr. DePasquale: I really believe we can do it under \$300,000.00.

Mr. Mientkiewicz: Under \$300,000.00 for all three of those?

Mr. DePasquale: Yes.

Mr. Mientkiewicz: Well, if that's the case then I'm more than happy.

Mr. DePasquale: That's not locked in, but I believe talking to Mr. Sekanick and to Lewis Construction and talking to some roofers who have been in and out of the building, we can do it for under \$300,000.00. When the bids come in, I'm sure they will be very competitive on the roof.

Mr. Mientkiewicz: Okay. Did he say we would have to wait until we get a total project cost?

President Marino: Let me review this timeline again. It's expected Council will approve this tomorrow, hopefully we have five members of Council present, at which point on Thursday, Mr. DePasquale will work with Mr. Sekanick on addressing contract terms to be reviewed by the Law Director to be voted on at the Board of Control on Friday at 11:30. If Mr. Sekanick receives the contract by September 30ish, we will begin the bidding process September 1st. So Council will have to grant the Service Director permission to advertise for bids only for the replacement of the roof based on the design specifications from Sekanick's Architecture firm. The bids will be opened on September 16ish, fluid but thereabouts, the architect will provide recommendations to the city on or about September 20th, Council will act on that recommendation at your next council meeting and you'll have to appropriate money and permit the Service Director to enter into contract with the recommended contractor and the anticipated time work for the work to proceed will be 30 days from the Notice to Proceed. So you're thinking November 1st, Jim?

Mr. DePasquale: November 1st if everything goes well and December 1st at the worst. November 1st is the best.

President Marino: Are there any more questions? I want to make sure you guys understand all of this.

Mr. Mientkiewicz: That's okay. I mean, that's good if \$300,000.00 is what we're shooting for?

Mr. DePasquale: Well, that's what we're hoping for, yes. That's talking to both contractors.

Mr. Mientkiewicz: Talking to the architect as well?

Mr. DePasquale: Talking to the architect and Lewis and again, just some roofers that have come in and thrown some numbers and again, those numbers aren't locked, but it looks like we can do it for that. Again, those roofing contracts will be competitive. There's going to be a lot of roofers bidding this.

Mr. Mientkiewicz: There should be a lot of people bidding, right? Even the brick.

Mr. DePasquale: Lewis Construction is handling the mediation.

Mr. Mientkiewicz: They're going to do the brick? The brick work?

Mr. DePasquale: Sekanick will take care of the brick with his people.

President Marino: I think Sekanick, Jim, will do the specifications to prepare the bid.

Mr. DePasquale: That will be included in the roof, but with the brick work, he can possibly bid that or that could even be done with Lewis.

Mr. Mientkiewicz: How did Lewis come about?

Mr. DePasquale: Lewis is an environmental contractor in the State of Ohio. He is licensed for environment, so that's how. Lewis Construction and ServPro.

Mr. Mientkiewicz: I didn't know who reached out.

Mr. DePasquale: I did. I reached out to him with the recommendation of a lot of people. I have worked with him before and he has a great reputation. He's one of the few that has an environmental license.

President Marino: So Sekanick is going to handle the specifications of the roof based on the timeline that I mentioned. He's going to handle the design specifications for the structural repair and the vault in the basement and that at that point, it will require Council action moving forward for the bidding, and Sekanick will handle reviewing the bids, etc. working with our Service Director on each phase of this. The first step is determining the level of need of the facility and the worthiness of spending money.

Mr. Steffey: Will you couple the brick work with the roof then or will it be separate?

President Marino: We'll rely on the Law Director to provide us with guidance and Jim provide you guys with guidance on what's the most efficient way to do that and also that it is in compliance with law.

Mr. Steffey: Okay. Thank you.

President Marino: Anything else? Call the roll, please.

YEAS: 4 NAYS: 0

This Draft No. 106-16 has received a second 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 Marchese, seconded by Lastic to give this Draft a second reading.

President Marino: I want to go back and touch upon one other thing regarding the facility. We're going to have to find out on the interior ascetics and what that is going to encompass, so whoever speaks to Mr. Sekanick that needs to be incorporated in here so there's no confusion on expectations regarding the city. There's going to need to be some ascetics done to the one wall in the Mayor's office, painting and whatnot needs to be addressed. I don't want that to fall through the cracks. No pun intended. Call the roll for a second reading.

YEAS: 4 NAYS: 0

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

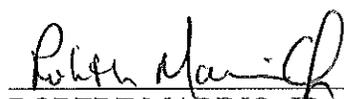
President Marino: That concludes this evening's legislation. We will see you tomorrow at 5:00 with the State Auditors for a review of the '15 audit. That meeting was requested by the Auditors. It is not a public meeting. It was called by the Auditors. We will hold a special council meeting here at 6:00 p.m. to handle any business that might be pertinent before City Council, so there might be new Agenda items depending on what we find out with the bidding and whatnot. Motion to adjourn?

ADJOURN

It was moved by Steffey, seconded by Marchese to adjourn the meeting.



LORI KUSZMAUL, Clerk of Council



ROBERT MARINO, JR., President of Council