

## **COUNCIL MEETING MINUTES**

**November 18, 2015**

Niles City Council held its regular meeting on November 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, Mientkiewicz-P, Pezzano-P, Marino-P

It was moved by Stredney, seconded by Pezzano to accept the Minutes from the November 4, 2015 regular meeting and place them on file.

Motion carried.

## **REPORTS AND COMMUNICATIONS**

**None**

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

John Schuster, 418 W. Park Avenue, Niles, Ohio. I live on the corner of W. Park and Hyde Street. On Hyde Street all the debris washes down the street and the gutters and collects at the side of my house. I keep that clean for my own satisfaction to make my property look a little better, but I have nowhere to dump that stuff at. Is there any place in the city that you can dispose of that? I've tried to get a hold of my councilman, Mr. McCormick, and he never returns my calls and what I would like to find out is if there is any place that I can dispose of that.

Mr. Buccino: What kind of -- what is it?

Mr. Schuster: Debris that washes down, sand, leaves, grass, paper.

Mr. Buccino: Can I get your phone number? Give me your phone number after the meeting.

Mr. Schuster: Very well. Also, another thing I have is the cat problem in Niles, particularly the west side. I've addressed city council about this too many times to remember. Nothing's been done about it. I have cats running all over my neighborhood. My neighbor feeds the cats and I don't know why, but it keeps the cats coming around. They use my yard as their bathroom and there's nothing you can do about them because the Animal Welfare League doesn't want them, they won't take them. I would catch them and take them up there but they won't take them. I'm

at my wits end about what to do about these cats. What do I do about the problem that I'm having with these cats?

President Marino: Mr. Pezzano is an animal control officer. We have had these discussions over the years. I was sitting over there as a councilman and we were addressing the cat issue and we had – Steve, how many people in here? They were out in the hall.

Mr. Papalas: Have you ever heard of “Cats are People Too?”

Mr. Schuster: Yes, I know.

President Marino: It was unbelievable.

Mr. Schuster: Do we have animal control people in the city?

Mr. Pezzano: The trouble is sir I'm one of the humane officers. There are two of us, but Niles does not have an animal control officer any more. Now it does have an ordinance for cats that all animals have to stay on your property, but there is nobody to enforce it. Not only in Niles, but it's a whole Trumbull County problem. And you made reference to the Animal Welfare League every facility that handles animals is jammed to the hilt with cats.

Mr. Schuster: So what do I do with my problem?

Mr. Pezzano: I don't have an answer for you sir because – you can call a trapper but the only thing is if you call a trapper, the fee goes onto you, not the city and I know you don't want to come up with that money. That's the problem. Cats Are People Too, I don't know where they get the power, but still it should have been passed whether they were here or not. That's my opinion only because something has to be done. If I have a dog and it's got to be licensed, cats should be licensed. It can be done because it's done in other cities in Ohio and it's done in other states. We had a meeting with the commissioners because we thought we might have some power there. We even had a state rep there, but he didn't want to get involved in that because of agriculture. But that's farms.

Mr. Schuster: Do you realize the revenue this county is losing not licensing cats?

Mr. Pezzano: But the thing is though, sir, we can't hire anyone in the City of Niles to enforce it because our animal officer passed away and Trumbull County will not hire anybody to enforce the cat law. They have a dog warden, but they do not enforce cats. Believe me, sir, everybody in the county has the same problem as you. I went to a meeting and I believe if a dog has to be licensed, so does your cat and they have to stay on their own property. I have the same problem. I have two cats on my property, but I wish there was a license law and stay on your own property just like the dogs. Sad to say, there is nobody to enforce it in the whole Trumbull County.

Mr. Schuster: Back to my first issue, is there any place I can dump this debris? Any place in Niles?

Mr. Buccino: After the meeting I'll get your number.

Mr. Schuster: Thank you.

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

### **COUNCIL COMMITTEE REPORTS**

Mr. Pezzano: I have two. If council remembers right a few months ago we had a resident of the city come in to request of the council members about vacating an alleyway right by Dairy Queen and the Sons of Italy, I met with Mr. Dull about what her process is to do that and she did it and got a petition, she mailed the petition to me, I presented it to Mr. Dull this past week He's checking out the legality of it and once everything is okay with it there, I spoke with her and the next step it would go to the Planning Commission to get the approval. So that's where that is at. The second one is I had a meeting with Lou Hilliard and Carmen Vivolo about the parks and cemeteries. The sign for the cemetery is still on schedule and both superintendents have a lot of good ideas coming up to help the city out in the future so it was an excellent meeting.

President Marino: Okay. Are there any other committee reports? Would the clerk please present tonight's legislation?

### **ORDINANCES AND RESOLUTIONS**

#### **RESOLUTION NO. \_\_\_\_ (Draft No. 91-15)**

#### **A RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION AND TO EXECUTE CONTRACTS IN CONNECTION WITH THE OHIO PUBLIC WORKS COMMISSION FOR A PROGRAM YEAR 2016 OHIO PUBLIC WORKS COMMISSION PROGRAM, FUNDING 2016 CITY RESURFACING PROJECT AND DECLARING AN EMERGENCY**

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

President Marino: Mr. Hess. Welcome back.

Mark Hess: Thank you. This is a project that we have filed earlier this year. It's the 2016 resurfacing project. We were awarded that project a couple weeks ago and now we have to file a financial application and it has to be filed by December. Just to give you an update on the project, it is a \$457,000.00 project and it involves Fifth Street, Third Street, Summit Street and Olive Street. \$250,000.00 is OPWC money, \$61,300.00 in community development block grant, \$75,000.00 in revolving loan fund and \$71,000.00 in city funds. That's the way the project was presented. We have currently been advised that the money for the revolving loan fund that we were going to use for Summit Street – Summit Street is actually on the corner of a community development block grant area. One side of Summit Street is in, the other side is out so we've

been told now that Summit Street may not qualify for the revolving loan fund, so you actually have to go and do an income survey there to get it to qualify. So the process is being undertaken right now. But in the meantime, the city still has to certify that they they're going to come up with this money. If for some reason Summit Street does not qualify, the city would have to replace that revolving loan fund of \$75,000.00. I don't know what the results of that are right now. I think the last time I was there Frank was just getting to (inaudible) start to do the income surveys and then get that information to the people (inaudible). Right now the idea was that Olive (inaudible) and Summit Street was going to be the revolving loan fund. The revolving loan fund money has to be used in a block grant approved area. We assumed Summit Street was a block grant area. Again if you qualify Summit Street project, you only have to come up with \$71,000.00. If you can't qualify Summit Street, then you have to come up with \$71,000.00 and \$75,000.00.

President Marino: \$146,000.00. John, where is the \$71,000.00 coming from?

Mr. Merlo: From street.

Mr. Papalas: It will come right off the top in the budget. If we say no to this, all that grant money goes back.

Mr. Stredney: Maybe we should go for a first reading until we know what the income survey says.

Mr. Papalas: This is coming out of street. It won't come out of the general fund.

Mr. Hess: I have to finish this application so once you guys approve this I can get it submitted. I can't remember the exact date in December. I think it is December 13<sup>th</sup> or something like that.

Mr. McCormick: Do we have some money of ours already for street repair next year?

Mayor Infante: No.

Mr. McCormick: Nothing was put aside for streets for next year?

Mayor Infante: No.

Mr. Hess: This is the only project.

President Marino: Call the roll for suspension.

**YEAS: 7     NAYS: 0**

Rules are suspended.

It was moved by Papalas, seconded by Stredney to adopt this Draft.

**YEAS: 7    NAYS: 0**

This Draft No. 91-15 has been adopted on the 18th day of November 2015.

**ORDINANCE NO. \_\_\_\_ (Draft No. 92-15)**

**AN ORDINANCE AMENDING ORDINANCE NO. 17-12 IN PART BY CORRECTING THE MONTHLY SALARY OF THE SAFETY DIRECTOR AND DECLARING AN EMERGENCY**

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

Mr. Papalas: It was stated in the newspaper correctly as a result of the way the ordinance read that the Safety Director was earning a lot more than was intended that he has been earning. This simply corrects it and I want to compliment the Safety Director.

**YEAS: 7    NAYS: 0**

Rules are suspended.

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

**YEAS: 7    NAYS: 0**

This Draft No. 92-15 has been adopted on the 18th day of November 2015.

**RESOLUTION NO. \_\_\_\_ ( Draft No. 93-15)**

**A RESOLUTION AUTHORIZING THE SERVICE DIRECTOR TO EXTEND THE AGREEMENTS WITH THE TRUMBULL COUNTY COMMISSIONERS TO FURNISH WASTEWATER TREATMENT SERVICE TO THE HOWLAND NO. 9 AND WEATHERSFIELD NOS. 2 & 3 SERVICE AREAS; AND DECLARING AN EMERGENCY**

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

**YEAS: 7    NAYS: 0**

Mr. Catanzarite: A quick comment. We have been going back and forth with the county on the language for these contracts to the extent that we have to bring them in line with our payoff on the wastewater treatment plant project. I have talked to the Mayor and we have some issues that we are have to address first so there is really no need to suspend this. This is basically to authorize the Service Director to sign.

**YEAS: 7    NAYS: 0**

This Draft No. 93-15 has received its first reading

**ORDINANCE NO. \_\_\_\_ (Draft No. 94-15)**

**AN ORDINANCE TO AMEND CHAPTER 191 OF THE CODIFIED ORDINANCES OF THE CITY OF NILES REGARDING MUNICIPAL INCOME TAX; AND, DECLARING AN EMERGENCY**

Mr. Papalas: Mr. Chairman, before I make a motion I need to ask Terry something. If it's all right with you, can we go for a first reading so you and Mr. Swauger can get together on this first?

Mr. Dull: That's fine.

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

**YEAS: 7    NAYS: 0**

This Draft No. 94-15 has received its first reading.

**RESOLUTION NO. \_\_\_\_ (Draft No. 95-15)**

**A RESOLUTION AUTHORIZING THE TRANSFER AND APPROPRIATION OF FUNDS FROM THE MISCELLANEOUS GENERAL ACCOUNT TO VARIOUS POLICE AND FIRE ACCOUNTS AND, DECLARING AN EMERGENCY**

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

**YEAS: 7    NAYS: 0**

Rules are suspended.

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

**YEAS: 7    NAYS: 0**

This Draft No. 95-15 has been adopted on the 18th day of November 2015.

Mr. Papalas: Mr. Chairman, at this point I would like to introduce two additional ordinances to the Agenda this evening. Both of them deal with again placing the income tax issue on the ballot in March. Mr. Litner is here from the Ohio Auditor's Office and he'll answer any questions that anyone has and he will also explain upon request to some council why we are going to a ½%

instead of ¼%. So before we make the motion may I ask that we set aside five minutes for Mr. Litner.

President Marino: Second to the motion? By all of council.  
Motion carried.

Mr. Litner: When we initially did our recovery plan there were a lot of items on it that needed to be implemented in addition to the ¼% income tax in order for the five-year forecast to work out. At this time, there are not enough of those items that have been implemented to rectify that hole in the general fund with just the ¼%. The ½% would generate roughly two million dollars. It is being earmarked specifically for police and fire. From what I'm hearing that's in most entities and is very important to the community. That two million dollars would allow the general fund to make two million dollars less in transfers every year to deplete the fire ½% fund. Similarly, the budget deficit as it stands right now in the general fund is roughly two million dollars as well so this would close up that hole barring nothing else is being done, this will allow the city to stay in a status quo situation and close the hole.

President Marino: Any questions for Mr. Litner? Thanks, Tim.

Mr. Papalas: We have taken a vote to place this on the Agenda?

President Marino: Which one is 96 and which one is 97? Terry, do you have them?

Mr. Dull: 96 will be the ordinance increasing the tax rate from 1 1/2% to 2%. 97 will be the resolution directing the Board of Elections to place it on the ballot.

President Marino: Is there a motion to place Drafts No. 96-15 and 97-15 on this evening's Agenda?

It was moved Stredney, seconded by Lastic to place Drafts 96-15 and 97-15 on the Agenda.  
Motion carried.

**ORDINANCE NO. \_\_\_\_\_(Draft No. 96-15)**

**AN ORDINANCE INCREASING THE CITY INCOME TAX RATE FROM 1.5% PER ANNUM TO 2.00% PER ANNUM COMMENCING JULY 1, 2016, SUBJECT TO THE APPROVAL OF THE ELECTORS OF THE CITY OF NILES, FOR THE PURPOSE OF PROVIDING ADDITIONAL FUNDS IN THE POLICE AND FIRE FUND FOR OPERATIONS OF THE POLICE AND FIRE DEPARTMENTS, AND FOR NO OTHER PURPOSES; TO AMEND NILES CODIFIED ORDINANCES 191.01 AND 191.03(A); AND, DECLARING AN EMERGENCY**

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

**YEAS: 7      NAYS: 0**

Rules are suspended.

It was moved by Stredney, seconded by Papalas to adopt this Draft.

**YEAS: 7      NAYS: 0**

This Draft No. 96-15 has been adopted on the 18th day of November 2015.

**RESOLUTION NO. \_\_\_\_ (Draft No. 97-15)**

**A RESOLUTION DIRECTING THE BOARD OF ELECTIONS TO PLACE UPON THE MARCH 15, 2016 PRIMARY ELECTION BALLOT A PROPOSED ORDINANCE TO PERMANENTLY INCREASE THE RATE OF INCOME TAXATION FROM 1.5% PER ANNUM TO 2.00% PER ANNUM, COMMENCING JULY 1, 2016, FOR THE PURPOSE OF PROVIDING ADDITIONAL FUNDS IN THE POLICE AND FIRE FUND FOR OPERATIONS OF THE POLICE AND FIRE DEPARTMENTS, AND FOR NO OTHER PURPOSES; AND, DECLARING AN EMERGENCY**

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

**YEAS: 7      NAYS: 0**

Rules are suspended.

It was moved by Stredney, seconded by Papalas to adopt this Draft.

**YEAS: 7      NAYS: 0**

This Draft No. 97-15 has been adopted on the 18th day of November 2015.

**MISCELLANEOUS REMARKS**

President Marino: I would like to wish all of you a Happy Thanksgiving and a restful and peaceful holiday next week. Mr. Hess, now that you're present I'd like to thank you for your years of service to this community. You certainly left the town far better than before you entered into your position and you mentioned the remark about filling your seat. We will fill the position one way or another, but you can't be replaced. You are a tremendous asset to the community and the county commissioners are very smart to seek your services at the county and I know you will serve them well as you have us and I'll still get you see you regularly, but Mark thanks for all you have done for this community.



Mayor Infante: If anyone on council wants to add anything to the financial plan that I will be starting in about a week or two, if you have any thoughts or recommendations, let us know. I will be reaching out to the Mayor Elect and we'll try to work on that plan together so we can meet the deadline.

Mr. Guarino: I have a question. If the levy passes, does that mean there will definitely be no lay-offs?

President Marino: It would be contingent upon the recovery plan and the five-year forecast. If I heard Mr. Potter correctly, we have to present a plan that gets us to a balanced budget by what year did he say, John?

Mr. Merlo: 2020.

President Marino: 2020. So in terms of the operations of the city, Mr. Guarino, that would be up to the new mayor and administration as to staffing.

Mr. Guarino: The thing I would like council to remember is other departments who get paid are subsidized out of the general fund so if there has to be lay-offs, please do not lay off any fire or police because of our safety. Consider laying off in other departments (inaudible) save the general fund money for our safety forces.

Mr. Papalas: You're right. Every one of those departments is going to be affected. I saw the paper today. It is calling for a 16% reduction in every one of those departments including city council. So department heads and city council has some decisions to make equally in this. Some will be more painful than others.

Chief Hinton: I wish everyone a Happy Thanksgiving.

Chief Danielson: Happy Thanksgiving.

Mr. Dull: If you recall, early in 2014 there was a discussion about a possible joint economic development district in the old Republic Steel Plant area between Weathersfield and the City of Niles. Apparently things are starting to go forward on that and in order for that to occur both Weathersfield Township and the City have to agree to a plan. Before that can be voted on by council, there needs to be a public hearing that will be held. Weathersfield is going to have one and the City of Niles also has to have one. There has to be 30 days advance notice for the public hearing and we need to get this in the newspaper as soon as we can. It looks like based on a discussion with the Tribune that probably the earliest day we could have this public hearing would be December the 28<sup>th</sup>. That would be the Monday after Christmas so I wanted to talk about setting a date for that for that public hearing now.

Mr. Papalas: I would like to make a motion that we accept that date. Can the Tribune help us by putting that in the paper earlier?

Mr. Dull: The earliest they can get it in is Monday.

Mr. Papalas: I was addressing the reporter here. Can you introduce yourself? What is your name?

Mr. Merriman: Brandon Merriman.

Mr. Papalas: Okay. Do you have any pull with the Tribune get that in there earlier?

Mr. Merriman: (inaudible)

President Marino: December 28<sup>th</sup> at 5:00 p.m.?

Mr. Dull: Will 5:00 be okay for everyone?

President Marino: Okay.

Mr. Dull: Thank you.

Mr. Papalas: Are you going to preside over that Mr. President?

President Marino: I guess I am. Terry and I will be here. I want to make sure that everybody understands that salary adjustment with the Safety Director, the Tribune had reported that the Safety Director was earning \$34,000.00 for the past eight years when, in fact, he was earning \$17,300.00 over his eight year term. So he was not being compensated \$34,000.00 and he has always been compensated \$17,300.00. Council just aligned the ordinance to reflect what he was already receiving. I don't want you folks to think he was making \$34,000.00 and now all the sudden he is being adjusted down. That is not the case. I think it's important that that's in the record so that everybody understands what took place.

Mr. Papalas: I don't know how the ordinance got that way.

President Marino: Or how the previous auditor didn't pick it up, but we're in another era. Always looking ahead not behind.

Mr. Vigorito: Happy Thanksgiving.

Mr. Catanzarite: Monday at 1:30 we'll be having the groundbreaking of the wastewater treatment plant. I think I have touched base with most of the council members and city officials and I would like to have all of you there. We will schedule photos at 1:30 and then we will have the pre-construction meeting following and anybody that wants to be there can attend. It will probably be about a two hour meeting to cover everything. Again Monday at 1:30 at the wastewater treatment plant and we're ready to go.

Mr. Papalas: I just wanted the audience to know as well as my colleagues that I attended several meetings at Eastgate and still having after two years difficulty sometimes trying to understand where the different fundings are coming from and where they are going, and I've always been


impressed every time I see Mark in action at those meetings because he is an expert in weaving his way through all this information and the red tape. He has established tremendous relationships with the officials from both Trumbull and Mahoning County with people we have never heard of and he's probably got more expertise than anyone in the room and I am on the edge watching in, looking in. I'm very impressed with your abilities, Mark, and I hope in some fashion we could continue to benefit from your expertise in the future. Without you, I don't think we would have a bike trail. What you did throughout that whole ordeal was amazing. I just want to compliment you on all the work you did for our community. We owe you a debt of gratitude. I hope you drop by and visit when you can.


Mr. Giancola: Happy Thanksgiving.

Mr. Pezzano: Mark, on behalf of the 1<sup>st</sup> Ward and myself I want to thank you for all the help you have given us and also I want to thank Mr. Vigorito, Mr. Mike Burke and Mr. Newbrough for helping me out on Trumbull Avenue and Morningside also. Thanks.

**ADJOURN**

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

  
LORI KUSZMAUL, Clerk of Council

  
ROBERT MARINO, JR., President of Council  
Stephen G. Papalas, Acting President Pro Tem