

**SPECIAL COUNCIL MEETING MINUTES**  
**September 29, 2015**

Niles City Council held its regular meeting on September 29, 2015 at 5:00 p.m. in the Niles City Building, Niles, Ohio.

The meeting was called to order by Pro Tem President Stephen Papalas, and the Clerk, Lori Kuszmaul, called the roll:

Lastic-P, Papalas-P, Giancola-P, McCormick-P, Stredney-P, Pezzano-P

It was moved by Stredney, seconded by Giancola to excuse President Marino from the meeting. Motion carried.

**REPORTS AND COMMUNICATIONS**

None

**MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL**

None

**COUNCIL COMMITTEE REPORTS**

None

Mr. McCormick: Do we know when the precinct committeemen are going to meet to appoint a second ward councilman yet? Has anything been scheduled?

Mr. Papalas: No. I haven't heard anything. Have you?

Mr. Jordan: When I covered the meeting with Mr. Merlo, they said before the next council meeting, October 7th.

Mr. Papalas: Thank you.

**ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. \_\_\_\_ (Draft No. 71-15)**

**AN ORDINANCE AMENDING THE FUND NUMBER THAT WAS CREATED BY  
ORDINANCE NO. 07-15, THE IMPOUNDING/TOWING FEE FUND; AND DECLARING  
AN EMERGENCY**

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

**YEAS: 6     NAYS: 0**

Rules are suspended.

It was moved by Giancola, seconded by Pezzano to adopt this Draft No. 71-15.

**YEAS: 6     NAYS: 0**

Draft No 71-15 has been adopted on the 29th day of September 2015.

**RESOLUTION NO. \_\_\_\_\_(Draft No. 72-15)**

**AN ORDINANCE ESTABLISHING A LODGING TAX WITHIN THE CITY OF NILES  
AS AUTHORIZED BY OHIO REVISED CODE SECTION 5739.08; AND, DECLARING  
AN EMERGENCY**

Mr. Lastic: Do you have any idea how much this will bring in approximately?

Mr. Merlo: Just today we do not have to pay the Convention Business Bureau?

Mr. Dull: That's correct.

Mr. Merlo: So that's estimated at 112 with paying that – that's just with one hotel. We will get 3% of whatever their fees are and it will come directly to Niles.

Mr. McCormick: John, do you think this will generate enough money to keep our people working through December?

Mr. Merlo: We're going to get income this year probably for one month because we will collect for October, bill in November and they'll probably pay in December, so we're probably going to get one month's revenue from those facilities.

Mr. McCormick: So it will help but may not totally cover, but it will help?

Mr. Merlo: It will definitely help.

Mr. McCormick: Okay.

Mr. Papalas: What's your estimate?

Mr. Merlo: Per year?

Mayor Infante: For a year probably over \$300,000.00 for all of the hotels.

Mr. Giancola: Right now we have the one of 422 and the Marriott behind the mall? Also, the Fairfield and also the other one they are building back there.

Mr. Merlo: It's going to be based upon their occupancy and we're going to get 3% of their occupancy, so if you have a hotel like the Residence Inn that has a high occupancy rate, on an average of \$100.00 per night, we're getting \$3.00 every time somebody stays there. Every day.

Mr. Lastic: \$3.00 per night.

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

**YEAS: 6      NAYS: 0**

Rules are suspended.

It was moved by Pezzano, seconded by Lastic to adopt this Draft No. 72-15.

Mr. Stredney: I have one question. This isn't too far out of line with what other communities have done, right?

Mr. McCormick: I believe it's exactly the same as Howland and --

Mr. Lastic: It has to be.

Mr. Stredney: Do we know what percent they are at?

Mr. Merlo: I don't know what other communities around us are at.

Mr. Papalas: How did we arrive at 3%?

Mr. Merlo: 3% is by statute.

Mr. Dull: By statute.

Mr. Merlo: It's the max that the city can collect.

Mr. McCormick: One statement I'd just like to make. Normally I would say this should go for a first reading and everything, but with the situation we're in and the ability to generate some money to help us out through the end of the year, I'm willing to forego that. Normally, when we bestow a tax on something, you want to get people a chance to say something, but I think this is a good thing and ultimately I would pass it anyway, but --

Mr. Merlo: Remember this doesn't cost our citizens anything. This is a tax being paid by people who come into our city and use our facilities and use our streets and use our police and fire.

Mr. McCormick: I agree. For those reasons, I'm for it, but it is something we should note when possible I'd like to give people a chance to come in and give their opinion.

Mr. Merlo: We'll get one month's worth of revenue.

**YEAS: 6      NAYS: 0**

Draft No 72-15 has been adopted on the 29th day of September 2015.

**RESOLUTION NO. \_\_\_\_\_ (Draft No. 73-15)**

**A RESOLUTION TO DECLARE THE NECESSITY FOR THE TRANSFER OF MONIES FROM CERTAIN FUNDS, THE PURPOSES OF WHICH HAVE BEEN FULFILLED, TO THE GENERAL, WATER, LIGHT AND SEWER FUNDS OF THE CITY OF NILES, OHIO; TO AUTHORIZE THE LAW DIRECTOR TO PREPARE AND FILE A PETITION ON BEHALF OF THIS COUNCIL IN THE TRUMBULL COUNTY COURT OF COMMON PLEAS PURSUANT TO OHIO REVISED CODE SECTION 5705.15 TO APPROVE SAID TRANSFERS; AND UPON THE COMPLETION THEREOF, TO AUTHORIZE AND DIRECT THE AUDITOR TO STRIKE THE UNNECESSARY FUNDS FROM THE FINANCIAL BOOKS AND RECORDS OF THE CITY OF NILES, OHIO; AND, DECLARING AN EMERGENCY**

Mr. McCormick: Question.

Mr. Papalas: Yes.

Mr. McCormick: Do we need to describe these funds a little bit better in here in order to pass this? It's kind of ambiguous "the necessity for the transfer of monies from certain funds." Wouldn't we have to –

Mr. Merlo: They're in the body of the legislation.

Mr. McCormick: Okay. They're down here further on? Thank you.

Mr. Papalas: Do we have a motion?

Mr. Giancola: Is this how much money is in all these funds? Section 1, 2, 3, 4, 5, 6 and 7?

Mayor Infante: Yes. That you're allowed to grab.

Mr. Giancola: So this will all go into the general fund?

Mayor Infante: No. It will go into certain sections.

Mr. Papalas: Let me ask you a question. Did you guys get this through e-mail?

Mr. McCormick: Yes.

Mr. Giancola: Yes. I picked mine up yesterday.

Mr. Papalas: Okay.

Mr. Stredney: Plus I think we discussed, maybe not hard core numbers, but at the beginning of summer during the financial planning.

Mayor Infante: Yes.

Mr. Papalas: Do we have a motion?

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

**YEAS: 6     NAYS: 0**

Rules are suspended.

It was moved by Stredney, seconded by Lastic to adopt this Draft No. 73-15.

**YEAS: 6     NAYS: 0**

Draft No 73-15 has been adopted on the 29th day of September 2015.

#### **MISCELLANEOUS REMARKS**

Mr. Papalas: That concludes our special meeting. Does anyone have any comments?

Mr. Merlo: I just want to touch on the lodging tax again. Today we talked with the county and they are collecting a portion of bed tax already and Trumbull County is allowed to collect up to 7 based on the Ohio Department of Taxation. Their collecting 5% and they're supposed to be giving a portion of that back.

Mr. Papalas: Have they been?

Mr. Merlo: I don't know. I called to ask. So we're going to find out. Stephanie from the auditor's office is supposed to get back to me. I checked my voice mail before I came down and she hadn't yet. I'll call her back tomorrow. So that caps us at about 2 but we're going for 3 so we have a right to that according to ORC, correct Terry?

Mr. Dull: Correct.

Mr. Merlo: So that's how we're going to get our 3.

Mr. Lastic: How far back did that go?

Mr. Merlo: They've been collecting it for years. I don't know. On the last ordinance on the funds, those funds are huge to get transferred out. I don't know if you have an understanding of what Terry is doing here, but he's got to get this approved by the Ohio Department of Taxation.

Mr. Dull: Correct.

Mr. Merlo: And needs legislation from us – or from council to get that moved. When he does that, they can respond to him on yea or nay and then he can file the Court of Common Pleas case to get those funds transferred. I just wanted everyone to know the procedure.

Mr. Papalas: Anything else?

Mr. Merlo: Not right now.

Mayor Infante: I just wanted to thank Terry for all the hard work on preparing those ordinances. That's a lot of research. Good job Terry.

Mr. Papalas: The one thing I still want to see occur and I'd like to mention it now, Mayor, awhile back I had e-mailed you about the impound lot and this hotel tax. Are we still looking into getting that impound lot?

Mayor Infante: Yes. We just have to find a piece of property and light it up and fence it in. That's all.

Mr. Papalas: Weathersfield has this and this saved their necks in light of the cuts – the next round of cuts that occurred – they are seeing that much revenue from their impound lot. That's Weathersfield Township. When they bring these cars in, people often don't come to claim the cars so by law, they're permitted and they do sell the cars and that money comes in and it's going to the safety forces.

Mayor Infante: Don't they get like 25% a day storage?

Mr. Papalas: Yes.

Mr. Giancola: What about the old – right over the viaduct where the telephone poles are stored? What about that area back there?

Mr. Stredney: Where does Weathersfield do this?

Mr. Papalas: I don't know where it is. I can find out, but they are doing pretty good.

Mr. Stredney: Where do we take ours now? Do they just go to individual?

Mr. Papalas: Yes. Pantalone.

Mr. Stredney: Maybe talk to Weathersfield.

Mr. Papalas: Every month that goes by is lost revenue. Lost revenue. Am I allowed to discuss anything further, Terry? Can I get into things with the budget or are we finished?

Mr. Dull: No. We're supposed to be talking only about the items that were on the Agenda.


Mr. Papalas: So I can't speak about anything else?


Mr. Dull: You can adjourn the meeting.

Mr. Papalas: Can I have a motion to adjourn the meeting?

**ADJOURN**

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

  
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LORI KUSZMAUL, Clerk of Council

  
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ROBERT MARINO, JR., President of Council