

MINUTES
JUNE 4, 2014

Niles City Council held its regular meeting on June 4, 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

President Marino: Your Minutes from last meeting?

Mr. Stredney: Mr. President, I would like to lay these over to the next meeting to accept them for filing.

Mr. Merlo: Seconded.

REPORTS AND COMMUNICATIONS

FROM The Ohio Division of Liquor Control

Notice to renew Liquor License from McKinley Convenience, Inc., dba Cottage Market, 2318 Robbins Avenue, Niles, Ohio 44446

It was moved by Stredney, seconded Lastic to refer to the Police Chief and Safety Director for their recommendation.

Motion carried.

FROM The Income Tax Department

Monthly Receipt Totals – Income Tax thru May 2014.

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

Motion carried.

FROM The Auditor's Office

Estimated versus Actual Revenues thru May 2014

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

Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

President Marino: Would anyone like to address Niles City Council tonight? Your name and address please.

Nicole Cole, 425 Vine Court, Niles. I just have a question. The house across the street has a condemned sign on it. It's been up since April 8th and I just didn't know if there was any – I guess what the process is for anything going on with that.

President Marino: Tony, do you have any information?

Mr. Vigorito: The house inspector still has it under his jurisdiction and he is still dealing with the owners and the real estate agency.

Nicole Cole: I just didn't know if there was a process as to how long it took. Thank you.

President Marino: Anyone else wish to address Niles City Council tonight?

Dave Brothers, 412 Wendall Place, Niles. I spoke to council back in September when you raised my income tax. I was wondering if you were looking to give that credit back of my income taxes that were raised or is that not going to happen?

President Marino: It was an elimination of a tax cut is what it was.

Dave Brothers: There is no discussion as to --

President Marino: There have been discussions. I'll defer to the Mayor or Finance Chairman. Mayor Infante or Mr. Papalas, if they would like to make a remark.

Mayor Infante: We have a game plan together that we are going to try to work on so we can get that 1 ½ credit back next year. It's a plan that the Finance Chairman is working on, but we have to do some other things.

Mr. Papalas: We needed that as a bridge because we didn't know where we were. That's why we called in the Performance Auditors to begin with. So we are looking at this and hopefully we will have it put back in place or have the Ordinance repelled and reinstate that.

Dave Brothers: How long was that in place before, do you know? The tax cut?

Mr. Papalas: A long time.

Dave Brothers: So you raised the portion of the resident's taxes --

Mr. Papalas: We eliminated the tax break.

Dave Brothers: Right. So you raised the portion of the residents' taxes --

Mayor Infante: It's for the people who worked outside the community of Niles. For instance, if you work in Warren or work in Youngstown --

Dave Brothers: Do I pay more taxes this year than I did last year?

Mayor Infante: Yes. Yes, you did.

Dave Brothers: To me that is raising my taxes.

Mayor Infante: Yes, sir, but we didn't raise it for people that are employed within the city, which you were referring to in the beginning.

Dave Brothers: Well, exactly. So the whole city didn't get their taxes raised. It's just the ones you can't provide jobs to within the city.

Mayor Infante: Right.

Dave Brothers: I just wanted to know if you were raising everybody's or just people who work outside the city.

Mayor Infante: Well, that's the plan we are going to work on.

Dave Brothers: Thank you.

Mr. Papalas: Mr. Brothers, we are discussing that.

President Marino: Anybody else wish to address Niles City Council?

Patricia Border Wyant, 503 Belmont Avenue. I was wondering why all the sudden for people parking on the road forever and now it's an emergency.

Mr. Giancola: It's not an emergency. We've been working on this since January. It's more of a safety problem than having people parking on the road. Councilman Pezzano and I drove the whole city late Friday night into Saturday for four hours. We drove every street. We came up with 256 vehicles parked on Niles city streets and out of all those vehicles, only two of them we had question marks on what driveway they went into. Everybody's driveways were open. Everyone. We checked three wide on both sides of the street where we saw a vehicle. There was room for every vehicle that we saw parked on the streets, except for two.

Patricia Border Wyant: I park on the street because it slows down the traffic on Belmont Avenue.

Mr. Giancola: Again, we are doing this for safety reasons. What it is, there are people coming in from out of town, parking on the streets with other cars and then they are breaking into people's garages, their sheds. That's one aspect of the safety. The second aspect of the safety is we can't send our street sweeper out late at night because we have cars on the streets and the residents get upset because they can't get their street cleaned because there are cars parked on it. We have fire trucks that can't get through on some streets. There are quite a few aspects as to the safety of park on the streets. That is why we are bringing this back or I am bringing this back in with my colleagues.

President Marino: There is also a public hearing before the next council meeting for the expressed purpose of discussing this, so council is doing its due diligence relative to following

the process of readings and holding a public meeting and soliciting input from the public on that ordinance. I believe that is at 5:30 before the June 18th meeting.

Mr. Giancola: Mr. President, we have two public hearings that day. I have one at 5:30 and one at 5:45 for the clothes and shoes bins.

President Marino: Okay. So 5:30 would be for the streets.

Mr. McCormick: Patty, if you're parking your car on the street to slow down traffic, I wouldn't recommend that. I don't think the chief would either. If we have a problem on that street, give us a call and we'll try to step up security on Belmont.

Patricia Border Wyant: I have lived there since 1999 and I have called many times. They can come and sit in my driveway.

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

Kelly McKinney, 111 W. Margaret, Niles. I was wondering -- I don't know who my councilman is anymore -- and grass across from Cross Printing on W. Federal is like this high. If you're coming up W. Margaret from Raub Construction towards Federal at that intersection where you have to stop, you can't see. You can't see past the grass and you can't see past the trees that are sticking out over the road on Federal. You have to pull almost out into Federal so you can see if anything is coming up or down the road. I was wondering who is in charge of that lot or whoever?

Mr. McCormick: I'm your councilman ma'am. I'm the Fourth Ward. Mike, is that something that your department might be able to look into and take care of that?

Mr. Burke: We'll take care of that.

Mr. McCormick: You know where it's located at and everything right, Mike?

Mr. Burke: Yes.

Mr. McCormick: If it's done in the very near future, I'm in the book, please give me a call on that.

Kelly McKinney: Thank you.

President Marino: Would anyone else like to address Niles City Council? In the opinion of the Chair, there being no others, Committee Reports.

COUNCIL COMMITTEE REPORTS

President Marino: There being no committee reports, would the Clerk please present tonight's legislation.

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. _____(Draft No. 34-14)

AN ORDINANCE REGULATING OVERNIGHT PARKING ON THE STREETS AND ALLEYS OF THE CITY; AND, DECLARING AN EMERGENCY

Mr. Giancola: Mr. President, I would like to table this until the public hearing, which is in two weeks.

It was moved by Giancola, seconded by Papalas to table.

President Marino: This ordinance is tabled.

ORDINANCE NO. _____(Draft No. 35-14)

FINAL RESOLUTION REGARDING THE RESURFACING OF PORTIONS OF SR 46 & SR 169, LYING WITHIN THE CITY OF NILES

Mr. Papalas: Mr. Chairman, this deals with the reconstruction of our roadways. Two of the major roadways that go through Niles, Route 46 and Route 169. Mr. Hess has done a great deal of work on this concerning the grant and so at this point I request that he explain this to the general public. Mark, you did a good job on this.

Mark Hess: Well, as you know as I explained to you earlier, you actually passed a resolution to support this project back in 2010. This is a two lane resurfacing project that we got through ODOT. This project will pave Main Street from Federal Street to the north end of the viaduct. It's also going to pave State Route 46 from Niles Vienna Road to 422. That project, we had scheduled, as a matter of fact, we had a program with them on their website called ELIS and it was scheduled for 2015, so we were expecting this to be a 2015 project. We were notified by ODOT that they are ahead of schedule, they are early, and they wanted to come early. Their plan is to bid this project this July and actually do the paving this year. We had some discussions regarding some concerns that we had with the City regarding a project that we are doing right now, which I spoke about many times, which is the downtown lighting project, where we are going to be putting decorative lighting downtown. It's a project that's actually we are at to bid, we have had the preconstruction meeting and we're getting ready to start. Right now the completion date on that project is not until late September early October, so this project is going to conflict with the project that ODOT wanted to do. So I am asking ODOT to delay this project until 2015. They agreed, but they wanted to maintain the schedule that they had for putting out

the bid, getting the specs ready and that sort of thing. So it's still going out to bid. They are going to begin construction May 31st of 2015 and they are going to end construction August 29 of 2015. Because they are getting ready to bid, this is called the final resolution and the city has to pay their local share of this project which is \$211,000.00. I'm sorry that I had to do this at this late of a date, but again, we were expecting this in 2015 and going to put into our 2015 budget, but now we obviously we won't need it for the 2015 budget. We do need it at this time under suspension so that we can get this back to ODOT and get it out to bid.

Mr. Papalas: Mr. Chairman, I'll move for suspension. Seconded by Lastic.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Papalas, seconded by Giancola to adopt Draft No. 35-14

YEAS: 7 NAYS: 0

Draft No. 35-14 has been adopted on this 4th day of June 2014.

ORDINANCE NO. _____ (Draft No. 36-14)

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR THE 2014 STREET RESURFACING PROGRAM; AND, DECLARING AN EMERGENCY

Mr. Pezzano: Mr. President, I would like to move for a 1st reading.

It was moved by Pezzano, seconded by Merlo for a 1st reading.

President Marino: Questions or comments.

Mr. Hess: This is the annual resurfacing project. We only have \$150,000.00 to allocate to street resurfacing this year from the general fund. We are also going to improve E. Park Avenue, which we said we were going to do last year -- block grant program. That will be rolled into this. We put together a list and it's not finalized yet, but I have it down to about 10 streets at \$200,000.00 so it looks like we are going to be cutting a little bit more by the time -- with this amount of money we're going to get 6 or 7 streets. My office is out analyzing these roads to make sure that we pave what we think are the worst streets because that's the position we are in right now with regard to our streets. We expect to put out to bid, I have the preliminary schedule, toward the middle of July and begin the work in August and end the project the middle of September.

President Marino: For 1st reading, call the roll.

YEAS: 7 NAYS: 0

Draft No. 36-14 has received its 1st reading.

ORDINANCE NO. _____ (Draft No. 37-14)

A RESOLUTION TRANSFERRING AND APPROPRIATING FUNDS FROM THE UNAPPROPRIATED GENERAL FUND TO THE CAPITAL PROJECTS ACCOUNT; AND, DECLARING AN EMERGENCY

It was moved by Papalas, seconded by Giancola for suspension.

Mr. Papalas: This is one of the three ordinances that are directly connected to each other. This one in particular is connected to the first ordinance we discussed concerning the major highways here in Niles

YEAS: 7 NAYS: 0

Rules are suspended.

Moved by Papalas, seconded by Giancola to adopt Draft No. 37-14.

YEAS: 7 NAYS: 0

Draft No. 37-14 has been adopted on this 4th day of June 2014.

ORDINANCE NO. _____ (Draft No. 38-14)

A RESOLUTION AUTHORIZING AND DIRECTING A PARTIAL LOAN REPAYMENT FROM THE LIGHT FUND TO THE GENERAL FUND; AND, DECLARING AN EMERGENCY

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

Mr. Papalas: Mr. Chairman, this is the under those three ordinances and it is probably one of the most important ordinances we're passing tonight. As you know, the light department owed the general fund one and a half million dollars. This is a first installment of that repayment back into the general fund. That's how we are paying for our share of the grant that Mark Hess got us concerning Main Street and 422. So with this ordinance, we are going to transfer \$500,000.00, half a million dollars, from the light department into the general fund. That money has become available because the rates were recently raised for the light department, and the money is starting to accrue again.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Papalas, seconded by Merlo to adopt Draft No. 38-14.

YEAS: 7 NAYS: 0

Draft No. 38-14 has been adopted this 4th day of June 2014.

ORDINANCE NO. ____ (Draft No. 39-14)

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

Mr. Papalas: Mr. Chairman, I would like to move for a 1st reading.

It was moved by Papalas, seconded by Merlo for a 1st reading.

President Marino: Questions or comments.

Mr. Papalas: Yes. Of that \$500,000.00 that we just transferred from light department into the general fund, \$212,000.00 is being used to repave the roadways that we just discussed. This is the other part of that project, the balance of it, and this ordinance transfers into specific categories. Those being miscellaneous general equipment purchases and so I'd like to move for a 1st reading on this.

President Marino: Questions or comments.

Mr. Stredney: I have a question. It might have been discussed earlier. Did we finally get all the kinks worked out with our computer guy? Did we finally get the specs that we needed?

Mr. Merlo: The RFP should be out next week, Terry?

Mr. Dull: That's what I expect, yes.

President Marino: For the 1st reading, call the roll.

YEAS: 7 NAYS: 0

Draft No. 39-14 has received its 1st reading.

ORDINANCE NO. ____ (Draft No. 40-14)

**A RESOLUTION AUTHORIZING THE LINE ITEM TRANSFER OF FUNDS FROM
THE BUILDING & ZONING WAGES ACCOUNT TO THE BUILDING & ZONING
VEHICLE MAINTENANCE ACCOUNT AND, DECLARING AN EMERGENCY**

It was moved by Papalas, seconded by Giancola for suspension.

Mr. Papalas: Mr. Chairman, this ordinance allocates \$500.00 to help repair that old bomber that Mr. Vigorito is driving around town. Anthony, I hope it helps a little bit.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Papalas, seconded by Lastic to adopt Draft No. 40-14.

YEAS: 7 NAYS: 0

Draft No. 40-14 has been adopted this 4th day of June 2014.

ORDINANCE NO. _____(Draft No. 41-14)

A RESOLUTION A CASH TRANSFER AND AN APPROPRIATION OF FUNDS TO THE PRISONER TRANSPORTATION CONTRACTED LABOR ACCOUNT; AND, DECLARING AN EMERGENCY

It was moved by Papalas, seconded by Giancola for suspension.

President Marino: Questions or comments.

Mr. Stredney: Did we find out how much we had paid into the city? I know we had discussed that last meeting.

Mayor Infante: We estimated about \$16,000.00 per year.

Mr. Papalas: He's raising that through the fines.

Mr. Stredney: Court costs, yes.

Mr. Papalas: Yes. Court costs and fines. This is all he is going to need for the rest of the year; is the \$4,000.00. This is part of a cooperative effort with Weathersfield and the prisoner transportation and the fund is just about exhausted. This is as a result of a letter we got from the Judge.

Mr. Stredney: Right.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Papalas, seconded by Stredney to adopt Draft No. 41-14.

YEAS: 7 NAYS: 0

Draft No. 41-14 has been adopted this 4th day of June 2014.

ORDINANCE NO. _____(Draft No. 42-14)

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE OHIO DEVELOPMENT SERVICES AGENCY AND ADOPTING A PROPOSED BUDGET FOR THE PY 2014 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM, INCLUDING THE CDBG ALLOCATION PROGRAM AND ALLOTING THE FUNDS FOR THE PROGRAM YEAR 2014 COMMUNITY DEVELOPMENT ALLOCATION PROGRAM; AND DECLARING IT AN EMERGENCY.

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

President Marino: Questions or comments.

Mayor Infante: Just that this is our formula that we pass this year for next year and I recommended that we do \$40,000.00 for resurfacing and \$20,000.00 for demolition. We're statring to look for money for demolition and we are having a hard time finding it.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Stredney, seconded by Merlo to adopt Draft No. 42-14.

Mr. Stredney: Mayor, can we only use that demolition money in that grant area or can we use it anywhere?

Mayor Infante: I think demolition can be used anywhere. I'll check on that and get back to you.

YEAS: 7 NAYS: 0

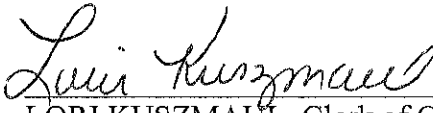
Draft No. 42-14 has been adopted this 4th day of June 2014.

MISCELLANEOUS REMARKS


President Marino: Is everyone okay with the summer schedule. President Marino then read all the dates for the summer meetings.

ADJOURN

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



LORI KUSZMAUL, Clerk of Council



ROBERT MARINO, JR., President of Council