

**MINUTES**  
**FEBRUARY 19, 2014**

Niles City Council held its regular meeting on February 19, 2014 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, Giancola-P, McCormick-P, Stredney-P, Merlo-P, Pezzano, P, Marino-P

It was moved by Stredney, seconded by Merlo to accept the Minutes of the regular meeting of February 5, 2014 and place them on file.

Motion carried.

**REPORTS AND COMMUNICATIONS**

FROM The Niles City Income Tax Department

The Monthly Receipt Totals thru January 2014

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

President Marino: Bob, why is January \$20,000 down as opposed to previous?

Robert Swauger: That's just the way the end of the month fell. Since it is quarterly and how they were post marked the end of January. In February it should be back up.

President Marino: Okay. So this is just an anomaly.

Robert Swauger: This should be an anomaly because of the way the month ended.

President Marino: Great. Thank you.

Motion carried.

FROM The Niles City Auditor's Office

The Estimated Versus Actual Revenues thru Year End 2013

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 permit transfer from Shah & Sons, Inc. to Vienna Sunoco, Inc.

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

Motion carried.

## **MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL**

No comments

## **COUNCIL COMMITTEE REPORTS**

Before we begin with Committee Reports, we do have two students here from TCTC as part of their government class. Welcome to our meeting.

There are no committee reports.

## **ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. \_\_\_\_\_ (Draft No. 14-14)**

### **AN ORDINANCE AMENDING IN PART, CODIFIED ORDINANCE NUMBER 923.05(a.), USE OF PUBLIC SEWERS CONTROLLED; AND DECLARING AN EMERGENCY**

It was moved by McCormick, seconded by Lastic for Suspension.

Mr. McCormick: As you can see, the first part says, "Whereas mandates created by EPA." That tells the whole story. These are limits from metals that can be found in the waste systems of some of our industrial customers and the new limits are here from the EPA and we are mandated to adhere to those limits. This is step one to get us on target for what we need to do, and Mr. Fabrizio was good enough to be here tonight and I'm sure I didn't cover everything. Randy, would you please elaborate.

Randy Fabrizio: First of all, it is my distinct pleasure to be here tonight to speak to familiar faces. We did a lot of good things in this room over the years. I've been asked to come back and one of the first steps, in order to work with the industry, is to adjust the permit limits and this has to be done -- these permit cycles - which are every 5 years, and they have to be technology based limits and have to be signed and stamped by a certified professional engineer. That first step has, in fact, been done and now what we have to do is implement it, memorialize it by council and send it off to the EPA for approval. Once that is done, we have to rewrite and adjust the permits for the industry in order to maintain compliance for our MPDRS program. So this is one of four or five steps that have to be done in a specific order. I appreciate your indulgence and ask that you pass the emergency measure so that we get this off to the EPA and get onto step two.

President Marino: Thanks Randy. We are glad that you are willing to help the administration out and council.

**YEAS: 7 NAYS: 0**

Rules are suspended.

It was moved by McCormick, seconded by Stredney to adopt Draft No. 14-14

**YEAS: 7 NAYS: 0**

Draft No. 14-14 has been adopted on the 19<sup>th</sup> day of February 2014.

**ORDINANCE NO. \_\_\_\_ (Draft No. 15-14)**

**A RESOLUTION AUTHORIZING THE CITY OF NILES TO FILE AN APPLICATION TO THE STATE OF OHIO TO PARTICIPATE IN THE CLEAN OHIO BROWNFIELDS PROGRAM**

It was moved by Stredney, seconded by Merlo for suspension.

Mark Hess: The city received a letter from the Ohio Developmental Services Agency that there is an amount of \$634,680 that's been set aside for the cleanup of the BRT site. You may remember that we partnered with BRT to do a complete cleanup study on their site and this money is there for them to clean that up. The issue is that the city has to be the applicant and so we are going to continue that process with BRT so that they can apply for this money and do the cleanup. We have to be the applicant. There has to be an application on file by March 10<sup>th</sup> and then they have the typical 45 days. There are several steps to this and for us to complete the application and to get it approved and get the money to BRT.

Mr. McCormick: Is that entire amount dedicated for this program. When we applied for that grant, did we get the total amount for the cleanup?

Mark Hess: Yes.

Mr. McCormick: Or did we just get a piece of it?

Mark Hess: Well, it's going to depend on -- again, they set aside the estimated value of the cleanup.

Mr. McCormick: Okay.

Mark Hess; So now we have to do the application and we'll actually get into bringing engineers in and figuring out what those costs are. From my understanding, there may be a local match for this money, but BRT will be responsible for any local match to the grant.

Mr. McCormick: Thank you.

**YEAS: 7 NAYS: 0**

It was moved by Stredney, seconded by Giancola to adopt this Draft 15-14.

**YEAS: 7 NAYS: 0**

Draft No. 15-14 has been adopted on the 19<sup>th</sup> day of February 2014.

### MISCELLANEOUS REMARKS

President Marino: Two remarks. Chuck, can we add onto your report the revenue versus the -- can you put the expenditures on here? How do we track expenditures? I know we have revenue on this, but how do we know that the expenditures are not exceeding the revenue? How do we keep track of that on this report? Is there a way that we can do that?

Chuck Nader: Quarterly we do that.

President Marino: I get that, but I was wondering if there is a way we can make sure these councilmen know more regularly what our expenditures are versus our revenue. Is there some way that you can come up with another report so that they know where we are at?

Chuck Nader: Okay.

President Marino: More often than a quarterly report? I think it would behoove us to do that.

Chuck Nader: Okay. I'll work on that.

President Marino: That way we won't get into what has happened in the past. We will know sooner rather than later.

Mark, I saw that congratulations are in order. In the Tribune, I saw that you were a vice chair of East Gate?

Mark Hess: Yes. As a matter of fact, I had been chairman of the general policy board back in 2004, so I was just elected to second vice chair. Next year I will be first vice chair.

President Marino: That's great.

Mark Hess: Thank you.

President Marino: Mayor Infante?

Mayor Infante: Can we set up a committee meeting or council as a whole? We received a preliminary contract together with Weathersfield Township on the Niles Road property, the 100 plus acres, and we need to get that finalized and get it passed right away before the State changes the laws again.

Mr. McCormick: When would you like it?

Mayor Infante: Maybe prior to the next meeting. The next council meeting. Terry has a copy and I know Steve has a copy.

Mr. Papalas: Would you like 5:30?

Mr. McCormick: How long will it take?

Mr. Papalas: Let's say 5:30. I don't think it will take long. Do you agree, Mayor? Is 5:30 okay?

Mayor Infante: Yes.

Mr. Papalas: Lori, would you remind everyone and notify the press there will be a caucus on March 5<sup>th</sup> at 5:30.

Mr. Papalas: Will the legislation come before that, Ralph.

Mayor Infante: If everyone is all right with it.

Mr. Papalas: Lori can send it out in the packet so we can look at it and meet to answer any questions.

Mr. McCormick: I would be comfortable with that.


President Marino: It will be a council as a whole committee meeting on March 5<sup>th</sup> at 5:30 in Council Chambers.


Mr. McCormick: Do we have to say specifically what the meeting is for?

Mr. Papalas: It's a caucus meeting.

**ADJOURN**

It was moved by Giancola, seconded by Mr. Stredney to adjourn the meeting.

  
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LORI KUSZMAUL, Clerk of Council

  
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ROBERT MARINO, JR., President of Council