

## COUNCIL MEETING MINUTES

April 19, 2017

Niles City Council held its regular meeting on April 19, 2017 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, Nicole Bacak, called the roll:

Lastic-P, Papalas-P, McNaughton-P, Steffey-P, Marchese-P, Mientkiewicz-P, Pezzano-P, Marino-P

President Marino- Before we do meeting minutes, I understand we have two guests from government/history class joining us tonight. If you two students would like to stand up and introduce yourselves to us.

I'm Mena Salvino. I'm a senior.

I'm Natalie Shane and I'm a senior.

President Marino: Welcome and hope that this experience is pleasant for you and that you will continue to stay and become more involved in government because we need good fine young people to help lead out communities forward. So, welcome.

Thank you.

President Marino: You can thank Mr. Crowley for that.

It was moved by Steffey, seconded by Marchese to accept the Minutes from the April 5, 12, 17, and 18, 2017 meeting and place them on file.

Motion carried.

## REPORTS AND COMMUNICATIONS

**FROM** –Ohio Division of Liquor Control

Mizu Japanese Restaurant Inc

It was moved by Steffey, seconded by Pezzano to refer to the Police Chief and Safety Director for their recommendations.

Motion carried

**FROM** – Auditor's office

Statement of Cash from Revenue and Expense- March 2017

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

Motion carried.

**FROM** – Service Director

Overtime for all departments - March 2017

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

**FROM** – Kevin Robertson

Street Resurfacing/Maintenance Project for 2017/2018

It was moved by Steffey, seconded by Marchese to accept the report and place it on file.  
Motion carried.

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

Beth Francis: First, can I pass these out?

President Marino: State your name and address first, Beth.

Beth Francis: 358 West Park. Now, can I pass these out?

President Marino: Yes

Beth Francis: Okay I was at the wellness center and I walked by the pool and I was leaving the pool and there was a lady. Excuse me, I'm nervous so just work with me. And the lady said how long has it been closed. I said about three years and she goes it's sad. Listened to someone's advice and I decided to do this petition and to get city of Niles residence's advice. Whether they wanted the pool open or they didn't want the pool open. And a lot of people's advice, opinions and everything, they want to know I got a lot of feedback...quite a lot of feedback. And Mr. McNaughton, I do have to address this to you. When we hired, one meeting we did say about the police levy and you thanked us and you said it was a year ago. Well the thing that did catch my ears that you didn't say it's been a year about the park levy also. Nobody has ever thanked us for that. Nobody has ever said what we did with that money. So, a lot of residents want to know where that park levy money is. A lot of people want to know what we are doing with the grant for the pool. So, I took a lot of time and effort in doing this to know what... the citizens want the pool open. I just did that. And that's what I did.

President Marino: Thank you. Beth, in all fairness to all members of council, when those initiatives, those taxes passed, everybody was elated and ecstatic that the community had supported those initiatives. And in terms of the park levy and the budget, I know there's

questions as to where the money goes. The money is being spent in the parks. It absolutely is. So much so that there's not sufficient revenue generated by that park levy to support the park, the general fund has to subsidize it. So for those of you that were here at the fiscal commission meeting, there are a lot of moving parts in terms of funding general funded operations in the city. So, I am quite certain that the park board is looking at the operations of the park. I don't want to advocate our responsibly, far from it. But as our law director has pointed out on numerous occasions, it is under the ospis of the parks. So, somebody needs to come up with a plan, be it the park board or the administration and present it council and the administration or all three in terms of how these things are going to be funded. There are priorities in our general fund.

Beth Francis: I understand that.

President Marino: So, I appreciate you doing this and I respect this but there are also financial realities and I'm at the point now where we just have to be blunt with people.

Beth Francis: Right.

President Marino: If we haven't got the money, we haven't got the money.

Beth Francis: Correct.

President Marino: And the pool will sit. I understand the grant so over the next several weeks all of us, me included, need to pull up our sleeves and get to work on that recovery plan. And how we are going to fund these things and I can't make any promises.

Beth Francis: Okay. Well, I just know you.

President Marino: I appreciate this but I don't want any no misinformation floating out of here. The city cannot promise that. If somebody does, that's an unfortunate thing.

Beth Francis: Well, I want to make it clear that I didn't walk around and say anything. I just wanted to see what the residents had to say about the pool.

President Marino: I've known you for 40 years. 50 years. .

Beth Francis: I know. And you also know that I was not.

President Marino: I know.

Beth Francis Outspoken before.

President Marino: No I know. I am very impressed. You have come a long way since school.

Beth Francis: I know. Thank you very much.

President Marino: Chris, your name and address for the record.

Chris Doubt: I can stand back here.

President Marino: No, you have to come up.

Chris Doubt: 812 Hartzell Ave. Niles, Ohio. Good morning. I am here to back Beth and many people in the community would like to see that pool be opened. So, I'm going to ask the service director "Is there a grant that was targeting directly for that pool?"

Mr. Stredney: Yeah it was I believe through Kevin Robertson's office. I think it was for, Kevin correct me if I'm wrong, \$67,500.

Chris Doubt- \$67,000. And what's the timeline of expiration of that?

Mr. Stredney: I believe June of 2018 we have to have some sort of game plan in place to use that money or give it back.

Chris Doubt: As a school board member, I took a poll with our elementary school kids and when I went around to the elementary classrooms, I found that out of the 25 kids in the classroom 23 use that pool regularly. So to back, where is Beth at, back Beth's.

President Marino: Chris, this way.

Chris Doubt: Oh okay. To back her statements is it will be used, has been used. So I'm a proponent of opening that pool. And considering the grant and how it was targeted, I hope we use it for that purpose. Thank you and good night.

President Marino: Thanks Chris. Good night. That's a good one. Anyone else wish to address council? Paul, your name and address for the record. Please step forward.

Paul Davis: 44 Hartzell Ave. Niles, Ohio. Had the good fortune of dealing with your tax department. 5 minutes in and out. I had the proper paperwork with me. Had the good fortune of dealing with Stephanie. 3 minutes in and out with a bad water bill and she took care of it instantly. Next thing, I disagree with farming out the water meters. I had a young fellow Tuesday by Stephanie sent him. I hate to say it. The young fellow makes \$11.47 an hour. He'd probably be better off working at McDonald's flipping hamburgers. He'd probably make the same kind of money. I asked him how many of those could he put in in one day and take a cigarette break in between and have a coffee. 6 was his answer. 6. That's 30 a week. It would take him 200 weeks to put everyone we have. Correct?

President Marino: We're trusting your math's accurate.

Paul Davis: It is.

President Marino: I'm sure it is.

Paul Davis: I was a math major. That's not the important thing. The important thing is me being king, I go and get three temps and make this young fellow a working foreman/trainee/trainer and we go out and put them in 50 weeks. Instead of paying some firm \$100 or \$50 whatever it's going to be a meter, when we can pay far less with our own people and keep our own people working. I hope council will consider something like that. I hope you'll take a quick, good look at us doing it ourself. Fair?

Mr. Stredney: Fair enough.

Paul Davis: And I'd like to know what that final price is. And next thing, council's own rule, I noticed we seat wrong. Their rule states 1, 2, 3, 4, and alphabetical order. And the reason I bring that up, it's important to have Papalas at that end. And McNaughton and Lastic because of the voting. Now, we don't have to change their seating arrangements. We certainly have to change their voting by their rule, not mine. I didn't write the rules. Can we look into that?

President Marino: Sure.

Paul Davis: Promise? Thank you.

President Marino: I'm a lot of things Paul. The alternative is not it. I said I'm a lot of things. I'm a man of integrity. I certainly am.

Paul Davis: No, I just wanted it for the record.

President Marino: Well

Paul Davis: I know I know you are. Maybe some other people didn't.

President Marino: That's alright. There's a lot of opinions of me right now. That's okay. They will get over it.

Paul Davis: Thank you.

President Marino: When I was sitting over there, it was the same way it is now. It's been that way for 22 years that I've been. I mean, it's always been that way. Anyone else? Amy.

Amy Cantola: 208 Vienna Ave. I had a question about the water meters also. Do you know how many we've already installed?

President Marino: Is Andy here?

Mr. Stredney: Andy is here.

President Marino: Oh there he is. Do you know Andy?

Mr. Catanzarite: My understanding is that it's all of the larger ones up in the mall area. The commercial ones have all been installed through town. The exact number, I don't know. I think they installed close to... somewhere between 150-300 over the last two years. Does that sound right, Steph? The numbers that you put in the system.

Ms. Ford: I think she wants. You want to know.

President Marino: Residential.

Ms. Ford: How many are already in, right?

Amy Cantola: Residential and commercial.

Ms. Ford: There are about.

President Marino: Stephanie, speak up.

Mr. Ford: I'd say 1500-2000 with all commercial and outside city plus with the ones we've been replacing you know that needed to be replaced.

Amy Cantola: And those have all been installed properly, right? Because it made it seem like at the last meeting that we're going to outsource this because then they can be put in the right way.

Mr. Stredney: Well.

Amy Cantola: I'm not sure if we had these meters put in and they're in wrong and we have to redo them.

Mr. Stredney: We have 6100 to put in and we have 5 or 6 guys in our water department. So we either we look at hiring additional help or we look at using some of our local contractors. I think there is a number of options. Whatever is going to be best way to put them in at the most cost effective price is what.

Amy Cantola: But our employees are qualified and certified to install them, correct?

Mr. Stredney: Yeah we have.

Amy Cantola: Okay.

Mr. Stredney: A couple of kids that absolutely do them but between water breaks, regular maintenance, curb boxes that they do.

Amy Cantola: Okay.

Mr. Stredney: We'd have to have, you know, 2-3 guys dedicated to this just to get it done within a year.

Amy Cantola: Okay. I just wanted to make sure that they.

Mr. Stredney: Yeah no.

Amy Cantola: Were being put in and they were in properly.

Mr. Stredney: Those guys definitely know how to put them in.

Amy Cantola: Okay. Alright. Thank you.

Ms. Marchese: Amy, I can tell you this. I had one put in my house and the guys came in. And if you knew my dad, his time and his age in an older home they did things differently. And I've got to tell you, the guys did a fantastic job.

Amy Cantola: Well that's great to hear. I like to hear that.

Ms. Marchese: Very much impressed.

Amy Cantola: Very good.

Ms. Marchese: Very impressed.

Amy Cantola: Alright, thank you.

Ms. Marchese: You're welcome.

President Marino: For clarity purposes for the community, I'm the one that asked the service director to put this plan together. And I support going out for a RFP to see what it's going to cost us to have these put in from a commercial company. And by all means, we'll look at the suggestions of the community. But the long and short of it is, we have to get them in. And what's taken place thus far is unacceptable. Bottom line. They're just sitting out there. So, I think that it's a good business practice to solicit RFP's to see what the costs are and then Ed, and Giovanna and Nikki can do cost analysis and see. But those are those are the kinds of decisions that need to be made based on data. Not well when this first started it was going to be we're going to get 4 or 5 in a day and then all of a sudden we got all these water line breaks. Nobody had any time to do anything because everybody was overworked because of the water line breaks. So, the water meters just sat there without installation. So we have to balance the business practices of the city, maintaining the water department, the maintenance, etc. and getting those water meters in. Because each day that goes by, they're getting older and we're losing revenue on actual city reads. So for clarity purposes because I'm not hiding behind anybody, I'm one of the ones that is responsible for this. I don't want Ed just to take lumps. I'm going to be side by side with him on this. I think that's the right thing to do. Anyone else? Anyone else? In the opinion of the chair, their being none. Committee reports?

**COUNCIL COMMITTEE REPORTS**

None.

**ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. \_\_\_\_ (Draft No. 50-17)**

**AN ORDINANCE REPEALING CODIFIED ORDINANCE NO. 1327.12, SIGN REMOVALS**

It was moved by Marchese, seconded by Steffey to give 2nd reading of Draft No. 50-17

**YEAS: 7    NAYS: 0**

Draft No. 50-17 has received its 2nd reading on the 19th day of April 2017.

**ORDINANCE NO. \_\_\_\_ (Draft No. 60-17)**

**AN ORDINANCE AUTHORIZING THE FILING OF AN APPLICATION FOR THE 2017 COMMUNITY HOUSING IMPACT AND PRESERVATION PROGRAM (CHIP) GRANT FUNDS AND THE ENTERING INTO A PARTNERSHIP AGREEMENT WITH CITIES OF GIRARD AND HUBBARD FOR THE 2017 CHIP PROGRAM, 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 Lastic seconded by Papalas to adopt this Draft No. 60-17.

**YEAS: 7    NAYS: 0**

This Draft No. 60-17 has been adopted on the 19th day of April 2017.

**ORDINANCE NO. \_\_\_\_\_(Draft No. 61-17)**

**AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ISSUE A REQUEST FOR PROPOSALS FOR A COMPREHENSIVE FIVE YEAR PROJECTION STUDY ON LIGHT, WATER AND SEWER RATES; AND, DECLARING AN EMERGENCY**

It was moved by Steffey, seconded by Pezzano to give 1st reading of Draft No. 61-17

**YEAS: 7    NAYS: 0**

Draft No. 61-17 has received its 1<sup>st</sup> reading on the 19th day of April 2017.

**ORDINANCE NO. \_\_\_\_\_(Draft No. 62-17)**

**AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ISSUE A REQUEST FOR PROPOSALS FOR THE INSTALLATION OF RESIDENTIAL WATER METERS FOR CITY UTILITY CUSTOMERS; AND, DECLARING AN EMERGENCY**

It was moved by McNaughton, seconded by Steffey to give 1st reading of Draft No. 62-17

**YEAS: 7    NAYS: 0**

Draft No. 62-17 has received its 1<sup>st</sup> reading on the 19th day of April 2017.

**ORDINANCE NO. \_\_\_\_\_(Draft No. 63-17)**

**AN ORDINANCE RESTATING AND CODIFYING THE CHIEF OF POLICE AND THE CHIEF OF FIRE SALARIES; AND, DECLARING AN EMERGENCY**

Mr. Steffey: I just wanted to state that this, there is nothing that's changed. This is in respect to an ordinance that passed on October 6, 2010. And it's just when we did the authorized strength, we did not include the pay differential from the highest paid to the chiefs. And this just puts that into the ordinance.

It was moved by Steffey, seconded by Marchese to suspend the rule requiring three readings.

**YEAS: 7    NAYS: 0**

Rules are suspended.

It was moved by Steffey seconded by Pezzano to adopt this Draft No. 63-17.

**YEAS: 7    NAYS: 0**

This Draft No. 63-17 has been adopted on the 19th day of April 2017.

**RESOLUTION NO. \_\_\_\_\_(Draft No. 64-17)**

**A RESOLUTION APPROPRIATING FUNDS FROM THE UNAPPROPRIATED CAPITAL PROJECTS FUND TO CAPITAL PROJECTS CONSULTANT FEES ACCOUNT; AND, DECLARING AN EMERGENCY**

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

Mr. Steffey: This is just to authorize \$523.20 for consultant fees to be paid.

**YEAS: 7    NAYS: 0**

Rules are suspended.

It was moved by McNaughton seconded by Lastic to adopt this Draft No. 64-17.

**YEAS: 7    NAYS: 0**

This Draft No. 64-17 has been adopted on the 19th day of April 2017.

**MISCELLANEOUS REMARKS**

President Marino: Members of council, I would respectfully request that you consider sponsoring an ordinance addressing reciprocity. Reciprocity came up during the fiscal commission meeting and granting the full 2% to residents because of the difference in the existing ordinance and our new rate. So for clarity purposes, we should do that. Any discussion or comments.

Mr. Lastic: It's still off?

President Marino: Right now our income tax rate for reciprocity is 1.5% and our effective tax rate is 2%. When we eliminated reciprocity, the ordinance was for the 1.5 and it stayed at 1.5. So, there's another .5% that is not covered under our reciprocity ordinance. We would need to address that and Janet provided the language to the fiscal commission on what it would need to be relative to providing the full 2% in reciprocity so I think it's something that council should consider for the next meeting.

Mr. Papalas: Barry, do you want to do it?

Mr. Steffey: Terry, if you would like to draw up the papers for that, I'll sponsor it.

Law Director Swauger: I can have that ordinance ready for you for the next council meeting.

Mr. Steffey: That would be great.

Law Director Swauger: And we will make it retroactive for the 2016 tax year. Is that council's desire?

Mr. Lastic: yes.

Law Director Swauger: I will have that ready.

President Marino: Just make sure that it goes back to whatever tax window it needs to relative to the 16 tax year.

Law Director Swauger: 16 tax.

President Marino: Yeah.

Mr. McNaughton: Does that affect people who have already paid though?

President Marino: It would have been

Mr. McNaughton: And paid that extra .25%

Law Director Swauger: They have... my understanding is no they have not.

President Marino: But when we go through audit, the auditors are going to see that and there will be either a management letter or something in our audit. So, it's just important that we clean that up now because we were just made aware of it. It's nobody's fault. I mean, it's just one of those things so. That's all.

Law Director Swauger: I have two things. One, you asked me to talk to the park board about coming to your meetings. I did speak to one of their board members. I anticipate they will be here at your May 3<sup>rd</sup> meeting to provide you some information from the park board. Two, I sent you all an email. We set up; my office has set up an open meeting and public records training session from the Ohio Attorney General's office. All of you have been invited to attend. We've invited all department heads as well. It will be July 11<sup>th</sup> at Niles McKinley High School from 10:00 A.M. to 1:15 P.M. Free to us. It doesn't cost us anything. It will allow the city employees to be up to date on public records law, open meetings law, and it's something that's recommended for all elected officials as well. So if you guys want to register, please get ahold of myself or Sherry Rose in my office and we will make sure that you are included on that list. Thank you.

Mr. Catanzarite: Just to add on to the water meters (Inaudible) we're not repairing any meters. We are replacing as we go. (Inaudible)

President Marino: Thank you.

Mr. Papalas: One comment, when the meters were purchased somebody came up with the illustrious decision; we would have our own city employees put them in. And they weren't able to keep up with that as well as their own job duties they already had. So, consequently we're still waiting.

President Marino: And also for clarity purposes, when we originally bought those meters the intent was to contract out the installation. And we were prepared to move forward with that with financing but we entered into fiscal emergency. When we went into fiscal emergency, we could no longer finance debt because no one's willing to take it on. So, that's all factual. The company called and said no we're not financing and then they ended up in Cincinnati for a while and now they are up in the pool.

Mr. Papalas: And in the 90's when we had that under Mayor Parise, there was a local company that did it. And I think they did it within a year and a half. So.

President Marino: Anything else, Steve.

Mr. Papalas: Just so people know.

Mr. McNaughton: Lastly, I want to thank Mr. Crowley again for helping out a resident contacted me with an issue and within 90 minutes Mr. Crowley and his team were on it to help rectify it. Followed up the next day. So I really appreciate the residents reached out. You're on it. So thank you.

Ms. Marchese: Yes, this Monday down at the city building in the conference room with the cemetery board, I called a meeting with public grounds and the cemetery board for Monday at 4:00 P.M. So it will be this Monday, 4:00 P.M. cemetery meeting. The parks board, excuse me, the cemetery board will be there.

Mr. Pezzano: Two things. Mr. Hale contacted me tonight. He was going to speak and give us an update on MVSD however he couldn't make it so he hopes to be here for the next council meeting. And second of all, I also want to set up a safety meeting for next Tuesday at 4:00 P.M. in the conference room also.

**ADJOURN**

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

  
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Nicole Bacak, Clerk of Council

  
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ROBERT MARINO, JR., President of Council