

COUNCIL MEETING MINUTES
October 7, 2015

Niles City Council held its regular meeting on October 7, 2015 at 5:00 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-A, McCormick-A, Stredney-P, Mientkiewicz-P, Pezzano-P, Marino-P

It was moved by Lastic, seconded by Pezzano to excuse Councilmen Giancola and McCormick from the meeting.

Motion carried.

It was moved by Stredney, seconded by Papalas to accept the Minutes from the September 16, 2015 regular meeting and September 29, 2015 special round table meeting and place them on file.

Motion carried.

REPORTS AND COMMUNICATIONS

FROM the City of Niles Auditor's Office

Statement of Cash Position from 01/01/15 to 09/30/15

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

Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

President Marino: We do have a guest here. Our superintendent of schools, Mrs. Thigpen is here and she would like to address the administration and council. Welcome Mrs. Thigpen.

Anne Marie Thigpen, Superintendent, Niles City Schools. I appreciate that. In the business that we are in as school officials and local government, often times positive press is never advertised, on TV or in newspapers, and no offense to our media representative. However, I have to give credit to our safety forces in Niles. Obviously, we have had some interesting things happen in Niles at the very beginning of our school year, but I do want to recognize Chief Danielson who came to one of our administrator's meetings, actually yesterday, and just wanted to have that public service, school connection and it spoke volumes of him and his department. I'm sure I'll be working with road crews when winter comes, but truly the police force, what they have done for us from the very first day of school. I was at every school in the morning and in the afternoon and there was police presence everywhere. Then the second day of school came and

we had some threats. They have been at all of our schools on a daily basis and as the leader of the school district, as a mom who has children in the school district, and I hope I speak for the majority of our families in Niles, what a sense of relief. It's our job to educate children in a school system, but when they leave that door at their parents' house, really the biggest thing the parents are concerned about is their student's safety. So council, Mayor, President of Council, I just can't thank you enough. I really want you to know on behalf of Niles City Schools, thank you.

President Marino: Just as a side, I had the opportunity when I previously worked in Niles to work with Mrs. Thigpen and our Board of Education could not have selected a finer individual and more capable individual and someone who everyday places all of our children at the top of the priority list in any decision that is made. I'm grateful that Anne Marie is serving our community and I'm more appreciative of her willingness to imbed herself into the community. It's refreshing to see our Superintendent of Schools in the audience partnering with the community because so goes the schools, so goes the city, so goes the city and the schools. So to a long and prosperous career in Niles.

Mrs. Thigpen: Thank you so much.

President Marino: Anyone else wish to address Niles City Council?

Bo Marchionte, 1339 Clinton, Niles, Ohio. I'm not here to talk about negotiations. I'm not after anyone on council or in the administration. I'm here to talk about the financial burden that is already weighing on a city that is financially strapped. If anyone saw the Mayor's response on the website to the union's article 10 of that response the last sentence, and I don't care how Clemons Nelson got here, but they're here, but it says in the last sentence, regardless both the administration and council agree to hire the firm to negotiate the current contracts. The potential cost and the fact-finding – Clemons Nelson was hired to negotiate the livelihood of the citizens and those citizens are all employed in this city. Almost \$30,000.00 has gone out to them and we're still not done with contracts and all three unions, fire, police and ASCME are heading to fact-finding and that is going to be a cost to the city. That is going to be Clemons Nelsons' biggest payday at an estimated cost of between \$7,000.00 to \$9,000.00 is going to come out of the pockets of a city that is already financially strapped. They are not here to worry about what we are getting, they are worried about getting paid and taking their money back to Columbus and leaving us empty handed. The reason I fear for fact-finding is for a couple of reasons. Over the summer during one of the financial committee, emergency committee, whatever they're regarded as, Mayor Infante addressed the audience and, in fact, Clemons Nelson was moving to sign up all three unions to get ready for fact-finding. This was back in August. We had a litany of other articles on the table that still needed addressed and had nothing to do with (inaudible) fact-finding. Our last meeting with Clemons Nelson, he e-mailed Jimmy Bendas (sp) who represents our union and he wanted to abandon that meeting and go strictly directly to fact-finding. That is premeditated and it's not working in the best interest. That's going to come out of the pockets of all the taxpayers. While we are actually getting Clemons Nelson off the books allegedly in November, we're still paying them for a service we don't want them to do. And that's going to come out of our pockets and like I said, that's where we're heading. You guys brought them on. You guys are going to have to discuss amongst yourselves what to do with untightening the

noose a little bit on the unions because in the end we're all going to go to fact-finder. This is a small community, we're all friends here. Everybody probably knows everybody. I mean good jobs for good people. That's a good community. You start to eliminate the jobs off the backs of our community that's when people won't want to come here. A city job is a good job in today's age. When I started back in the '90's they laughed at us. If you didn't have a job at Packard or GM, they laughed at you. Now, they see where we're at and they want to be here. Again, fact-finding is not going to be a good situation for us in the end. You guys have the ability to discuss amongst yourself, behind closed doors, but that's where we're headed and it's going to be a costly burden. Thank you.

President Marino: Anybody else which to address Niles City Council? In the opinion of the chair there being none, committee reports.

COUNCIL COMMITTEE REPORTS

None

President Marino: There being no committee reports, at this time I believe it would be appropriate for entertaining a motion to adjourn into executive session.

It was moved by Papalás, seconded by Stredney to go into executive session to discuss negotiations and personnel.
Motion carried.

President Marino: Let the record reflect council adjourned at 6:10 p.m. with the administration and city council.

President Marino: The council reconvened the meeting at 6:47 p.m. Would the clerk please call the roll:
Lastic-P, Papalás-P, Giancola-A, McCormick-A, Stredney-P, Mientkiewicz-P, Pezzano-P, Marino-P

ORDINANCES AND RESOLUTIONS

RESOLUTION NO. _____ (Amended Draft No. 70-15)

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 Stredney, seconded by Lastic to give this resolution a second reading.

YEAS: 5 NAYS: 0

This Amended Draft No. 70-15 has received its second reading.

RESOLUTION NO. _____ (Draft No. 74-15)

A RESOLUTION AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR BIDS FOR TWO YEARS OF SLUDGE DISPOSAL AND FOR ONE YEAR OF CHEMICALS FOR THE WASTEWATER TREATMENT PLANT; AND DECLARING AN EMERGENCY

It was moved by Stredney, seconded by Papalas to give this resolution a first reading.

YEAS: 5 NAYS: 0

This Draft No. 74-15 has received its first reading.

RESOLUTION NO. _____ (Draft No. 75-15)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED WATER FUND TO THE WATER DEPARTMENT'S MATERIALS ACCOUNT; AND, DECLARING AN EMERGENCY

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

YEAS: 5 NAYS: 0

This Draft No. 75-15 has received its first reading.

RESOLUTION NO. _____ (Draft No. 76-15)

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE HEALTH DEPARTMENT'S WAGES ACCOUNT AND THE APPROPRIATION OF VARIOUS OTHER FUNDS TO STATE EXAMINER FEES ACCOUNTS; AND DECLARING AN EMERGENCY

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

YEAS: 5 NAYS: 0

This Draft No. 76-15 has received its first reading.

RESOLUTION NO. _____ (Draft No. 77-15)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED STREET FUND TO STREET DEPARTMENT'S STREET RESURFACING ACCOUNT; AND, DECLARING AN EMERGENCY

It was moved by Papalas, seconded by Pezzano to give this resolution a first reading.

Mr. Stredney: Is this grant money?

Mr. Merlo: This is our portion of grant money.

YEAS: 5 NAYS: 0

This Draft No. 77-15 has received its first reading.

MISCELLANEOUS REMARKS

Mayor Infante: Just one comment. I wanted to thank all the five unions for all their cooperation they have given me and my administration over the past three or four weeks. I know we have another meeting tomorrow, but they're really concerned and really cooperative and I want to thank you guys for that. We'll get back at it tomorrow and it's looking real good for us and I think we can work it out for the rest of the year. Thank you. I also want to thank Chief Danielson and Chief Hinton for their help too.

Mr. Catanzarite: Just very briefly I'd like to report that things are moving along with the wastewater project and right now we are looking very good from where we started this project in that we were expecting about a 4% interest rate and we think we are going to come in at under 1%. (inaudible) we could have the money in the bank by the first on next month.

Mr. Merlo: Just briefly to clarify the recent news article that happened last week about the funds that – the 1.17 million dollars that was found. It wasn't found it had been in the Mayor's plan since he put it together with the state auditors. The funds that can be moved to the general fund are \$474,000.00. The remaining funds of that 1.17 million belong to our enterprise accounts. So that \$750,000.00 belongs to the enterprise account. So general fund, 474 is a one-time hit this year. I just wanted to clarify that for everyone.

Mr. Swauger: I just want council and the administration to know after they passed the bed tax last weekend I stopped by and talked to each hotel and went over the ordinance with them, gave them the form they need to fill out and send into us so that everybody is on board with it as of October 1st.

Mr. Hess: All of our projects have been completed this year except one. That project was the Warren Avenue Niles Vienna Road resurfacing project that we originally scheduled that – we

thought we were going to be able to get that project done this year. When we set that project up we set it up as one from two sources, Federal Highway Administration and Ohio Public Works Commission and that's the first time that we've done that and by doing that it allowed us not to have money involved in the project. The actual local share was picked up by the OPWC. The downside to that is that it brings ODOT review into the process or the project. Typical OPWC projects we don't have ODOT review. Everything comes to us and we review it and we can get things done a lot faster. ODOT's review process is a lot more detailed, a lot more involved and it requires things like environmental clearances and all that kind of stuff and in order to get the plan approved and once they are approved to get it scheduled. As of right now, we are finished with everything and we have sent everything to ODOT so they have everything and we are waiting for their approval, but obviously at this late game, we won't be going to construction this year. This will be an early 2016 project.

President Marino: Ms. Ford, is everything going well in the billing office?

Ms. Ford: Yes. We're plugging away.

Mr. Papalas: I want to commend, first of all, Andy with the work being done at the plant and for our future construction projects and so forth. You did a great job with that. I really appreciate it. John Merlo, our new auditor, presented city council with a form tonight different than anything we have ever seen entitled "Statement of Cash Position." As you recall, many many months, maybe more than a year ago, I had asked that we have a form similar to one that a neighboring community was using, that their auditor was using, because it was easier to understand and it showed revenues and projected what the ending balance would be. We never saw it. John has come up with a form even better than anything I have read in any neighboring community. John, I'm looking at this and I'm very very pleased. I ask my colleagues to look at each of the categories and look across and you'll see how easy it is to understand. It was also brought to my attention by one of our incoming council members, Linda, that on Summit Street there seems to be a problem with four-wheelers. I have never seen it but I'm not here on Saturday evenings. Chief, could you look into what is going on there on Saturday evenings? Friday evenings? They are actually parking, I understand, on the side of the road, unloading and using the old railroad beds. Could someone patrol that area a little bit and check it for us?

Chief Hinton: If somebody could call us when they are there, it would be a lot easier if they are there at the time.

Mr. Papalas: Well, you can see the vehicles parked on the side of the road with empty trailers on them, you would have a pretty idea what is going on. Can you do that for us, please?

Chief Hinton: Yes.

Mr. Papalas: I have one question to ask. Is anyone here from the Warren Tribune? Well, it should be noted for the record the Warren Tribune is not here again. I'm always interested to see the editorial and some of the stories that are printed with misinformation, cash statements, cash balances that don't exist. Layoffs that are certainly not in the works and so on and so forth. The

next time you see one of those stories, just remember this is another board meeting where that newspaper is not present. I don't know how they get their information. No other comments.

President Marino: Welcome aboard Mr. Mientkiewicz and I appreciate your service to the community and your willingness to join us. It's good to have youth and vigor and we know you are going to do a great job representing the second ward, so for the first time, Councilman Mientkiewicz, any comments?

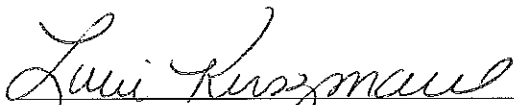
Mr. Mientkiewicz: Yes. I wanted to thank the precinct committee for their appointment tonight. I'm very excited to begin serving the second ward residents. I know I see a lot of familiar second ward residents in the crowd tonight and look forward to serving and working with the current administration and current council.

President Marino: Councilman Pezzano hosted a block watch meeting last night that was very well attended. You are doing a great job with that. You have really grown that, so kudos to you.

Mr. Pezzano: I wanted to thank you and Mr. Merlo for attending and I had a lot of good compliments again. The other compliment I want to give is to Mr. Newbrough and Mr. Rounds for their department and the tree department. I had an issue in the first ward and they took care of it like right now. Thanks again.

ADJOURN

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



LORI KUSZMAUL, Clerk of Council



ROBERT MARINO, JR., President of Council