

MINUTES
May 20, 2015

Niles City Council held its regular meeting on May 20, 2015 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 Lastic to accept the Minutes from May 6, 2015 and Amended Special Meeting Minutes of May 8, 2015 place them on file.

Motion carried.

REPORTS AND COMMUNICATIONS

None

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Kelly Hall, 548 Stanton Avenue, Niles. I have three topics about roads that I would like to talk to you about. I notice that McKees Lane is only 25 miles per hour and I notice there are no homes there. Could that be raised to 35?

Mr. Dull: I think that would be something the Safety Director and police could look into and I also think Mark Hess would be someone that would be helpful in that.

President Marino: Ok. They'll take that under advisement.

Mr. McCormick: I have a comment. The bike path does cross McKees Lane and that may be a point of concern, I don't know, but just for thought.

Mr. Guarino: I can bring it up with a meeting of the Safety Committee and go from there.

President Marino: Mrs. Hall, Mr. Guarino, our Safety Director, will follow-up on that. Your next complaint.

Kelly Hall: I have reported a sink hole in front of my home. I have the only fire hydrant on my street and I was wondering if this is compromising the fire hydrant? Recently somebody twisted their ankle in the sink hole and the road department filled it with black tar. There is now a new hole in the center of the black tar. Can someone repair it?

Mr. Buccino: I will have someone come out and look at it.

President Marino: Our Service Director will have someone out tomorrow to take a look.

Mr. Buccino: I know when we got the call that someone was riding a bike or jogging they came out and fixed it that night.

Kelly Hall: That night, yes, but now there's a new hole.

Mr. Buccino: That's at 548 Stanton?

Kelly Hall: Yes.

Mr. McCormick: That's similar to 3rd Street a couple years ago and it kept eating that hole away and everything. They could take a better look at it now.

Kelly Hall: I just wanted to know if the fire hydrant would also be compromised because of it. The third one is kind of a question. The Harry Stevens Hot Dog Day is June 28th. The Niles Post Office confirmed that Pine Alley behind Dairy Queen has no mail delivered to the street. I was wondering if the alley could be renamed Harry Stevens Alley similar to Warren's David Grohl Alley?

President Marino: Would that go to streets and sidewalks?

Mr. Dull: Yes.

President Marino: Ok. The chairperson of streets and sidewalks is Mr. Pezzano. He will take under advisement your request to take a look at Pine Alley and be renamed Harry Stevens Alley. Thank you, Mrs. Hall. Anybody else wish to address Niles City Council?

Mr. McNaughton, 164 Hartzell. My wife is co-chair of Harry Stevens Day and I would be happy to talk to her about that, Mrs. Hall. I just had something to say so I can sleep well tonight. I got my first look at the finance meeting. It involves the Wellness Center and I come here as personal friend and also someone that is going to be on the other side of those bricks in January. Now that this is going back to you guys to have a look at again, I ask that you seriously reconsider eliminating the Director of the Wellness Center. The Director is a friend of mine and my family; however, I'm in the business of networking at my position and I have a terrible fear that - I don't want to use the word "white elephant" - but by bringing in two part-timers for somebody that really does the job - you could bring in eight part-timers and they won't do the amount of work that the current Director does. You won't. He puts in 60-70 hours per week. People come into that facility for a reason. They bring their business to Niles twelve months a year in part because of who he is and what he does and my worst fear is that when I'm going to be serving the City of Niles is that it is going to create a problem because I can see a ton of business leaving to go to other facilities, so again, on a personal level and a professional level, all I want is to have you reconsider eliminating the position.

President Marino: Thank you. Mayor Infante.

Mayor Infante: First of all, we are not eliminating the Director on this. We are going to two part-timers to try to save the hospitalization part of it, so two part-timers. I think you got the information wrong.

Ryan McNaughton: You don't have to be disrespectful. Perhaps, but I also look at it – I'm just saying I could see business wise, a lot of business came to the city and I worry that the money that the city is paying for hospitalization we're going to be losing more than that in revenue and lord knows we need more revenue, and I worry that the revenues coming in now will decrease and that's something else we have to look at. I could be wrong, but that's just a fear that I have. Thank you.

President Marino: Thank you. Would anybody else like to address Niles City Council? In the opinion of the chair, there being none, Committee Reports?

COUNCIL COMMITTEE REPORTS

None

President Marino: Would the clerk please present tonight's legislation.

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. ____ (Draft No. 16-15)

AN ORDINANCE CREATING THE IMPOUNDING/TOWING FEE FUND; AND DECLARING AN EMERGENCY

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

Mr. Dull: Chuck, is there a fund number for that?

Mr. Nader: No, not yet. I haven't.

Mr. Papalas: Hold on. I want to rescind that motion and move for a second reading.

It was moved by Papalas, seconded by Lastic for rescind the motion for suspension.
Motion carried.

Mr. Papalas: How long have you been waiting for a response from Mr. Nader?

Mr. Dull: I had actually approached Chuck about it before. When I was putting this together, I put that in there as a blank.

Mr. Papalas: Ok. We'll go for a second reading and I expect you'll have that answer for the next meeting.

Mr. Dull: I will.

It was moved by Papalas, seconded by Lastic for a second reading.

YEAS: 6 NAYS: 1 (Stredney)

Draft 16-15 has received its second reading.

ORDINANCE NO. ____ (Draft No. 19-15)

AN ORDINANCE AMENDING THE IMPOUNDING/TOWING FEE CODIFIED ORDINANCE; AND, DECLARING AN EMERGENCY

It was moved by Papalas, seconded Merlo to give this Draft a second reading.

YEAS: 6 NAYS: 1 (Stredney)

Draft 19-15 has received its second reading.

ORDINANCE NO. ____ (Draft No. 20-15)

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL FUND TO THE IMPOUND/TOWING FEE FUND; AND, DECLARING AN EMERGENCY

It was moved by Merlo, seconded Papalas to give this Draft a second reading.

Mr. Papalas: I have a question. Mr. Stredney, are we missing something that you're opposed obviously, so are we missing something because I didn't hear anything before this?

Mr. Stredney: Why am I voting no?

Mr. Papalas: Yes. Is there something we should be concerned about with the ordinance?

Mr. Stredney: I think we're starting a trend. What happens if – I don't think it's right to say to the police to go out there and tow vehicles so they can put that money right into those funds? If you want it in there, you're the finance committee, you can put it in the budget. That's my point of view.

Mr. Papalas: Ok. Fair enough.

YEAS: 6 NAYS: 1 (Stredney)

Draft 20-15 has received its second reading.

ORDINANCE NO. ____ (Draft No. 23-15)

AN ORDINANCE CREATING THE FIRE LOSS CLAIMS FUND; AND DECLARING AN EMERGENCY

It was moved by Papalas, seconded Merlo to give this Draft a first reading.

Mr. Papalas: Mr. Chairman, this ordinance and I think the next one after it deals -- it's the result of a meeting we had last week. Neil was there, the Auditor, Mr. Giancola and our building inspector and so it's a result of that meeting that these two ordinances are here.

YEAS: 7 NAYS: 0

Draft 23-15 has received its first reading.

RESOLUTION NO. _____(Draft No. 24-15)

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL FUND TO THE FIRE LOSS CLAIMS FUND; AND, DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Draft 24-15 has received its first reading.

RESOLUTION NO. _____(Draft No. 25-15)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED WASTEWATER TREATMENT PLANT DESIGN AND IMPROVEMENT FUND TO THE WASTEWATER TREATMENT PLANT'S DESIGN AND IMPROVEMENT FUND'S CONSULTANT FEES ACCOUNT AND, DECLARING AN EMERGENCY

It was moved by McCormick, seconded Papalas to give this Draft a first reading.

Mr. McCormick: The reason we're giving this a first reading, I feel, is so that people have a chance to review anything they might want, and Andy, where are we as far as payments go towards the complete the design project?

Mr. Catanzarite: It's put it right at 90%.

Mr. McCormick: Completion and payments? Are we at 90% of the drawings being completed?

Mr. Catanzarite: 90% of the drawings have been completed and turned in and this last bill in front of us tonight would pay them at 90%.

Mr. McCormick: Ok.

Mr. Catanzarite: It is 2.4 million total.

Mr. McCormick: So we'll have about \$240,000.00 left to pay after this one?

Mr. Catanzarite: \$270,000.00.

President Marino: Chuck, what was the original note for?

Mr. Nader: We don't have a note on this yet.

President Marino: So we're paying this out of?

Mr. Nader: Once it's completed, we will have it and then we will pay. This is a draw down fund right now.

President Marino: Out of what fund?

Mr. Nader: This will be paid back out of the sewer fund.

President Marino: Right, but during the fiscal commission, Tim was mentioning that the OWDA note money aren't shown in the financial, so where is this \$435,000.00 coming from?

Mr. Nader: \$435,000.00 comes from the Ohio Public Works.

President Marino: Ok. Perfect.

Mr. McCormick: We just move it along.

President Marino: I got it. Thank you. Thanks for clearing that up.

YEAS: 7 NAYS: 0

Draft 25-15 has received its first reading.

RESOLUTION NO. _____ (Draft No. 26-15)

A RESOLUTION AUTHORIZING THE EXECUTION OF THE ECONOMIC DEVELOPMENT REVOLVING LOAN FUND ADMINISTRATION AGREEMENT WITH THE STATE OF OHIO, DEVELOPMENT SERVICES AGENCY, AND DECLARING AN EMERGENCY

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

Mr. Stredney: This is just a routine ordinance that we do through the Mayor's Office and Mark Hess with the State of Ohio.

YEAS: 7 NAYS: 0

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

YEAS: 7 NAYS: 0

Draft 26-15 has been adopted this 20th day of May 2015.

MISCELLANEOUS REMARKS

Mr. Vigorito: Yes. I brought complaint forms. After the last meeting we had here, I had copies made up for anybody that would like a complaint form for any problems going on inside the city. This is the way we've been handling business for about 13 years that I've been here and it was this way before me. I know we had a little discussion with Mr. Papalas on –

Mr. Papalas: To say the least and I told you we would be doing this.

President Marino: Steve, let him finish.

Mr. Vigorito: I told Mr. Papalas that it is my intention, after checking on the legality of it – he was correct and anybody that feels intimidated by filling out a complaint form can go through their councilman, the councilman can sign the form and I will do all my checking back with the councilman. This way your names and addresses are withheld so there are no issues with anybody being retaliated against on that part and the councilman is doing his job by sending them over to my office. I have no problem with that. This way I have somebody to communicate with and this way I can decipher whether they are frivolous or not. I do get a lot of frivolous complaints. There are small minor things because neighbors who are upset with each other because they are arguing over a property line, whose mowing sections of their grass and such and such and such. So this will be my new policy. I want a complaint form filled out, again if you don't want to sign it, you can go through your councilman and they will sign it and I will communicate everything with the councilman. That's all I have to say.

Mr. Papalas: You sound like a frustrated individual, Anthony.

Mr. Vigorito: I am a very frustrated individual.

Mr. Papalas: Tell us all about it. Why? Let's go through the numbers again like last week so we can discuss some of this in the open.

Mr. Vigorito: I don't want to discuss it.

Mr. Papalas: Come on Anthony, tell us.

President Marino: All right. Let me do the department heads and if you want to ask questions during your time, ok.

Mr. Papalas: Ok.

President Marino: Are you done Anthony?

Mr. Vigorito: I'm done.

Mr. Papalas: Give us a synopsis of your frustrations, Anthony?

Mr. Vigorito: My office hours are from 8:30 to 4:30 every day. Make an appointment and come on in.

Mr. Papalas: No. Let's bring it out in the public here. I don't have anything to hide Anthony. Why should you?

Mr. Vigorito: Neither do I.

Mr. Papalas: Well, Anthony seems to think that evidently people making -- am I using the wrong words - picking on you at council meetings or questioning your work?

Mr. Vigorito: No. They just -- no. I'm not going to do this.

Mr. Papalas: Anthony also felt that he didn't have enough employees in his office and that his focus should be more on the commercial development side of this than on housing or issues in the neighborhoods that frankly, in most cases, invests in property values.

Mr. Vigorito: I said I don't have the time to go walking door to door and check out every house in every neighborhood. If you want to do that, that's fine and dandy. File the complaint form and put them in my office.

Mr. Papalas: We shouldn't have to do that.

Mr. Vigorito: I have the same size crew that has been here since 1952. The city has grown three times in size with a 20 billion dollar strip. My office hasn't increased by one person except for the housing officer. And that is a part-time job to boot.

Mr. Papalas: When Mel Rose was the Building Inspector, he was the only building inspector. The only person we had there, and he seem to be getting along just fine.

Mr. Vigorito: Mel Rose had a system the same as Lawrence, Al Lawrence, if I'm not mistaken.

President Marino: Toby. Wasn't it Toby?

Mr. Vigorito: Toby Lawrence. And so did Rudy Caldrone, he had Sam Sandy. I have an assistant. I'm not saying that. This town keeps growing and it keeps getting bigger, and I don't want to argue in council.

Mr. Papalas: I don't think that those forms –

Mr. Vigorito: That was discussed in your finance meeting.

Mr. Papalas: Yes, and that was a public meeting.

Mr. Vigorito: Yes.

Mr. Papalas: Ok. It's not like we have to keep things quiet here. I think those forms are unfair and here's why. First of all, people do feel intimidated by some of their neighbors.

Mr. Vigorito: You're saying these forms are unfair?

Mr. Papalas: Yes.

Mr. Vigorito: It was your buddy that brought these forms in.

Mr. Papalas: Who?

Mr. Vigorito: In 1999. Okay. These forms are not new. They are exactly the same forms we have been using down there since 1999. All I did was bring them here for your convenience. They are now also on the website. You can go right into the website and pull them right off and fill them out and send them in, fax them in or mail them in.

Mr. Papalas: Those were a possibility for people to use if they wanted to put details down in their message to Steve Yovich. Is that who you mean by my buddy?

Mr. Vigorito: Yes.

Mr. Papalas: Yes, he did an incredible job, didn't he?

Mr. Vigorito: Yes.

Mr. Papalas: Yes, he did. And he was one person that worked part-time. But at any rate, that's the purpose of those forms and I think if you ask him, he'll tell you that.

Mr. Vigorito: He wouldn't go look at anything unless it was on paper and signed for him to take a look at.

Mr. Papalas: No, that's not correct.

Mr. Vigorito: Then you can ask him. That's was his policy.

Mr. Papalas: His policy was if it was rental property, it was his and if it was not rental property, it was yours and that's where maybe you guys --

Mr. Vigorito: His job was any housing, he couldn't go into the interior of any home that is privately owned unless he was invited in.

Mayor Infante: Correct.

Mr. Papalas: Ok.

Mr. Vigorito: He didn't deal with just rental property.

Mr. Papalas: Ok. All right. I say he did. At any rate, I think those forms are not to be used. Mayor, we need to discuss that. What are you going to do about these forms?

Mayor Infante: Well, he's trying to get organized by using those forms. This way he has something to follow-up with if he has the form in front of him.

Mr. Papalas: So if we call --

Mayor Infante: There's a lot of times he gets anonymous calls and he goes and there is actually no violation. So he's trying to get a little better organized.

Mr. Papalas: So if he gets one of these forms that has something like vines growing on a step, just hypothetical, and he goes and looks at it, it's still considered frivolous, correct?

Mayor Infante: Well, he could turn it over to the health department.

Mr. Papalas: I thought you and I had agreed on this when I talked to you on the phone.

Mayor Infante: No, we never talked about forms.

Mr. Papalas: Yes, we did. You said it was never going to happen.

Mayor Infante: Well, I don't recall.

Mr. Papalas: Really?

Mayor Infante: Maybe, but I don't recall. The thing is it's Tony's office and if he wants a procedure to follow, I don't see any problem with that.

Mr. Papalas: Really?

Mayor Infante: It's a check and balance.

Mr. Papalas: I see a problem with it. A serious problem.

Public: (inaudible)

President Marino: There are to be no comments from the public. None.

Mr. Papalas: I think it's despicable and again, you can defend him if you want, you can defend that quality or that velocity of work, I don't, but also you mentioned that you wanted more personnel, you needed more personnel and I explained to you that you had to work with what you had.

Mr. Vigorito: I understand that. That's not hard to decipher with everything that's going on now.

Mr. Papalas: That's correct. But then I asked you what the person sitting at that desk said because the Mayor wasn't there, he had to be somewhere and your remark was that he tells you to do the best you can, right?

Mr. Vigorito: That was my understanding, but he's sitting here, so ask him.

Mr. Papalas: No, I don't need to ask him. My response again is going to be again, do the best you can.

Mr. Vigorito: All right.

Mr. Papalas: And I don't think you have, but I would like you to kind of kick it into gear when dealing with our neighborhoods. Focus on them a little bit. I know you're busy with building projects and so forth, but we need some help in the neighborhoods.

Mr. Vigorito: Again, if you see anything that stands out, I'd be happy to take your call.

Mr. Giancola: One thing. The ordinance that was passed out about the domestic violence through the Safety Director, there was going to be some changes that council can review those and Terry is going to make the changes and give everybody a review copy. That's all.

Mr. McCormick: Tony, I just want to thank you for doing all the things that I've asked you to do in a timely manner and efficient manner.

Mr. Vigorito: Your welcome.

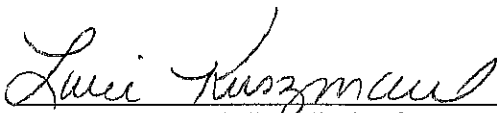
Mr. Pezzano: Two things. I also want to thank Mr. Vigorito for doing an outstanding job and he has always helped me out. Second of all, on behalf of my son, he wants to thank Mayor Infante and your father, Mr. Marino, Sr., for doing a great job of organizing the bridge dedication. I was honored to be part of it.

President Marino: That was very nice.

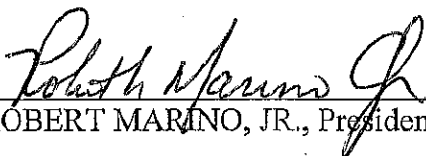
Mr. Pezzano: And Mr. Nick Marchese.

ADJOURN

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



LORI KUSZMAUL, Clerk of Council



ROBERT MARINO, JR., President of Council