

MINUTES
June 3, 2015

Niles City Council held its regular meeting Wednesday, June 3, 2015 at 6:00 p.m. in Council Chambers, Safety Service Complex, Niles, Ohio.

The meeting was called to order by President, Robert Marino, and the Clerk Pro-Tem Mary Kay Nicholas called the roll:
Lastic-P, Papalas-P, Giancola-P, McCormick-P, Stredney-P, Merlo-P, Pezzano-P, Marino-P

President Marino: Please, let the records reflect that Clerk Pro-Tem, Mary Kay Nicholas, is sitting in for Clerk, Lori Kuszmaul.

President Marino: Report and Communications

REPORTS AND COMMUNICATIONS

Mrs. Nicholas: A letter from Keith Faber, President, Ohio Senate 12th District, regarding are e-mail on House Bill 64.

President Marino: We all have copies of this.

It was moved by Stredney, seconded by Pezzano to place on file.

President Marino: Moved by Stredney, seconded by Pezzano. Any questions or comments? All in favor signify by:

(AYE: 7) (OPPOSED: 0)

Motion carried.

Mrs. Nicholas: We received a report from the Auditor's Office – Estimated Vs Actual Revenues through May 2015.

It was moved by Stredney, seconded by Lastic to place on file.

President Marino: It was moved by Stredney, seconded by Lastic. Any questions or comments? All in favor signify by:

(AYE: 7) (OPPOSED: 0).

Motion carried.

President Marino: Motion to accept the Minutes of Lori Kuszmaul, Clerk, of the May 20, 2015, and the May 29, 2015, Roundtable Minutes.

President Marino: Moved by Stredney, seconded by McCormick, to accept and place on file. Any questions or comments? All in favor signify by:

(AYE: 7) (OPPOSED: 0).

Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

President Marino: Members of the audience anyone that would like to address the members of Niles City Council? Please raise your hand and state your name and address for the record.

Lisa Smathers, 1880 Meadowbrook Drive, Niles, I'm here tonight representing the Income Tax Office and to **(inaudible)** figures in regards to savings the city does not realize someone at RITA's tax collection. Our office has not been fully staffed for the entire year since 2011. We have all pitched in to pick-up the slack saving the city approximately \$50,000 per year. We are willing continue to do this and keeping our office status quo. Based on the actual 2014 figures from the Auditor's Office the total wages and benefits for the tax office is \$182,246.00, the total operating expenses is \$11,522.00 for a total of \$193,768.00. The cost to contract with RITA and including court filing is \$178,850 for a savings to the city of \$14,919.this is based on collections of \$5.8 million. If collections go up and they will when Mr. Cafaro brings his cooperate offices to the city and Toyota opens its dealership hear the savings will go down. In essence as collections go up savings will continue to go down to a point where it will no longer be a savings eventually will cost the city money. In conclusion I would like to say that the hard working employees of the tax department did not create the financial situation that the city is in. On the contrary we worked hard to bring \$6,086,000.00 last year. To outsource our jobs would eliminate the customer service that we provide to the good people of Niles, such as free tax form filing, paper scanning, fielding phone calls and basically just being excessible to the public. Is that really worth the little or no savings?

President Marino: Thank you

President Marino: Is there anyone else that would like to address city council? Please, state your name and address for the record.

Jeffrey McCormick, 104 Potomac Avenue, Niles, My house burnt down November 17, 2014, I have been instructed to send \$78,000.00 to Seven Seventeen Credit Union and send you guys \$12,000.00. Seven Seventeen Credit Union has paid the contractor, I'm back in my house now, and I paid off \$78,000.00. I wonder if the City of Niles, I have debt for \$8,000.00 to a contractor and another \$4,000.00 and nobody can tell me where it is, It's my money, I just want my money, I had to pay my contractor.

Mr. Vigorito: \$4,000.00 would have to be transferred to the improvement account.

President Marino: So the transfer of funds is approved tonight.

Mr. McCormick: I have one other statement my insurance company. If you had, I'll give you an example: If I was given \$30.00, forty years ago and it compounded they would give me \$50.00. What do I get for \$4,000.00? Here is the statement, I was given 27 days extended three days ago Sunday. I have no money, I have no contents, why?

President Marino: Forgive me but I'm not.

Mr. McCormick: My insurance company will reimburse me the difference. How can I buy stuff, if you don't pay me my money.

President Marino: Mr. McCormick, I understand from Mr. Vigorito, that you will have your money, Chuck when are you going to get him his money if council approves this tonight?

Mr. McCormick: Here's the letter from my Insurance Company. They extended 27 days I had until, May 2, 2015 they let it go to May 31, 2015, and I still don't have my money.

President Marino: When will he get his money?

Mr. Nader: I can have a check, Friday,

President Marino: You can't get it to him tomorrow?

Mr. Nader: I will issue a check tomorrow if council approves it tonight.

President Marino: If council approves that tonight can we get a signature by tomorrow for him, I don't know who approves Ralph, Neil, and Tony.

Mr. Vigorito: Can I make a statement, the way I understand it has to have approval and it still has to go through that account.

Mr. Buccino: Encumbered **(Inaudible)**

Mr. Nader: You could, whatever we wish.

President Marino: With respect to whatever we wish. With respect we need to make this right this is wrong. So can't we find another fund, put the money into it and make this gentleman whole, for whatever reason this has been drug on. Can we do that?

Mr., Nader: Yes

Mr. Papalas: What fund and can we do it tonight.

Mr. Nader: Take it out of Miscellaneous General

President Marino: What would be the soonest that Mr. McCormick can receive his money?

Mr. Buccino: I would say a week.

President Marino: Next Wednesday.

Mr. Buccino: Yes

Mr. Nader: Inaudible

President Marino: So if council passes it Wednesday, and he can comes down to the City Building, Wednesday afternoon he can have his check.

Mr. Papalas: Mr. Chairman I'm going to ask you one question, so when we amend this, how do we word this? Do we need to authorize the transfer of funds from the General Fund to the Miscellaneous General Fund?

Mr., Nader: You don't have to put the \$4,000.00 into the Miscellaneous General Fund to pay it.

President Marino: There is money already there?

Mr. Nader: There is money in there that has been appropriated

President Marino: Forgive me, then why didn't we pay him?

Mr. Papalas: Can I ask you something? If the money was already there why didn't we transfer everything?

Mr. Nader: The money is not in building refund.

President Marino: Ok, that makes sense.

President Marino: What would be an appropriate time for Mr. McCormick to come down?

Mr. Nader: 2:0'clock.

President Marino: 2:0'clock Mr. McCormick.

Mr. McCormick: Thank you very much.

President Marino: I do apologize on behalf of the city that you had to experience this.

President Marino: Your name and address for the record.

Cearl Cowell, 701 Summit Avenue, Niles, Couple of items, first of all I would like to thank the Niles Fire Department, for helping us and the Paramedics. The paramedics even said they appreciated their help. Second of all I don't believe that the police department and emergency responders should be cut back at any time, they are not like us that work in a mill, they don't know what they are getting into. I don't think they should get cut back. Third we're having problems with 4 wheelers behind us. The 4 wheelers are going after midnight and gun shots can be heard. They need to be stopped.

Niles Police: Have you called down to the police station and told them what's going on.

Mr. Cowell: No, my nephew has a daytime job 5:0'clock in the morning it keeps wakening him.

Niles Police: You need to call 911 and report it, we will be right there.

President Marino: Anyone else, Carmel your name and address for the record.

Carmel (**inaudible**), I work in the Niles Tax Department. We have been in contact with a Tracy Thompson, Finance Director (**inaudible**) who has gone to RITA two years ago. Her exact quote to me was the citizens hate having RITA, they still come in for help and the service we give them. Also the revenue is not as great with RITA at all. Third she said if the tax office is closed someone still has to be there, for any questions from the counties, any penalties, appeals that happen that are necessary and just any general questions. She also advised that she is in contact with them on a regular basis for any revenue coming in and also contractors. In closing going with RITA there is no guarantee that you will get all the pertinent information needed.

President Marino: Debbie your name and address for the record.

Debbie (**inaudible**), 901 North Rhodes, Niles, I work for office of Niles tax department, (**inaudible**) First of all that's exactly what it is outsourcing and privatizing jobs. Secondly there's a bargaining unit position, currently outsourcing means out you lose jobs. Referenced more information on CCA (**inaudible**).

President Marino: Thank you Debbie. Anyone else your name and address for the record please.

Maria Orr, **(inaudible)**, I have RITA and I have to tell you I'm really sick. I was to receive a refund and it took two years **(inaudible)**.

President Marino: Anyone else, state your name and address for the record please.

Andy Bickerstaff, Fire Inspector for the City of Niles, Street, Niles, Ohio **(inaudible)**

Mayor Infante: Give me a couple of weeks **(inaudible)**

Mr. Papalas: How many hours a week

Mr. Bickerstaff: **(inaudible)**

President Marino: Anyone else, Mr. Mollica your name and address for the record please.

Pete Mollica: **(inaudible)**

President Marino: No

Pete Mollica: **(inaudible)**

President Marino: No

Pete Mollica: **(inaudible)**

President Marino: The answer is no

Pete Mollica: There is no way out. **(inaudible)**

President Marino: No

Pete Mollica: **(inaudible)**

President Marino: It's not on the agenda the plan stated on #21 that the Treasurer would provide confirmation by exploring RITA. We have all seen in red what the determination was from the Treasurer's report, so no.

President Marino: Anyone else, anyone else? The opinion of the chair being none. Bobby there's a supplemental agenda.

COUNCIL COMMITTEE REPORTS

President Marino: Committee reports. I would like to state that there was a round table on Friday and the minutes of that meeting are in the packet and they will also be online for all of you to read at your leisure.

President Marino: Will the clerk please present tonight legislation.

ORDINANCE AND RESOLUTIONS

2nd Amended Draft No. 16-15 to be brought to the floor for the third time:

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

It was moved by Papalas, seconded by Lastic for third reading.

YEAS 6 NAYS 1 (Stredney)

It was moved by Lastic, seconded by Papalas for adoption.

YEAS 6 NAYS 1 (Stredney)

Draft NO. 16-15 has been adopted by third reading.

Amended Draft No 19-15 to be brought to the floor for the third time:

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

It was moved by Papalas, seconded by Pezzano for third reading.

YEAS 6 NAYS 1 (Stredney)

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

YEAS 6 NAYS 1 (Stredney)

Draft NO. 19-15 has been adopted by third reading.

Amended Draft No 20-15 to be brought to the floor for the third time:

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 Papalas, seconded by Lastic for third reading.

YEAS 6 NAYS 1 (Stredney)

It was moved by Giancola, seconded by Lastic for adoption.

YEAS 6 NAYS 1 (Stredney)

Draft NO. 20-15 has been adopted by third reading.

Amended Draft No. 23-15 to be brought to the floor for the second time:

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

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

YEAS 7 NAYS 0

It was moved by Papalas, seconded by Pezzano for adoption.

YEAS 7 NAYS 0

Draft NO. 23-15 has been adopted under suspension of the rule.

Amended Draft No. 24-15 to be brought to the floor for the second time:

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

Mr. Papalas: Mr. Chairman I am going to ask a question before we go further with this. To pass this ordinance under the suspension rule do we have the ability to finance this?

President Marino: I believe we have to amend these board minutes its self Draft No. 24-15 Section 1, an act of ordinance, we have to insert the correct fund on the ordinance.

Mr. Nader: We have to reduce the amount by \$4,000.00 as a transfer because it is now going to be paid out of General Miscellaneous Fund.

President Marino: We need a motion to amend Draft No. 24-15, Section 1-3 here by authorize the transfer of \$15,186.56 to general fund #10-90-5900 fund 6400 FIRE LOSS CLAIM FUND. The \$4000.00 reduction will make Mr. McCormick whole.
All in favor of the amendment signify by:

(AYE: 7) (OPPOSED: 0)

Motion Carried

It was moved by Papalás, seconded by Lastic for suspension on amendment ordinance.

YEAS 7 NAYS 0

It was moved by Papalás. Seconded by Pezzano for adoption.

YEAS 7 NAYS 0

Draft NO. 24-15 has been adopted under suspension of the rule.

Draft No. 25-15 to be brought to the floor for the second time:
A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED WASTE WATER TREATMENT PLANT DESIGN AND IMPROVEMENT FUND TO THE WASTERWATER TREATMENT PLANT'S DESIGN AND IMPROVEMENT FUND'S CONSULTANT FEES ACCOUNT AND, DECLARING AND EMERGENCY

It was moved by McCormick, seconded by Lastic for suspension.

YEAS 6 NAYS 1 (Merlo)

It was moved by McCormick. Seconded by Giancola for adoption.

YEAS 6 NAYS 1 (Merlo)

Draft NO. 25-15 has been adopted under suspension of the rule

Draft No. 27-15 to be brought to the floor for the first time:

A RESOLUTION APPROVING THE MAYOR'S REVISED FINANCIAL PLAN REQUIRED BY OHIO REVISED CODE SECTION 118.06 FOR SUBMISSION TO THE FINANCIAL PLANNING & SUPERVISION COMMISSION FOR THE CITY OF NILES; AND, DECLARING AN EMERGENCY

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

YEAS 7 NAYS 0

It was moved by Papals. Seconded by Giancola for adoption.

YEAS 7 NAYS 0

Draft NO. 27-15 has been adopted under suspension of the rule

President Marino: We have six Ordinances to add to tonight's agenda. For consistency purposes will go through these one at a time.

Draft No 28-15 to be brought to the floor for the first time:

AN ORDINANCE AMENDING CODIFIED ORDINANCE NO. 925.03 (A) BY INCREASING THE RATES CHARGED FOR THE USE OF THE SANITARY SEWAGE SYSTEM: FOR THE YEARS 2018 THROUGH 2025; AND DECLARING AN EMERGENCY

President Marino: Motion to add that to tonight agenda

It was moved by Stredney, seconded by Lastic to add to tonight's agenda.

All in favor signify by:

(AYE: 7) (OPPOSED: 0)

Motion Carried

It was moved by Papalas, seconded by Lastic for first reading.

YEAS 7 NAYS 0

President Marino: Questions or Comments

Mr. McCormick: At the next meeting I would like to go for an extension for any public comments to be heard. We need to get it done in order to get the loan approved.

Mr. Hess: I can explain this very quickly we are applying for a \$38,000,000.00 loan for the construction and insurance for the loan. **(inaudible)**

Draft No 28-15 received its first reading

Draft No. 29-15 to be brought to the floor for the first time:

AN ORDINANCE AMENDING CODIFIED ORDINANCE NO. 765.03 BY INCREASING THE AMOUNT OF THE FEE CHARGED FOR CONTRACTOR REGISTRATION AND RENEWALS

President Marino: Motion to add that to tonight agenda

It was moved by Stredney, seconded by Papalas to add to tonight's agenda

All in favor signify by:

(AYE: 7) (OPPOSED: 0)

Motion Carried.

It was moved by Stredney, seconded by Pezzano for first reading.

YEAS 7 NAYS 0

President Marino: Questions or Comments

Draft No. 29-15 received its first reading

President Marino: The next several ordinances are about the fiscal recovery plan

Draft No. 30-15 to be brought to the floor for the first time:

AN ORDINANCE DIRECTING THE TREASURER TO ISSUE A MONTHLY BANK TO BOOK RECONCILIATION REPORT: AND, DECLARING AN EMERGENCY

President Marino: Motion to add that to tonight agenda

It was moved by Papalas, seconded by Giancola to add to tonight's agenda.

All in favor signify by:

(AYE: 7) (OPPOSED: 0)

Motion Carried

It was moved by Papalas, seconded by Lastic for first reading.

YEAS 7 NAYS 0

President Marino: The purpose of this ordinance is so the Niles City Council receives a reconcile report on the city's finances by fund. In light of what has transpired the last couple years

President Marino: Questions or Comments

Draft No. 30-15 received its first reading

Draft No. 31-15 be brought to the floor for the first time:

AN ORDINANCE APPROVING A PROPOSED UNION OF THE CITY HEALTH DISTRICT WITH THE TRUMBULL COUNTY GENERAL HEALTH DISTRICT; AUTHORIZING THE MAYOR TO NEGOTIATE WITH AND ENTER INTO AN AGREEMENT WITH THE TRUMBULL COUNTY GENERAL HEALTH DISTRICT FOR THAT PURPOSE; AND, DECLARING AN EMERGENCY

President Marino: Motion to add that to tonight agenda

It was moved by Papalas, seconded by Lastic.to add to tonights agenda

All in favor signify by:

(AYE: 7) (OPPOSED: 0)

Motion Carried

It was moved by Papalas, seconded by Giancola for first reading.

YEAS 7 NAYS 0

President Marino: Questions or Comments

Draft No. 31-15 received its first reading

Draft No 32-15 to be brought to the floor for the first time:

AN ORDINANCE AMENDING ORDINANCE 17-12, IN PART, BY REDUCING THE AUTHORIZED NUMBER OF CLERKS IN THE MUNICIPAL COURT; AND, DECLARING AN EMERGENCY

President Marino: Motion to add that to tonight agenda

It was moved by Stredney, seconded by Papalas.to add to tonight's agenda

All in favor signify by:

(AYE: 7) (OPPOSED: 0)

Motion Carried

It was moved by Stredney, seconded by Papalas for first reading.

YEAS 7 NAYS 0

President Marino: Questions or Comments

Draft No. 32-15 received its first reading

Draft No. 33-15 to be brought to the floor for the first time:

AN ORDINANCE TO INCREASE OR INITIATE CERTAIN FEES CHARGED BY THE BUILDING AND ZONING DEPARTMENT; AND. DECLARING AN EMERGENCY

President Marino: Motion to add that to tonight agenda

It was moved by Papalas, seconded by Merlo to add to tonight's agenda.

All in favor signify by:

(AYE: 7) (OPPOSED: 0)

Motion Carried

It was moved by Papalas, seconded by Lastic for first reading.

YEAS 7 NAYS 0

President Marino: Questions or Comments

Draft No. 33-15 received its first reading

President Marino: That concludes tonight's legislation the next order of business miscellaneous remarks.

MISCELLANEOUS REMARKS

Mayor Infante: Just to inform City Council that they have started the resurfacing on 46 and they should be in downtown next.

Mr. Marino: **(inaudible)**

Mr. Papalas: The business brought up of CCA. did we look into that yet?

Mr. Swauger: Yes,

Mr. Papalas: I would appreciate a recommendation or data regarding RITA vs CCA

Mr. Swauger: Yes, I can get that to you by the end of the week.

Mr. Papalas: Alright, I think that would be valuable information and Mr. Swauger I think we could all use more direction from you.

Mr. Swauger: I agree, the only question that I proposed and that is the budget. I don't know the budget inside out. That is a factor into any decision that you make, you have to factor in everything. Do we want to have someone here for questions and customer service or don't we? In all honesty you are going to receive the phone calls sooner or later. I think that is something I will need guidance on. I can give you the pros and cons on both sides of it and a cost effect on both sides of it, if that will make it better for you.

Mr. Papalas: Yes

Mr. Swauger: Do it that way, that's what I am asking what do you guys want?

President Marino: Bob, with all due respect that report and I sit on the committee. I technically met with and accepted what you presented (inaudible) and that I shared with Ms. Abraham and that is what I radially accepted because when you shared with us additional factors that weren't considered in the plan. To me the study is incomplete by the omission and the cost factors and the variables left out those number don't mean anything to me. I don't have the pleasure of sitting where these seven fellows sit and I don't get the pleasure of voting and I gladly would if I was over there.

I want two things from you:

1. I want a recommendation from you, yes or no.
2. And I want a report that is comprehensive and takes into consideration all of the factors.

I know you don't know about collective bargaining agreements. I have, I do collective bargaining agreements, I have limited programs I go through that where I live and work. We do that in politics we do that in consultation with are professional

organization. I don't believe in blind siding people. I said quite some time ago that this physical emergency would affect lives, well low and behold here it is. I from a commission stand point and I'm think my colleges would agree, would appreciate those two things comprehensively and if that requires you to meet with the Mayor and Service Director to cost out those things so be it. I don't know how much time you need to do that. I was hoping you would take the time necessary to provide the most accurate financially reliable information. We are holding our auditor to that standard even it is just a commission meeting. He has been filleted every which way but Sunday at those meetings. I believe and were friends that you are going to be held to the same standard. I am sure you will provide that.

Mr. Marino: Anything else.

Mr. Papalas: Ralph I have a complaint from a constituent of ours he as a concern about the water retention at the corner of Old Forge and Frederick, pretty messy.

Mayor Infante: I was there today.

Mr. Papalas: You were there today? Thanks, good deal

Mr.Papalas I would like to have a conversation with the State Auditor in the near future about these contracts something I for one was not fully aware of example with the police that added some questions. Maybe you could help us with that.

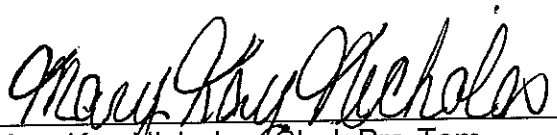
President Marino: I would be happy to do that.

Mr. Pezzano: I want to thank a couple Heads of Departments that helped me out this past week.


ADJOURN

Motion to adjourn by Lastic, seconded by Merlo

President Marino: Motion adjourned.



Mary Kay Nicholas, Clerk Pro-Tem



Robert Marino, President of Council