

MINUTES

Niles City Council held its regular meeting of December 4, 2013 at 6:00 p.m. in Council Chambers Safety Service Complex in Niles, Ohio.

The meeting was called to order by President Pro-Tem Stephen Papalas, and the Clerk; Linda A. Yuhasz called the roll:

Lastic-P;Papalas-P;Giancola-P;McCormick-P;Stredney-P;Merlo-P;Wilkerson-P;Marino-A

It was moved by Stredney, seconded by Wilkerson to excuse the absence of President Marino. Motion carried.

It was moved by Stredney, seconded by Lastic to accept the Minutes of the regular meeting of November 20, 2013 and place them on file. Motion carried.

REPORTS AND COMMUNICATIONS

FROM The Niles City Income Tax Department
The Monthly Receipt Totals thru November, 2013

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

FROM The Auditors Office
The Estimated Versus Actual Revenue thru November, 2013

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

FROM The Niles Municipal Court
The Probation Report thru November, 2013

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

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Mr. Barry Steffey, 511 West Third Street, Niles: I just wanted to thank all the city officials for the successful year participating with the Avenue and Main and some of the things we tried to do around town. As we close out the year, I want you to know that it hasn't fallen upon deaf ears that you folks have contributed greatly to the success. Not only in small projects that we tried to tackle but in working relationships with the public and we appreciate that.

I want to thank Mayor Infante for the proclamation I was presented with last night by Councilman Stredney. I want to thank Councilman McCormick and Councilman Stredney for committing to the blocks watches that we have and for attending the meetings regularly. I want to thank Chief Brown and the police force, some one from the police department shows up every meeting and answers every question from every citizen. To have the open line of communication I feel is a step in the right direction.

President Pro-Tem Papalas thanked Mr. Steffey and his committee for all their hard work.

Mr. Lucas McCartney, 603 Cherry Street, Niles: I have called and left a message for the safety director and he has never returned my calls. I left a message for the chief of police and he never returned my calls. I have been calling the City of Niles and trying to get hold of Neil and the

mayor, you can talk to Bonita but none of them return my calls. There is a house across from me and the roof is falling off. To me the house is not up to code and how he was allowed to rent the house is beyond me! I called today and got the cost of our real estate tax, we have lost \$4500 when they did the 2011 revision tax. We lost that much value in our house because of the rental houses in our neighborhood bringing it down.

Mayor Infante: I have called you back three times, once yesterday and twice today and your voice box is full. Do not say that I don't call you back because I call you back!

There was a discussion between the mayor and Mr. McCartney concerning what phone number he left the mayor to return his calls to.

Mr. McCartney asked the mayor why the owner of this house hasn't been to court yet.

Mayor Infante told Mr. McCartney that he had to the end of December to put the new roof on and new down spouts. Steve Yovich is on this every day.

Mr. McCartney: I filed a complaint.

Mayor Infante: You filed five complaints and four of them have been taken care of, this is the last one. Mr. Thompson owns the house and by the end of the year it will have a new roof and down spouts. The house is not being rented. If the work is not done by the end of December then we will take him to court.

Mr. McCartney said that it is being rented because someone is living there. The mayor said that no one is living there.

Mr. Vigorito told the mayor and council that he would check to make sure that no one was living at that house.

Robyn Morris, 203 Sheridan, Niles: Was anything done to 206 Sheridan from the November 27th court date?

Mr. Burke said there was a trial date set for January 8, 2014. The rest of Mr. Burke's conversation was inaudible.

Mr. Vigorito told Ms. Morris that his charges weren't filed in court. His charges were filed under a public nuisance and at the meeting the board gave him thirty days to clean the place up or possibly demolish the house.

COMMITTEE REPORTS

Mr. Lastic told council that the Cemetery Committee met a few weeks ago and there will be several pieces of legislation coming into council to update the cemetery.

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. ____ (Draft No. 73-13)

AN ORDINANCE AMENDING CODIFIED ORDINANCE NO. 141.11, "ALARM RESPONSE FEE" TO CREATE NEW FEE ASSESSMENTS BEGINNING IN THE CLAENDAR YEAR 2014

It was moved by Stredney, seconded by Lastic to give this Draft a third reading.

YEAS: 7 NAYS: 0

It was moved by Stredney, seconded by Wilkerson to adopt this Draft No. 73-13.

YEAS: 7 NAYS: 0

This Draft No. 73-13 has been adopted on the 4th day of December, 2013.

ORDINANCE NO.____ (Draft No. 74-13)

AN ORDINANCE ESTABLISHING A FEE ON BEHALF OF THE CITY OF NILES FOR THOSE SITUATIONS WHERE A MOTOR VEHICLE IS IMPOUNDED OR TOWED AT THE BEHEST OF A NILES CITY POLICE OFFICER; AND, DECLARING AN EMERGENCY

It was moved by Stredney, seconded by Giancola to give this Draft a third reading.

YEAS: 7 NAYS: 0

It was moved by Stredney, seconded by Giancola to adopt this Draft No. 74-13.

YEAS: 7 NAYS: 0

This Draft No. 74-13 has been adopted on the 4th day of December, 2013.

ORDINANCE NO.____ (Draft No. 70-13)

AN ORDINANCE TO CHANGE THE ZONING OF CERTAIN PARCELS OF PROPERTY LOCATED ALONG MAHONING AVENUE, CURRENTLY OWNED BY PMRP PARTNERS, FROM INDUSTRIAL TO B-3 COMMERCIAL DISTRICT; AND, DECLARING AN EMERGENCY

It was moved by Stredney, seconded by Lastic to give this Draft a seconding reading.

YEAS: 6 NAYS: 1 (Papalas)

This Draft No. 70-13 has received its second reading.

RESOLUTION NO.____ (Draft No. 84-13)

A RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION AND TO EXECUTE CONTRACTS IN CONNECTION WITH THE OHIO PUBLIC WORKS COMMISSION FOR A PROGRAM YEAR 2014 OHIO PUBLIC WORKS COMMISSION PROGRAM, FUNDING THE NORTH MAIN STREET RECONSTRUCTION PROJECT AND DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

Mr. Mark Hess updated council on the North Main Street Reconstruction Project that will cost \$560,000 but the grant will cover \$386,000 of the project. The North Main Street project will advertise for bids in June and begin construction in August with the roadway reconstruction completed in October.

This Draft No. 84-13 has been adopted on the 4th day of December, 2013.

RESOLUTION NO.____ (Draft No. 85-13)

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE HEALTH DEPARTMENT'S WORKER'S COMPENSATION ACCOUNT TO ITS WAGES ACCOUNT; AND DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

This Draft No. 85-13 has been adopted on the 4th day of December, 2013.

ORDINANCE NO.____ (Draft No. 86-13)

AN ORDINANCE AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH THE TRUMBULL COUNTY COMMISSIONERS FOR THE PURCHASE, INSTALLATION AND MAINTENANCE OF NEW EQUIPMENT FOR THE 911 DISPATCH CENTER; AND, DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

This Draft No. 86-13 has received a first reading.

RESOLUTION NO.____ (Draft No. 87-13)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNENCUMBERED WATER FUND TO THE WATER DEPARTMENT'S WATER ACCOUNT; AND, DECLARING AN EMERGENCY

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

Auditor Nader: We purchased more water than we thought we were going to and so with the additional \$70,000 we can pay the last bill. If you look at the revenue, water revenue will exceed what we expected to bring in this year also. If you sell more water than you have to buy more water.

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

This Draft No. 87-13 has been adopted on the 4th day of December, 2013.

RESOLUTION NO. __ (Draft No. 88-13)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED FIRE PENSION FUND TO THE FIRE PENSION'S ACCOUNT; AND, DECLARING AN EMERGENCY

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

Auditor Nader told council that the Police & Fire Pension Fund bills monthly now instead of quarterly. This additional appropriation will fund the last two months of the year.

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

This Draft No. 88-13 has been adopted on the 4th day of December, 2013.

ORDINANCE NO. __ (Draft No. 89-13)

AN ORDINANCE ESTABLISHING THE ALLOCATION OF ADMINISTRATIVE COSTS TO THE WATER REVENUE FUND, THE ELECTRIC REVENUE FUND, AND THE SEWAGE REVENUE FUND; REPEALING ALL FORMER ORDINANCES IN CONFLICT THEREWITH; AND, DECLARING AN EMERGENCY

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

Auditor Nader explained to council that this is a recommendation from the State Auditors Office during the regular audit of 2012. The city has had this in place since 1991, but their suggestion

is that it passes through council. When council changes every two years this ordinance will be passed through council again.

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

This Draft No. 89-13 has been adopted on the 4th day of December, 2013.

MISCELLANEOUS REMARKS

Law Director Dull invited everyone to the McKinley Christmas celebration happening downtown on Saturday, December 7, 2013. The event will take place downtown between the McKinley Home, the library and the Thomas House. A lot of hard work has been done to get this event organized so come out and have a good time.

Auditor Nader informed council that he was collecting all the information from the department heads concerning the budget hearings. He said that a budget is two sided, not only expenses but revenues also. The city needs to start looking at the water and sewer rates in order to make the budget balance.

Councilman McCormick: I know that we have the performance audit going on and there has been talk about looking into water and sewer rates. I am assuming that we will wait until that audit is done. Upon completion, Steve do you think that we can have a joint Roundtable with the Utility and Finance Committees?

President Pro-Tem Papalas: Absolutely and we have to talk to the mayor first. I am sure he is looking at it.

Councilman Stredney: Chief Brown, do we have that other fire truck back yet or is it still getting fixed?

Fire Chief Brown: Apparently you like to address me in a public forum, so I am going to address you in a public forum. It seems like with all your questions you might want to come talk to me personally. You are a politician and you know government, I am trying to straddle a very fine fence. I have ISO on one side and a grant on the other side. Depending on the situation with my truck is it best for the city here or is it best for the city there? I am trying to accomplish both of those factors and I don't appreciate addressing that in front of the public, but apparently you do because you have called me on the carpet every single meeting. You need to come and talk to me personally and I can give you some of the inside information. I don't have a personal agenda; everything I do is for the city. If I could lower everyone's interest rates because ISO rating going down I would love it. If I could get a grant this year and I feel confident because of other things so you need to talk to me personally. That truck in the shop right now that may a patch to try to suffice both entities.

President Pro-Tem Papalas: Well stated chief.

Councilman Stredney: I have addressed this a couple times to the mayor and many council meetings have passed, he then said this is a subject for the chief. Chief I am agreeing with you that we should have five fire trucks and we should have more firemen. I want to keep this on the front stove so these gentlemen up here don't ever forget that we are short on fire equipment, short on safety services so that when our budget hearings begin next week we can fight for every penny we can get. We can help get a new fire truck, new firemen, and new policemen. I am the Safety Service Committee chairman and I am trying to get the rest of council to see that we are having trouble with the equipment and they can politically do what they have to do to get whatever money out of the budget to get fire trucks, firemen and policemen.

Chief Brown: I appreciate that but if you would come talk to me I can give you some inside information. Yes we do need that, all the things that you are working for keep on working for them. I am trying to do the best for both sides.

Councilman Stredney: Chief I have been down there a couple of times and I will leave a note at your office the next time I am over there.

President Pro-Tem Papalas: We all have our own approach on how we handle our elected positions and the mayor and I have been doing this for a long time, it's important that you sit down and talk to the chief in private. If you are not satisfied with the progress then you need to see us. A little communication per his request makes sense.

Councilman Stredney: No problem.

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

Linda A. Yuhasz, Clerk of Council

Stephen G. Papalas, President of Council Pro-Tem

