

MINUTES
February 18, 2015

Niles City Council held its regular meeting on February 18, 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 February 4, 2015 and place them on file.

Motion carried.

REPORTS AND COMMUNICATIONS

FROM the Office of Building Inspector

Letter that Niles Planning Commission unanimously recommending the approval of the zone changes requested by Niles Cortland, LLC on a portion of Parcel No. 20-042043 and Parcel No. 20-042044.

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

Mr. Papalas: Mr. Chairman, I do have one question. Anthony, what was the approval?

Mr. Vigorito: The approval was the change of those two pieces of the zoning so that the property behind the property we just annexed changed to B-3 so that it coincided with all the property in that area, and then the other property that was before we had it approved to R-B and then it reverted back to R-A and now all that property is going to change to R-C for residential commercial property.

Mr. Papalas: Ok.

Motion carried.

FROM the Police Chief Hinton

E-mail addressed to Chief Hinton from John Rutecki to receive a mobile data terminal from the Region 5 Law Enforcement State Homeland Security Advisory Committee.

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

Mr. Papalas: Mr. Chairman, I have a question. Chief Hinton, could you explain this?

Chief Hinton: We put in for our mobile data terminal to be compatible with our computers. We put in (inaudible). We had budgeted a total of forty five and we actually need twenty eight so this will fulfil our needs for the MDT for the computers.

Mr. Papalas: Thank you.

President Marino: Job well done.
Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Jean Waric, 1925 Youngstown Warren Road, Niles. I have a question. Do we have any females in our police department?

Chief Hinton: No.

Jean Waric: What about the fire department?

Chief Danielson: No.

Jean Waric: What about African Americans?

Chief Hinton: No.

Jean Waric: Chief?

Chief Danielson: No.

Jean Waric: Well, government and everything is supposed to be representative of the community and I know you folks are all elected so you can't control who runs, but, you know, Niles is composed of all white men and I just think that we ought to try to get more diversity.

Mr. Papalas: Well, let's back up a minute. When you take the civil service test, you have to pass the test, right?

Chief Hinton: Yes.

Mr. Papalas: How do people know when the tests are offered? Is it in the paper?

Chief Hinton: Yes.

Mr. Papalas: So they can read it in the paper?

Chief Hinton: Yes.

Mr. Papalas: And then they can sign up for the test?

Chief Hinton: Yes. We just recently gave our written test earlier this year and I went as far as posting it in the Ohio Chiefs of the State of Ohio which is the Ohio Chief's Association in West Lake. I put it in the Kent State University Police Academy, the YSU Police Academy, and all local academies. We went out and recruited at a number of places to take our written test. We

had 34 apply. 33 showed up, 25 passed and when we gave our physical agility test, out of the 25 that passed, only 10 showed up to take the physical agility test. We had the Ferguson incident between a written and physical agility, but we thought some might have backed out of it or couldn't begin work at that time, I don't know. 8 passed the physical agility test. Out of the eight, we had one female on our list.

Mr. Papalas: Plus, I don't think you should just look at safety forces. The Mayor has done pretty well with diversity throughout the city when it comes to all departments. There are a lot of women working within the city. We're pretty good with that, so I really want you to look at all departments.

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

COUNCIL COMMITTEE REPORTS

None

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. _____ (Draft No. 02-15)

AN ORDINANCE TO CHANGE THE ZONING OF TWO PARCELS OF PROPERTY LOCATED ALONG YOUNGSTOWN WARREN ROAD AND NILES CORTLAND RD., CURRENTLY OWNED BY NILES CORTLAND COMPANY, LLC.; AND, DELCARING AN EMERGENCY

It was moved by Giancola, seconded by Papalas to give this ordinance a third reading.

YEAS: 6 ABSTAIN: 1 (Merlo) NAYS: 0

Draft No. 02-15 has received its third reading.

RESOLUTION NO. ____ (Draft No. 05-15)

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 Papalas, seconded by McCormick to give this resolution a first reading.

Mr. McCormick: This is just where we channel that money that we get from the state, just passes through our hands, it wasn't generated here. It's all part of that OWDA, Mayor?

Mayor Infante: Yes. OWDA.

Mr. McCormick: That's strictly reserved for this purpose and when we get a bill, we submit that amount down there, they appropriate that amount and it goes into this account and then out to the provider.

YEAS: 7 NAYS: 0

Draft No. 05-15 has received its first reading.

RESOLUTION NO. ____ (Draft No. 06-15)

A RESOLUTION APPROVING THE CONTINUATION OF THE INVESTMENT POLICY FOR PUBLIC FUNDS, ORIGINALLY ADOPTED BY RESOLUTION NO. 22-11; AND, DECLARING AN EMERGENCY

It was moved by Papalas, seconded by Lastic to give this resolution its first reading.

YEAS: 7 NAYS: 0

Draft No. 06-15 has received its first reading.

ORDINANCE NO. ____ (Draft No. 07-15)

AN ORDINANCE CONTINUING THE MORATORIUM ON THE AUTHORITY OF THE BUILDING AND ZONING INSPECTOR TO ISSUE NEW ZONING, BUILDING OR OCCUPANCY PERMITS FOR SEXUALLY ORIENTED BUSINESSES WITHIN THE CITY OF NILES, OHIO UNTIL SEPTEMBER 30, 2015; AND, DECLARING AN EMERGENCY

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

Mr. Giancola: I wanted to know what kind of zoning we could issue by law for these types of businesses.

Mr. McCormick: Another question. Is it possible for -- why did we just go until September 30th? Why didn't we make that law? Terry, is there a reason why we are only going until September 30th?

Mr. Dull: Well, we've already had a moratorium going for a year and you can't have a moratorium forever. You have to have an end date. The safety director and I kicked around six

months and nine months and we decided on nine months. There is nothing written in stone on it, but just to show that we are moving along with this because if we take no action, it might come back to us.

Mr. Giancola: Down the road, I plan on having a Safety Committee meeting with Mr. Dull and Mr. Vigorito on the zoning on this so we know where we're at.

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

Draft No. 07-15 has been adopted on the 18th day of February 2015.

RESOLUTION NO. ____ (Draft No. 08-15)

AN ORDINANCE CREATING THE POLICE CPT FUND; AND DECLARING AN EMERGENCY

It was moved by Papalas, seconded by Lastic to give this resolution its first reading.

YEAS: 7 NAYS: 0

Draft No. 08-15 has received its first reading.

MISCELLANEOUS REMARKS

Mayor Infante: Just to keep council informed, we're probably at about 48,000 on salt for the winter. We've probably exceeded last year's already, but they've done a great job and we've got a little bit more there, but if the weather keeps going the way it is, cold and icy, we're probably going to exceed the material account and have to re-appropriate some more money.

President Marino: It doesn't look like winter is going to let up, Mayor.

Chief Danielson: I just wanted to keep you updated on the SCBA grant from last year. After we put that package together, we got the ok from FEMA and I wanted to let you know we have the JAWS and right around ten more sections of hook.

Mr. Giancola: Do you have enough funds to –

Chief Danielson: We have enough –

Mr. Giancola: That JAWS, is that an expensive item?

Chief Danielson: About \$25,000.0.

Mr. Giancola: I was just wondering.

Mr. Papalas: I have a couple comments. Mayor, on Hillcrest Drive the neighbors have informed me of a fire hydrant that is laying on the lawn. It's been there since summer. Why is that fire hydrant laying there?

Mayor Infante: I couldn't answer that right now, but it's not ours, maybe it's part of the Shepherd of the Valley's.

Mr. Papalas: No. It's in their front yard.

Mayor Infante: I'll have the water department go there tomorrow. Do you have an address?

Mr. Papalas: I'll tell you who it is. He is a city worker. The fire hydrant has been replaced. The old fire hydrant is still there. Off to the side. It might be actually just a little on the property next door. This takes me to another issue. Chief, maybe you can answer this. Do you have any idea how many fire hydrants are in the city?

Chief Danielson: Ball park figure, about 700 – 800.

Mr. Papalas: How many of them are non-functional?

Chief Danielson: Right around 100.

Mr. Papalas: Are they marked with reflecting tape?

Chief Danielson: Yes, with reflective tape. When we checked them last year, if we couldn't get the big cap off because they were frozen or stems being stripped, we considered them out of service. Those are probably – I have exact numbers at the office -- we have between 70% to 80% like that. Out of the other 20, we probably have 5 that are definitely bad that don't work.

Mr. Papalas: The 80% sounds like they are simple repairs?

Chief Danielson: For the most part.

Mr. Papalas: And the water department can handle that? Mayor, do you know?

Mayor Infante: Yes, they've been working on that. I have the list of the ones that were completed and I know they've replaced 5. And what we did, when they did an inventory, the

roads that had 3 or 4, we made sure that at least two were working on that three. That's how we asked the water department to repair and make sure at least two were working.

Mr. Papalas: We need to get that done.

Mayor Infante: We need a lot of funds. A lot of them are simple stems and stuff like that, valves that they have been going.

Mr. Papalas: Those simple repairs need to be done.

Mayor Infante: To replace a hydrant, you're talking about \$2,500.00 just for the hydrant. Each hydrant. If it needs replaced.

Mr. Papalas: Yes, but the other 80% that don't need replaced, does that affect the fire's suppression rating?

Chief Danielson: Yes.

Mr. Papalas: So if it isn't addressed soon our insurance rates could go up?

Chief Danielson: Yes. They would come in, that company could come in at any time and (inaudible)

Mr. Papalas: Are they due?

Chief Danielson: They contacted us about a year ago and said they'd be getting back to us. It could be any time.

President Marino: Chuck, how much money is available for these repairs this year in water?

Mr. Nader: There may have been money appropriated, but there's no excess money because there's no money behind the appropriations.

President Marino: I understand that.

Mr. Nader: So they're going to have to use anything that was already appropriated have to re-appropriate, you know, move money that –

President Marino: That's already within existing appropriations.

Mr. Nader: Yes.

President Marino: Are there dollars available for them to transfer -- to take care of it without –

Mayor Infante: There's money in the hydrant account in water and there's money in valves and replacement.

President Marino: Ok. Good.

Mr. Papalas: As I recall, we only put enough in for two fire hydrants in the budget.

Mayor Infante: I think so, yes. But they're like \$2,500.00 each.

President Marino: I just want to make sure we have money to do this because of what we heard about an hour ago.

Mr. Papalas: Right. And if we don't have money, we need to find it because I consider this an emergency. To do the 80% that needs repaired, what would that cost? Neil, do you have any idea?

Mr. Buccino: I don't know what parts are needed.

Mr. Papalas: Can you find out before the next meeting?

Mayor Infante: What they do is, they'll tear it apart and rebuild it. A lot of them. A lot of them are pretty – they can do in house.

Mr. Papalas: All right. Will you let us know next meeting Mayor. The next question I have is I thought the issue with our utility bills was being solved, but now from the complaints that I'm getting in different parts of the community and not in just one neighborhood or one section, from all over town. People are getting billed twice, once for the month they paid, the last month, and then this month. Especially I'm getting it from the senior citizens who are more confused about this and they're on fixed incomes. So I told them I would bring that to council. My own is that way and mine is taken electronically, so how does this -- what's going on? There was one party that was billed three million dollars in a month. Something's wrong. What it is?

President Marino: Yes, three million.

Mr. Papalas: What's happening?

Mayor Infante: Nothing. That was just one incident, that's about the only one. I've been getting calls all week, Steve, and I talk to people every day, so does the billing office, so does Neil, so does everybody down there. We've been working hard.

Mr. Papalas: We've been doing this for months. That's the problem.

Mayor Infante: Don't forget, you held us up on changing the software so let me explain --

Mr. Papalas: Because why? The auditor's wanted software.

Mayor Infante: I don't care what you say, the old software was no good and you should have acted a little bit quicker and we wouldn't be in this.

President Marino: Let the Mayor finish.

Mayor Infante: So the problem that we're having right now is the new billing manager is trying to move the dates up to try and get the bills into the 30-day cycle. What happened when she did that, she forgot about posting the payments that were made the five days where she moved it up. That's why a lot of people got -- there payment for last month wasn't posted. Myself, Neil, my secretary, all the billing office, most of the secretaries in the building, we answer all the calls and try to explain it to everybody the best we can.

Mr. Papalas: Next question. Is there a way they could at least put a message on the bill that there was an error?

Mayor Infante: I don't think so because the bills were already sent out. So by trying to do something for the good by moving the gap in the days to get the bills closer to that 30-day cycle like they're supposed to be, we didn't think by doing that would not post the payments that were made. That's what happened.

Mr. Buccino: They were backdated by five days. So Monday, say they were backdated, you paid your bill on Friday it missed the --

Mayor Infante: The bill already went out.

Mr. Papalas: Neil, I don't want you guys to get upset, but we had this discussion a few months ago and it was supposed to be solved and the IT Committee's been on it, everybody's working on it and now all of the sudden we have more. This time it's not because of general policy, it seems to be because somebody made a mistake. We can't afford mistakes. If this was a business, somebody would be in big time trouble.

Mayor Infante: Well, I think the mistake that was made was for the good.

Mr. Papalas: For the good?

Mayor Infante: Yes, I think it was for the good because I think it's going to be all corrected by next month. Most of it. When you get new software and you've got 13,000 bills, you're going to have flaws until you get that new software working because the old software was terrible and I think they're working through that. Everyone is working hard.

President Marino: Mayor, with all due respect, I don't think this error was good. I think that there was an obvious mistake made. We need to figure out what happened.

Mayor Infante: Well, it wasn't really a mistake. It's trying to solve one problem that created another problem.

President Marino: I understand all that, but we have spent an exhaustive amount of time -- I've seen some of the e-mails that John has -- what do you call this timeline thing?

Mr. Merlo: Timeline.

President Marino: That they had in place. We've had consultants, you know, the people are exhausted with these continual billing errors. I trust what you say that this will be rectified and moving forward it will be better for all future bills, right?

Mayor Infante: Beginning in March, yes. Then the next phase has to go in because they're going to put the scanner in for the checks. The checks will be deposited into the bank that day.

Mr. Papalas: Next time something like this happens, how about letting us know so we know what to tell people.

Mayor Infante: Well, John comes down a lot, you come down a lot.

Mr. Papalas: Nobody told me.

Mayor Infante: We are answering the phones. Everybody down town put in to answer phone calls to explain this to people that call.

Mr. Papalas: It's embarrassing.

Mayor Infante: I found out the same time you found out.

Mr. Papalas: Let us know. This has been going on – there are people that couldn't come tonight that were supposed to be here because of the weather, it's every day, we get calls from senior citizens. Let us know so we know what to say. I don't like being caught in this position any more than you do.

Mayor Infante: Absolutely.

Mr. Papalas: You're caught blind by somebody who is asking you a question that you should know about but don't make us look like clowns. I don't like it.

Mr. Giancola: You know the drop off box we have on the side of the building; is that emptied every day?

Mayor Infante: Yes.

Mr. Giancola: Why I'm asking is the same thing; a gentleman dropped his payment off seven days before the due date and he got double billed with a warning of a shut off. I can get you a copy of his. It says, "Shut off notice."

Mr. Buccino: They always say that.

Mr. Giancola: I'm just saying, you brought that to my attention. He was there seven days before the due date and he still got a double bill.

Mr. Merlo: That's our policy.

Mr. Giancola: I was wondering about that.

Mr. Buccino: They are always recorded in our system, then it has to go upstairs to be deposited.

Mr. Giancola: So you figure in about another month or so when we get the scanner in –

Mr. Buccino: We had a discussion today we're hoping the first week in March that we implement the check scan downstairs, they will automatically be deducted and credited to their account right now.

Mayor Infante: We'll put a message on the next month's statement.

President Marino: Mayor, can we also include on there that – because people are asking about late fees – I know you have put on there one time, no late fees will be assessed.

Mayor Infante: Yes. We are not assessing any late fees until everything is straightened out.

President Marino: Can you keep that on there because they were asking and I told them that you had said that there would be nothing like that so just to remind the people I would appreciate that.

Mr. Giancola: Just one thing, Lori can you make sure council is notified for the next Fiscal Commission meeting, which is March 18th at 4:00 p.m. in council chambers.

Mr. McCormick: Just an update on the Wastewater Plant, I sat down and talked to Andy and he's been in communication with the design engineers and Tom Holloway is helping out too, and some good news is it looks like if we're able to move on time and everything and get things going, that we might be able to finance roughly 15 million at zero percent. They got a rate on the other portion at about 1.89%, which has come down from – we were figuring 3% when we first started looking. Those are good things and trying to help us keep that cost down and work with it. They're roughly between 60 and 70% design and they're going to submit for EPA approval so that we can move as fast as possible in order to get these better rates. So that's where we're at and everybody's been working at it and I applaud those that are, they are doing a good job.

Mr. Merlo: I'd like to schedule an IT roundtable for the next council meeting prior to the public hearing at 5:45.

Clerk: We have 5:15 Rob Rouan, and then a public hearing at 5:45.

Mr. Merlo: Ok. We'll have to table that for now unless we can make it at 4:30?

President Marino: Speaking strictly for myself, I think it is important based on the timeline regarding the upgrades in the fiscal office in particular and listening to what the state auditor's had to tell us, I'm keenly interested both as the President of Council and a Fiscal Commission member knowing exactly where that timeline is and pushing that timeline so that we can at least get into the 20th century.

Mr. Giancola: How long do you think that meeting will take, John?

Mr. Merlo: Half hour, 45 minutes.

Mr. Giancola: So can we start at 4:45 and that gives us a half hour before the 5:15?

Mr. Merlo: That's good. My second comment due to what we found out today with our appropriations, our budget, I think it would be very advantageous if we re-examine our budget based on the numbers that we appropriated for 2015 and really look at them again.

Mayor Infante: I'm doing that now and I'll present it to council and you guys can do what you want.

Mr. Merlo: Because we were presented what? 13 million at the beginning of the year and we have 8. A 5 million dollar difference. And our appropriations, I mean, we'll be broke at the end of the year, bankrupt.

President Marino: Yes. I think we afford the Mayor the courtesy as he has requested.

Mr. Merlo: I'm fine with that.

President Marino: And when the Mayor has his plan as he has just said, he'll present it and then there's a part of me that wants to push the panic button too and everybody knows that I can hit the panic button, but in this case, I think it's important that we allow the Mayor to do his due diligence in preparing this plan and putting thought into it and at which point when the plan comes forward then Niles City Council can offer a critique of that plan, but I believe that's the way Ms. Hanrahan explained it to us.

Mr. Merlo: That's fine.

President Marino: And I believe out of deference to the Mayor we afford him that courtesy and the administration to put that plan together. Does anybody else have any thoughts? I think that's the way it's supposed to work.

Mr. Merlo: That's ok with me. I just wanted to make sure we do look at it.


Mr. Papalas: If that plan comes forth from the Mayor and he's balanced the budget, I'm hopeful that we support that otherwise those who would oppose it can come up with an alternative plan.

President Marino: As I said in the Fiscal Commission, there's a lot of moving parts to this thing and the Mayor runs the day to day operations of the city, and the service director. You know they have negotiations concerns, they've got operational concerns, and they've got strategic concerns, so it is, for lack of a better word, his job to do that, so I'm going to wait to see what he has to say.


Mr. Pezzano: I was just going to remind everybody about the meeting also at 5:15 with Mr. Rouan from Direct Energy and Lori brought that up, so thank you Lori.

ADJOURN

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



LORI KUSZMAUL, Clerk of Council



ROBERT MARINO, JR., President of Council