

COUNCIL MEETING MINUTES

May 3, 2017

Niles City Council held its regular meeting on May 3, 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:

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

It was moved by Marchese, seconded by Pezzano to accept the Minutes from the April 19, 2017 meeting and place them on file.

Motion carried.

REPORTS AND COMMUNICATIONS

FROM –Ohio Division of Liquor Control

Calava Corp DBA Cava

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

Motion carried

FROM – Niles Planning Commission

Letter regarding Ordinance Draft No. 16-17. Clerk read the letter.

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

Motion carried.

FROM – Auditor's Office

Check Report by Check Number – April 2017

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

Motion carried.

FROM – Treasurer's Office

Monthly Receipt Totals- Income Tax Department- April 2017

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

Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

MaryAnn Miller: 209 Cherry Ave. Niles. I have two things to ask. First of all, the flag flying on the building, the other city building, it's at the administration. Anyway, it's a disgrace. It's hung by one hook and maybe the wind did it this week, I don't know. But how come that flies all the time when there's no light at night? That should not be.

President Marino: Ed, do you know?

Mr. Stredney: I know our Light department fixed it this morning as far as the other hook. But as far as the other light, that I don't know.

MaryAnn Miller: What'd they fix?

Mr. Stredney: The flag.

MaryAnn Miller: Oh okay. They put a new one up.

Mr. Stredney: Yeah they had the bucket truck go up this morning.

MaryAnn Miller: Okay, I only saw that the other day. Okay.

Mr. Stredney: But as far as the light goes, at least I don't. I can look into that.

MaryAnn Miller: That's just protocol for the flag.

Mr. Stredney: I can.

MaryAnn Miller: You should never fly it at night without a light.

Mr. Stredney: Definitely look into that.

President Marino: Thanks.

MaryAnn Miller: Okay, the other thing I want to know is I read that Girard installed cameras. In a year, they have cleared \$400,000 on their traffic cameras. I don't know. I know Weathersfield did it too but they didn't collect as much because they did not set their speed to the same amount that Girard did. Girard's really strict but has Niles thought about anything like that. I mean, we need money.

President Marino: There have been preliminary discussions regarding that. Concerning our friends in Girard, they have interstate 80 that goes through there.

MaryAnn Miller: Yes.

President Marino: And a few of us traveling that little stretch of highway have had the opportunity to contribute to that fund.

MaryAnn Miller: Right. A few of my friends have.

President Marino: So, with all due respect to our friends there's one thing in controlling speed and traffic for safety. There's another thing with it being a money grab. Speaking strictly for myself, I don't get a vote in this but I have opinions in everything now so always have, I would not be in favor of that. Additionally, the state highway patrol does a fine job on US 422 because I happen to work up there and all day long it's like fish in a barrel. One after the next, after the next. So.

MaryAnn Miler: On 422 and 46?

President Marino: Well on 422 from the top of the hill all the way down. So, relative to the cameras I think that's a bad thing. I don't know if they have any comments but.

Ms. Marchese: I agree. I got a ticket.

MaryAnn Miller: Well, I just figured.

Ms. Marchese: Not only that, people are saying how they are losing jobs. Businesses are going out of there. They have a lot of complaints just with the residents in Girard.

MaryAnn Miller: Well, I just figured we need money and I thought maybe it was a good way to look into it.

President Marino: Thanks MaryAnn.

MaryAnn Miller: Thank you.

President Marino: Your name and address? Please come up.

Linda Stahl: 417 Carl Ave. I've been having problems with my water. Been down to the city and talked to Mr. Stredney a fine number of times. It's now green. It's been green. I live on a dead end so I don't have a loop they said or a fire hydrant to get rid of the green. So, it's coming in my house. So, they told me to run the water for 3 hours a day before I use it. It's not doing any good. I mean, it's just, you can't bathe in it. You can't use it for anything. This has been months going on. I ruined a water heater and the other one's gone bad now. I don't know what else to do.

President Marino: This is just the past several months? This is.

Linda Stahl: Yes. He said that they were going to come and put a hydrant. Then he said that they were going to put a loop. Then he said the EPA was called and.

Mr. Stredney: I think most of this started, and correct me if I'm wrong Miss, seems to have started in her neighborhood or house.

Linda Stahl: It's just mine.

Mr. Stredney: Sometime in December or January.

Linda Stahl: Yeah somewhere after that. There was, I guess, a break on Olive Street and it affected me is what I was told.

Mr. Stredney: So and we, council, the city, knows this is happening elsewhere in the city. At this time, with the automatic flushers, the permanents and temporaries and the fire hydrants I know our water crew is working this issue and many others around town. And, I've apologized to Mrs. Stahl. This is a horrible issue for any resident to have to go through this.

Linda Stahl: I mean, I can show you what my.

Mr. Papalas: What's the address? I didn't catch the address.

President Marino: Carl Street.

Ms. Marchese: She never had this problem before. Ever.

Linda Stahl: 417 Carl.

Mr. Papalas: Carl.

Linda Stahl: Ave.

Mr. Lastic: I know where that's at.

Mr. Stredney: It's off of Olive Street.

Ms. Marchese: I spoke with Andy and I want you to have his card too.

Linda Stahl: I can show you what my tub looks like full. Am I allowed to show them this? To show you a picture?

President Marino: While you are doing that Ms. Stahl, Andy, why... do we have.

Linda Stahl: It's disgusting.

President Marino: Any explanation as to why this is occurring all of sudden. Do we know?

Linda Stahl: That's after running it for 3 hours like they told me to.

Mr. Catanzarite: No. When you run it cold. It's a dead end.

(Inaudible)

Linda Stahl: It never changes. I've gotten bottled water for 2 months. I've had to go take a shower at a friend's house because I'm not getting in that. (Inaudible)

President Marino: Okay so my question is with what solution are we looking at to help her?

Mr. Stredney: The permanent solution, Andy if I'm wrong, is to loop it. The temporary solution I think I've talked with Brian about getting a fire hydrant put on the end of it so we can temporarily flush it every so many hours.

President Marino: Andy

Mr. Catanzarite: You just got my card. Please call me tomorrow and I will come over personally and watch the whole thing happen with you, okay.

President Marino: Well

Mr. Catanzarite: So I'm up to speed on it.

President Marino: You don't know about this?

Ms. Marchese: I just told him now.

President Marino: Wait, wait.

Mr. Catanzarite: I just found out.

President Marino: You just found out. Alright. Well, he's the superintendent of sewer and water in the city. So, you're going to get out there tomorrow and visit with Ms. Stahl?

Mr. Catanzarite: If you call me in the morning, I will.

President Marino: Okay.

Mr. Catanzarite: I'm right down the street from you. I will be over.

Linda Stahl: They took my meter off one day.

Mr. Catanzarite: I'll talk with you tomorrow.

(Inaudible)

Ms. Marchese: I only found out yesterday at the polls when she got me.

President Marino: Well, Andy and Ed will be out tomorrow and then you guys can come up with a solution and our expectation is that your given dates when you can expect a resolution. If it's a hydrant, when are they going to put it in?

Linda Stahl: Or the loop to clean it out is what they said.

President Marino: Well a loop is a lot more involved than a hydrant but we will let Andy come out and get you date certain. Okay. Anyone else wish to address council? Anyone else? Yes ma'am, step forward.

Sally Carr: Can I just stay here please?

President Marino: Actually, you need to come up because of the recording. I'm sorry.

(Inaudible)

Mr. Lastic: And move that mic forward a little bit. We can't hear.

(Audience comments inaudible. Too many people talking.)

President Marino: It's for the recording. It does not. The audio system in here is

Sally Carr: I do have a complaint.

President Marino: Your name and address.

Sally Carr: My name and address?

President Marino: Yes ma'am.

Sally Carr: 195 Fairlawn. I'm the last house on the left. I've left notes, I've called the mayor. I left a note for.

Mr. Stredney: Ed. Stredney.

Sally Carr: And I've had no phone calls whatsoever from Niles about the pump that's down at the end of our street that they. Tim Ryan was there and suggested that it would be the best thing that's happened to our street. It's broken. They're telling us they have no money to fix it. This is the first time in 2 years that I've had water that I don't even know if I can drink it. But it is clear. And that's because whoever put it in I thank them for it that the flusher at the fire hydrant. And my water's been clear for the last two weeks, but this is the first time in two years. I pay my water bill and the two ladies that are with me can vouch because we are all in the same boat. So, I'd appreciate it if you can get something done about that pump.

President Marino: Mr. Catanzarite

Mr. Catanzarite: Yes. I'm not. There is no pump to refer to as far as your drinking water.

Sally Carr: Whatever that thing. No, no, no. I talking about this big pump that you guys came down and put in at the end of our road.

Mr. Catanzarite: I understand what you are talking about.

Sally Carr: Pardon.

Mr. Catanzarite: You were talking about a retention pump for waste water.

Sally Carr: Yeah.

Mr. Catanzarite: That has nothing to do with your drinking water.

Sally Carr: Oh I know that. I just thanked you for clearance of my water for the fire hydrant.

President Marino: Yeah.

Sally Carr: But, I'm talking about the pump is broken and they're saying they have no money in Niles to fix it.

Mr. Catanzarite: We have two pumps there. One pump is running. I'm not sure who told you the pump is broken.

Sally Carr: They told us that it was broken. And I'm not sure.

President Marino: Do you have another card Andy?

Mr. Catanzarite: Yeah.

Mr. McNaughton: Whose they?

Mr. Papalas: Who told you it was broken?

Mr. McNaughton: Whose they?

Mr. Lastic: City workers?

Sally Carr: I really don't know the names of the people. I just talk to them and they tell me. I don't want.

Mr. Papalas: Were they city employees? Were they city employees?

Sally Carr: Well, someone told me that they thought it was broken from the city but they didn't say it was. So, I don't know whether it's broken or it isn't broken. I have no way of saying. I'm only telling you what I was told.

Mr. Catanzarite: There may be a misunderstanding. We have had issues with those pumps that was built ten years ago.

Sally Carr: Two years. It was two years ago I believe this one was in or similar to that.

Mr. Catanzarite: Well the pumps that are in there are the original pumps since I've been there for 4 years, 3 ½ years. We take those out every year and clean them, work on them.

Sally Carr: Well they've told us on our street, I have two ladies with me and they've also heard the same thing. And that it was broken and we just wondered why they couldn't fix it.

Mr. Catanzarite: It is not broken. One pump they're having issues with and the other pump does work. I've been trying to get (inaudible) to replace those with a different pump that does not clog. I've had two proposals on getting information back in and hopefully we get those changed out so these issues do go away. But we do monitor it, we watch it. And whoever told you it was broken told you wrong information. I'm sorry. Okay.

Sally Carr: I appreciate that.

Mr. Catanzarite: I apologize for the orange water. We did have a flusher

Sally Carr: Okay. We just want it fixed.

Mr. Catanzarite: Sure. As soon as we look at the other areas, if we don't get to Fairlawn this year for a loop, we will put the year around looper and year round flusher at your street. And right now, we're starting to look at toward next year and Fairlawn is the first street on it for next year to do a loop on.

Sally Carr: I appreciate that. Thank you very much. Explain that.

Mr. Catanzarite: What the loop does, it prevents dead ends and keeps the water moving back and forth. What you have where she's at, you have maybe 30-40 feet of pipe that there's no draught at the end so all the build up that's up there and when you do get a flush come through it, we thought when we flush it, we've gotten orange water. I know exactly what she's talking about. But by putting a loop in, the water would go both ways and cause motion.

Audience Member: Her's just (inaudible)

President Marino: Alice. Alice. You have been. Alice, if you want to speak you have to.

Alice: I just take pure Clorox to fix my to clean my (inaudible)

President Marino: I know. What I've been reduced to, huh?

(Audience comments inaudible. Too many people talking.)

President Marino: You have Andy's card. I would encourage you to call Mr. Catanzarite and set up an appointment. Andy, if you and Ed could go out, meet with the neighbors, and explain everything to them. Make sure Frank is made aware also. Just to communicate with the neighbors. Thank you. Anyone else? Amy, your name and address for the record. Come up.

Amy Cantola: 208 Vienna Ave. I have a question about the carnivals that are coming in on 422 by Bob Evans. Do we charge them? Is there permit fee or fee or anything that we charge them to come into the city? And then also with their employees, do we get any money back like for the tax and that for them working there?

President Marino: Terry, you looking it up right now?

Law Director Swauger: I'm looking but I don't know that

President Marino: We don't have an amusement park tax?

Mr. Lastic: Yeah, it's there now.

President Marino: No, I know it's there now.

Law Director Swauger: I don't know that we have anything that would charge fees for those in the past or permits for those types of things that I'm aware of. For those carnival... at the mall. We don't charge any permits.

Amy Cantola: They have the rides and the games and stuff like that. Would they even be paying like for what

Law Director Swauger: They are

Amy Cantola: We are charging for the amusement...the electronic amusement games and stuff. Would they.

Law Director Swauger: No, those don't. That doesn't apply to our ordinances because those are games regulated. Those are rides regulated by the Ohio Department of Safety. One of the departments of safety has to certify those rides. Those are not considered mechanical amusement devices because they're not stationary within that building so that would not apply.

Amy Cantola: Okay.

Law Director Swauger: As far as permits, I'm not aware of any fee we've ever charged or we even have a fee. As far as taxes, that would determine whether or not they are here for 5 business days.

Treasurer Rizer- Jones: 20

Law Director Swauger: 20 business days.

Amy Cantola: They have to be there 20 business days.

Treasurer Rizer-Jones: 20 business days.

Amy Cantola: Oh. Wow. Well, I guess we lose.

President Marino: Unless the ordinances are amended.

Ms. Marchese: None of them have a permit? No one has to get a permit to be on in the city of Niles though? That's kinda surprising.

Amy Cantola: Okay guys. Why don't you do something about it?

Ms. Marchese: I just learned about stuffed animals.

President Marino: Anyone else? Anyone else? Anyone else? Anyone else? In the opinion of the chair, their being none. Committee reports

COUNCIL COMMITTEE REPORTS

President Marino: A brief reminder that next Wednesday at 5:00 P.M., we will have a round table with Sarah Boyarko and I believe Mr. Stredney is going to try and get Mr. Sekanick lined up to come in and bring us up date, if possible, on the facility plan.

Mr. Stredney: If they're not done with the report by then, is the next Wednesday a good.

President Marino: Yeah, we'll just kick it back a week before the council meeting.

Mr. Stredney: Okay.

President Marino: Yeah. So, Ed will send something out on the availability of Mr. Sekanick but Sarah Boyarko is coming to give you an update on where they're at. Any other committee reports? There being none, will the clerk please present tonight's legislation.

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. _____(Draft No. 50-17)

AN ORDINANCE REPEALING CODIFIED ORDINANCE NO. 1327.12, SIGN REMOVALS

It was moved by Papalas, seconded by Steffey to give 3rd reading of Draft No. 50-17

YEAS: 7 NAYS: 0

It was moved by Papalas seconded by McNaughton to adopt this Draft No. 50-17.

YEAS: 7 NAYS: 0

This Draft No. 50-17 has been adopted on the 3rd day of May 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 McNaughton, seconded by Papalas to suspend the rule requiring three readings.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by McNaughton seconded by Lastic to adopt this Draft No. 61-17.

YEAS: 7 NAYS: 0

This Draft No. 61-17 has been adopted on the 3rd day of May 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 Papalas to suspend the rule requiring three readings.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by McNaughton seconded by Papalas to adopt this Draft No. 62-17.

YEAS: 7 NAYS: 0

This Draft No. 62-17 has been adopted on the 3rd day of May 2017.

RESOLUTION NO. _____(Draft No. 65-17)

A RESOLUTION APPROVING APPROPRIATIONS AND A TRANSFER OF FUNDS TO THE POLICE DEPARTMENT EQUIPMENT PURCHASES ACCOUNT; AND DECLARING AN EMERGENCY

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

Mr. Papalas: I didn't catch if it was first reading or suspension.

President Marino: Suspension. I'm sorry.

Mr. McNaughton: It's 65-17 on the agenda and 65-16 on here. So just to make sure.

President Marino: We have to make a motion to amend the ordinance.

Motion made by Papalas, seconded by Steffey to amend the ordinance to reflect the correct draft no. 65-17.

Motion Carries.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Pezzano seconded by Papalas to adopt this Draft No. 65-17.

YEAS: 7 NAYS: 0

This Draft No. 65-17 has been adopted on the 3rd day of May 2017.

ORDINANCE NO. _____(Draft No. 66-17)

AN ORDINANCE AMENDING CODIFIED ORDINANCE NO. 501.14, "ABATEMENT OF CRIMINAL ACTIVITY NUISANCES"

Mr. Papalas: President, I'd like to make a motion that we amend this so that the heading also includes Neighborhood Enhancement Committee.

President Marino: Okay, there has been a motion to add a second sponsorship to the ordinance. The neighborhood stabilization.

It was moved by Papalas, seconded by Steffey to amend the ordinance to add a second sponsorship.
Motion carried.

Mr. Papalas: I'd like to go for 1st reading on this but Mr. Pezzano started the ordinance off and we left off with a discussion on this.

Mr. Pezzano: I'd still like to table this because I was under the impression we were going to have second meeting. I understand what everybody else wants to do to continue to get the motion going. I appreciate that. But I would like to have another safety meeting with Mr. Swauger to go over this again and maybe tweak it or whatever. If my colleagues are okay with that.

President Marino: The only thing would be that it would be my hope that the tweaking take place between now and the next council meeting so that this could be considered for council at our next meeting. If that's possible.

Mr. Papalas: Yes, I'm just hoping we can discuss it Wednesday next week.

Mr. Pezzano: Alright. Yeah. Okay.

Mr. Papalas: And I would like to say this about this ordinance if I may, Mr. Chairman.

President Marino: Sure. Go ahead.

Mr. Papalas: It's important to me because we began this years ago with some other council members who aren't here and with another building inspector years ago. And this is meant to help our police department in their fight with some of the residents in this town who don't respect others. Who are a constant source of problems for our police department. Call after call after call to a handful of residents gets old. And when we make those calls to the same residents other neighborhoods in our community are not getting covered. And so, we know what this is about. You get called three times to the same... the police get called three times to the same resident, those residents or the landlord, this ordinance goes through, are going to pay for the police vehicles that are used. The wages of those policemen who are making these calls. So, we think it's worked in other communities, we've investigated it, we've went there. We want this to work here. I think this, as our law director has reviewed this and I'm grateful he did, our police chief is focusing on it. We have other policemen who want to work on this and I know there are residents who very much want this to be better enforced. So for all those reasons, I'm interested in this ordinance. I think it's one of the foundations for protecting and valuing our neighborhoods. Everyone in here should be in favor of this. Everyone. I know even of landlords who are in favor of this. I know a couple who aren't but you know they aren't in favor of anything when we try make improvements concerning ordinances like this. So, alright. I'll go with what you want to do this evening, Frank, but we really so need make sure we talk about this next week and we act on this.

Mr. Pezzano: Absolutely.

Mr. Papalas: That's all I ask.

Mr. Pezzano: Absolutely.

It was moved by Pezzano, seconded by Steffey to table this Draft No. 66-17.
Motion carried.

This Draft No. 66-17 has been tabled on the 3rd day of May 2017.

ORDINANCE NO. ____ (Draft No. 67-17)

AN ORDINANCE AMENDING CODIFIED ORDINANCE NO. 1402.10, "DWELLING PERMIT"

Mr. Pezzano: This has to be tabled also because it goes with the other one.

President Marino: Okay, so we will hold that motion.

Mr. Papalas: Mr. Chairman, I'd like to amend the heading on this as well.

It was moved by Papalas, seconded by Steffey to amend the ordinance to add a second sponsorship.

Motion carried.

It was moved by Pezzano, seconded by Steffey to table this Draft No. 67-17.

Motion carried.

This Draft No. 67-17 has been tabled on the 3rd day of May 2017.

RESOLUTION NO. _____(Draft No. 68-17)

A RESOLUTION AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH WEATHERSFIELD TOWNSHIP FOR THE SALE OF FUEL; 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 Steffey, seconded by Marchese to adopt this Draft No. 68-17.

YEAS: 7 NAYS: 0

This Draft No. 68-17 has been adopted on the 3rd day of May 2017.

RESOLUTION NO. _____(Draft No. 69-17)

A RESOLUTION APPROVING THE “DRUG FREE SAFETY POLICY”

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

Mr. McNaughton: I just want to double check. I know we talked in email with the medical marijuana that... I just want to make sure, just to quadruple check that if someone gets the okay

it's for medical purpose that we, as a city, will not be violating the by all accommodations portion of the ADA.

Law Director Swauger: This is a standard policy that all businesses, Trumbull County has adopted similar language. Most communities have adopted. This is perfectly legal. Marijuana is still illegal under federal law so the ADA is a federal law. So, that is not approved under the ADA. So, that's because it's illegal under federal law, there is no concern with the ADA.

Mr. McNaughton: So, then it would be my expectation I guess that in the future that until or unless that changes, that all current and future employees are made crystal clear that that is the policy in case someone were to say "Listen, I have to take this for medical. You have to provide me with reasonable accommodations." As long as they have it spelled out clearly.

Law Director Swauger: Our union contracts with the union requires or allows you to adopt policies and requires you to provide those policies to the union representatives and to each department. They all have a bulletin board. They all have mail slots to provide this information. Once you approve it, that information will be provided to them. We've fulfilled our obligation. Beyond that, it's their obligation.

Mr. McNaughton: Okay.

Mr. Pezzano: Mr. Stredney, is Mr. Lewis going to give a class on this to our city employees?

Mr. Stredney: The week of May 15th, I was going to invite anybody who wants to come. We are going to schedule the whole city employees and management. Everybody. You guys are more than welcome. And he has went over this with Mr. Swauger as well. These policies.

Mr. Pezzano: Thank you.

Mr. Mientkiewicz: This also covers management too, correct?

Mr. Stredney: Yes.

Mr. Mientkiewicz: Not just union employees.

Law Director Swauger: This covers every employee of the city is covered by this policy.

Mr. Mientkiewicz: Okay.

President Marino: How long is the training each day?

Mr. Stredney: I have never been through it. I think it's an hour and half, two hours. I'm not entirely sure.

President Marino: Well, I certainly hope it rains on that day.

Mr. Stredney: We're going to be doing it over three and half days.

President Marino: Right, I hope it rains all, not that I like rain, but while they're sitting in there for this class, our grass is going to continue to grow and all of the other things that we continue to hear about are going to go left unchecked. Just saying. Well.

Mr. Lastic: Amen.

Mr. Stredney: We have to do it because we have to.

President Marino: Ed, I'm with you dude.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Pezzano, seconded by Papalas to adopt this Draft No. 69-17.

YEAS: 7 NAYS: 0

This Draft No. 69-17 has been adopted on the 3rd day of May 2017.

ORDINANCE NO. _____(Draft No. 70-17)

AN ORDINANCE ESTABLISHING REGULATIONS OF OUTSIDE SALES FOR BUSINESSES; AND DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Pezzano, seconded by Lastic to adopt this Draft No.70-17.

YEAS: 7 NAYS: 0

This Draft No. 70-17 has been adopted on the 3rd day of May 2017.

ORDINANCE NO. _____ (Draft No. 71-17)

AN ORDINANCE CONTINUING THE MORATORIUM ON THE AUTHORITY OF THE BUILDING AND ZONING INSPECTOR TO ISSUE NEW ZONING, BUILDING OR OCCUPANCY PERMITS FOR SEXUALLY ORIENTED BUSINESSES WITHIN THE CITY OF NILES, OHIO UNTIL OCTOBER 31, 2017; AND, DECLARING AN EMERGENCY

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

Mr. McNaughton: I have a real quick question. So, I know it's done like every 6 months, even when I was sitting out there for years. Is there a legal reason or any other reason that we couldn't just decide to make this permanent as opposed to going 6 months, 6 months, 6 months.

Mr. Pezzano: I think Mr. McNaughton, and correct me if I'm wrong Mr. Swauger, is that we have to, and this goes back how many years? 15?

Law Director Swauger: 15 years.

Mr. Pezzano: The city has to pick a location for them by law.

Law Director Swauger: It would be very. It's much more difficult to completely ban them. They are a legal business. We can't put restrictions on them. We can restrict them to zoning area. We can put limits on them. But, the outright ban is more of a challenge.

Mr. McNaughton: I asked out of ignorance.

Law Director Swauger: We can do it but legally speaking that invites challenges. Zoning them is a better option. Putting them where you know.

Mr. McNaughton: No, I appreciate that. Like I said, I asked out of pure ignorance. I appreciate that.

Mr. Mientkiewicz: And if we have to go the route of zoning, I would hope that the zoning speculations are very strict for these.

Mr. Pezzano: Because at one time, they wanted to go on 422. A couple of times. They call the city all of the time.

President Marino: Correct. We also were looking at zones where they can locate. Yeah, it's been going on for a long, long time.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Pezzano, seconded by Steffey to adopt this Draft No. 71-17.

YEAS: 7 NAYS: 0

This Draft No. 71-17 has been adopted on the 3rd day of May 2017.

ORDINANCE NO. _____ (Draft No. 72-17)

**AN ORDINANCE AMENDING IN PART, SEVERAL SECTIONS IN CHAPTER 733
MECHANICAL AMUSEMENT DEVICES AND CHAPTER 737 MECHANICAL MUSICAL
DEVICES, OF THE NILES CODIFIED ORDINANCES; AND DECLARING AN
EMERGENCY**

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Steffey, seconded by Lastic to adopt this Draft No. 72-17.

YEAS: 7 NAYS: 0

This Draft No. 72-17 has been adopted on the 3rd day of May 2017.

RESOLUTION NO. _____ (Draft No. 74-17)

**A RESOLUTION IN ACCORDANCE WITH THE CITY'S HIRING POLICY
DECLARING THAT THE POSITIONS OF TREE LABORER, TREE APPRENTICE
AND LINEMAN REMAIN NECESSARY AND CAN BE FILLED; AND, DECLARING
AN EMERGENCY**

President Marino: You missed one

Ms. Marchese: You missed one.

Clerk: Oh sorry.

RESOLUTION NO. _____(Draft No. 73-17)

**A RESOLUTION APPROPRIATING FUNDS FROM THE UNAPPROPRIATED
IMPOUND/TOWING FEE FUND TO THE IMPOUND/TOWING FEE EQUIPMENT
PURCHASES ACCOUNT; AND, DECLARING AN EMERGENCY**

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Pezzano seconded by Papalas to adopt this Draft No. 73-17.

YEAS: 7 NAYS: 0

This Draft No. 73-17 has been adopted on the 3rd day of May 2017.

RESOLUTION NO. _____(Draft No. 74-17)

**A RESOLUTION IN ACCORDANCE WITH THE CITY'S HIRING POLICY
DECLARING THAT THE POSITIONS OF TREE LABORER, TREE APPRENTICE
AND LINEMAN REMAIN NECESSARY AND CAN BE FILLED; AND, DECLARING
AN EMERGENCY**

Mr. Mientkiewicz: Mr. President, I'd like to make a motion that this ordinance be amended to exclude tree laborer from the ordinance due to the fact that sufficient justification has not been met for the need of this position. And the fact that we also have a functioning labor pool.

It was moved by Mientkiewicz, seconded by Papalas to amend the draft to remove the tree laborer position.

Mr. Newbrough: Is it in order that I speak?

President Marino: Yes.

Mr. Newbrough: I would just like to say that on Monday when the storm went through, we had 1500 people out of power. All of them were because of tree damage. Every one of them. Now, I'd really like to sit down with council before we eliminate the tree trimmer job.

Mr. Mientkiewicz: Mr. Newbrough, I asked for justification. Our hiring policy states that department heads, service director give sufficient justification for the needs of vacant positions. You know, for you to say you need this position to throw branches in a chipper, to me that's not sufficient.

Mr. Newbrough: That's not what the laborer did on Monday.

Mr. Mientkiewicz: We have a functioning labor pool. If there are situations like Monday where we need to pull from that pool of laborers to throw branches in a chipper, by all means I hope we would use common sense and do that.

Mr. Newbrough: You are aware that we don't have an apprentice tree trimmer right now.

Mr. Mientkiewicz: It's on here for approval.

Mr. Newbrough: We haven't bid it. We're asking you permission to bid it. I don't know if anyone who works for the city that wants that job, is qualified for it.

Mr. Mientkiewicz: Then we'll go outside, correct?

Mr. Newbrough: But I'm saying in the meantime, we're working with two guys.

Mr. Mientkiewicz: And you're going to have three plus your working foreman.

Mr. Newbrough: I don't know why.

Mr. Mientkiewicz: Plus a laborer.

Mr. Newbrough: It's not the foreman's job to trim trees.

(Audience comments)

President Marino: George, out. On. Good bye.

George Kuriatnyk: (inaudible) Rehab.

Mr. Mientkiewicz: Mr. Newbrough, council was made fully aware I think the around last December or January that these people are working foremen. Okay and it is what it is.

Mr. Newbrough: What I'm saying is the foreman will show up and he'll help throw things in the chipper. He doesn't leave the ground though.

Mr. Mientkiewicz: Okay.

Mr. Newbrough: He doesn't trim trees.

Mr. Mientkiewicz: So, we have two tree trimmers you say?

Mr. Newbrough: Yes, we have two... two qualified tree trimmers to go in the air.

Mr. Mientkiewicz: Right and.

Mr. Newbrough: We don't have an apprentice tree trimmer right now. If you take away the laborer, you've got two guys working.

Mr. Mientkiewicz: It's my intent to fill the tree apprentice position.

Mr. Newbrough: And I just said that may take some time. In the meantime, we've got two tree trimmers. Period.

Mr. Papalas: It's going to take time we know that. It's going to take time to get out of the hole also. So, we're asking you to cooperate with us right now as we try and do something with this fund. So, we're asking you to help with this. And we, definitely, down the road see a positive and absolute need rather for this we'll move on it. But right now, that's see.

Mr. Newbrough: I don't see.

Mr. Papalas: We're giving you, we're giving you an apprentice.

Mr. Newbrough: With all due respect, I don't see how saving money in the light department helps with the general fund budget.

Mr. Papalas: Why can't we save money in the light department?

Mr. Newbrough: Well we can, I'm just saying.

Mr. Papalas: I think every enterprise account should try and do that.

Mr. Newbrough: I agree with you. But I'm just saying all we'll be doing is saving money in the light department, which might be a good thing.

Mr. Papalas: Yeah.

Mr. Newbrough: But it doesn't help with the general fund budget.

Mr. Papalas: We're not talking about the general fund budget.

Mr. Newbrough: Well which budget are we talking about?

Mr. Papalas: We're talking about your light department. Isn't that where the tree trimming department comes from?

Mr. Newbrough: Yeah okay but that budget's under control.

Mr. Lastic: Let me ask this question. Did we, on Monday, did we drag from another source to help out?

Mr. Stredney: Mr. Lastic, we had every person out there. We had our whole street department out.

Mr. Lastic: Good.

Mr. Stredney: We've had everybody out.

Mr. Lastic: Good.

Mr. Stredney: We still have neighbors around Niles.

Mr. Lastic: If this happens again, we'll do the same thing.

Mr. Stredney: We still have neighbors around Niles without power. Our light department had everybody back on Monday night.

Mr. Lastic: And if it happens again, the next three days.

Mr. Stredney: Yeah.

Mr. Lastic: Do the same thing. It's part of our labor pool.

Mr. Stredney: Well, when it's that bad we pull at everybody.

Mr. Lastic: Alright.

Mr. Stredney: I mean, there wasn't anybody who wasn't pulled out.

Mr. Lastic: Okay.

Mr. Mientkiewicz: Motion to amend.

It was moved by Mientkiewicz, seconded by Papalas to amend the draft to remove the tree laborer position.

Motion carried.

AMENDED RESOLUTION NO. ____ (Draft No. 74-17)

**A RESOLUTION IN ACCORDANCE WITH THE CITY'S HIRING POLICY
DECLARING THAT THE POSITIONS OF TREE APPRENTICE AND LINEMAN
REMAIN NECESSARY AND CAN BE FILLED; AND, DECLARING AN EMERGENCY**

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Papalas seconded by Lastic to adopt this amended Draft No. 74-17.

YEAS: 7 NAYS: 0

This amended Draft No. 74-17 has been adopted on the 3rd day of May 2017.

President Marino: Terry, you just going to just draw a line through that or are you going to type a new one up?

Law Director Swauger: We will have a new one typed up for you to sign.

President Marino: Okay, thank you. We need a motion to add 16-17 to this evening's agenda.

It was moved by Steffey, seconded by Lastic to add Draft No. 16-17 to the agenda.
Motion carried.

ORDINANCE NO. _____(Draft No. 16-17)

AN ORDINANCE AUTHORIZING THE VACATION OF A PORTION OF SOUTH BROADWAY

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Pezzano seconded by Marchese to adopt this Draft No. 16-17.

YEAS: 7 NAYS: 0

This Draft No. 16-17 has been adopted on the 3rd day of May 2017.

MISCELLANEOUS REMARKS

President Marino: Following miscellaneous remarks, council will be adjourning into executive session. There will be no business to follow but we're going to go through the remarks so that you folks can go. I have none.

Mayor Scarnecchia: Yes I'd like to, first of all, commend all of our departments for the work they did Monday. Even down to the telephone operators in the billing office. It was unbelievable. You had to be in there and our crews did a great job. Also, I'd like to congratulate everybody on the election and wishing everybody well. Nothing else.

Mr. Catanzarite: Just real briefly while we are talking about water on the floor. I talked to the fire chief earlier today. We will be starting the rounds of flushing in the near future. We'll make sure it's in the paper and posted on our Facebook or our webpage.

Mr. Lastic: Yes, there's a possibility I won't be here next Wednesday right now. But, I will try to work it out.

Mr. Papalas: Yes, I wanted to say something the last meeting and so much was going on I didn't get the chance. But several months ago I think before the start of 2017, something happened at our bike trail going towards Mineral Ridge, right along 46. Water issue, the bike trail got washed out and we almost lost it. And I'm disappointed to know that people were notified many months ago and nothing had been done. And when this was brought to Mr. Stredney's attention, he took action on it and brought several entities together including the MVSD, Weathersfield Township, and they just saved it. One more strong rain, which did come, would have wiped out the bike trail over there. And it would have cost us tens of thousands of dollars to repair it, it would have taken a long time to do it, and that portion of the trail would have been shut down. He brought in the MVSD, which set up pumps out there and they over the weekend worked to pump the water out of that basin which prevented the bike trail from getting washed out. Dr. Ruan and the trustees, I'm grateful to them for whatever support they gave you. Ed, you did a remarkable job. Can't thank you enough and you saved us a lot of money. This the bike trail was saved in the nick of time, literally.

Mr. McNaughton: How long was that known?

Mr. Papalas: What was it? November? December?

Mr. Stredney: I believe from everything, I've talked to people and learned about. I think the MVSD first reported the problem in January of 2016.

Mr. Papalas: 2016.

Mr. Stredney: So

Mr. Stredney: We thank you for doing your job.

Mr. Papalas: Yes. Ed's predecessor doesn't seem to have contacted anybody so very grateful to you. I have another question and this for Janet. Janet, help me understand this: Waitresses in restaurants in Niles, do they pay income tax?

Treasurer Rizer-Jones: Sure.

Mr. Papalas: From each paycheck? Or does it come at the end of the year for them?

Treasurer Rizer- Jones: It should come out each paycheck from their employer.

Mr. Papalas: I have a colleague who paid his daughter's income tax at the end of the year because the local restaurant she works for doesn't take taxes out of their employees. They're not paying city income tax. So, if she had moved to another job or whatever, we would have never realized that tax. So I think is your tax inspector or whatever we call her your investigator doing the work?

Treasurer Rizer-Jones: (Inaudible)

Mr. Papalas: I will. Can we see some sort of record on how well we've been bringing in the extra money as a result of the investigator since we brought her back? Can you get us that information? Okay.

Treasurer Rizer-Jones: (Inaudible)

Mr. Papalas: Okay. My concern is if one restaurant's doing this, what's going on?

President Marino: Can I interrupt for one second regarding the report you requested? Well, the conversation up here revolves around a waitress and her business not taking out the taxes, the treasurer's office assumes the business takes the taxes out. The taxes haven't been coming out. Because you can't hear, and I certainly can't hear over here. So.

Mr. Papalas: Sorry about that everybody.

President Marino: No, Janet's soft spoken and it is what it is so.

Mr. Papalas: I am too. Sorry.

President Marino: Steve has asked if we can get some kind of report on the investigations and the progress of the investigator. That report has also been asked for from the fiscal commission so I know Janet is working with the fiscal chair, Quinten, on getting those reports and date certain. If you were at the fiscal commission meeting, you know that I've asked for date certain on reports

so there's no more confusion on when something's due. So that it's fair for everybody. So, I would assume that that is the same thing he is asking for.

Treasurer Rizer-Jones: And when Mr. Potter requested that information, he said to supply it monthly. There is no specified date other than monthly. So, I have requested.

President Marino: So, far enough, the investigator was brought back in part because the revenue that would be generated on the investigative end would help substantiate the obligation in the general fund. That position's been funded for quite some time. So, over a period of time if those reports were monthly, I'm not so sure I've ever seen one. And if I have, it escapes me and I apologize. I do forget things. But, long and short of it is, those reports too should go to council monthly on the work of the investigator so. How's it... do we are we able to monitor the on-line checkbook? Do we get like a clip counter on that thing? Or do they send you reports on how many people actually access it? Do you know? Sorry Steve, this popped into my mind.

Mr. Papalas: No, that's fine.

Treasurer Rizer-Jones: It's able to be accessed. Right now I have calls in because the information I've been submitting has not been updated. So, I called and I called again. So.

President Marino: But do they tell you how many hits.

Treasurer Rizer-Jones: They are able to. Yes.

President Marino: Okay. Can you, in your next communication with the state treasurer, ask them if they can share with you? I'm interested in how many residents are accessing our on-line checkbook. If you haven't looked at it, it's a really neat tool. It's far easier to use than our website looking at all these reports. I encourage people to go look at it so if could ask them, I'd be interested in that Janet. Thank you. Steve, anything else?

Mr. Papalas: Yes. Mr. Stredney, I have some papers I want to give you after the meeting dealing with a person who has a complaint and I need you to care of it or review it for me. And lastly, I want to talk about what we just spoke of here with the enterprise accounts and saving money. Jim, no and this is nothing against your work and your supervision. I have no problem with that. But with these enterprise accounts, they're healthier than the general fund. We know that. But I think we also know a lot of people in this town expect us to be responsible, more responsible with this. And I know of people who are very concerned about what the utility rates are going to be in the near future. I think we all do you know. Some people aren't as fortunate as some of us when they retire and they're on a fixed income and it's very serious for them. And this one lady, in particular who comes to mind, 84 years old and so I think we all need to continue even if money's there to be very careful how we're spending it. And Steve, you asked some tough questions tonight and I think that's very good and I want you to continue to do that. I think we all should. It's important. It's important. So Jim, we just need you to help us as we try to get through these, you know, these tough months. We're asking all the department heads to cooperate with us. Help us out a little bit and understand that you know we just can't... we just can't give you everything you want. And maybe we need to be leaner with some of our departments as far as

man power is concerned. So, that's where I came from. That's why I agree with Steve on this. The rest of the council also agrees. We just need to be more careful. We can't. I remember as the previous administration was ending, we ended up with a brand new SUV being purchased. Did it have to be that? An expensive vehicle like that? The money was there so they bought it. We can't continue with that kind of a mindset. That's all I'm saying. And so, I don't have any more comments.

Mr. Mientkiewicz: Mayor speaking in relations to your comments about the storm, I agree. After that storm hit, I was out throughout the second ward and it wasn't a half hour later that I saw trucks. Light trucks, street trucks, whatever it may be, tree trucks. Got a lot of compliments from second ward constituents. They wanted me to relay those tonight so department heads, Ed, pass on those comments to those workers. Restoration work from water breaks, is that... are we in the process of repairing all those patch jobs, jobs in people's front yards, devil strips?

Mr. Stredney: On the grass parts, yes we are in the process of doing that in between doing other water breaks, other routine maintenances. As we get some down time, we are doing some restoration work. I know they spent a couple days last week at least two guys were doing some restorations. I know like days today, we did none. We were consumed with doing some other bigger projects.

Mr. Mientkiewicz: How about the roads?

Mr. Stredney: The roads?

Mr. Mientkiewicz: Patch jobs on the roads from water breaks.

Mr. Stredney: Between our water department and our street department, I think we do the best we can but the water budget right now is not healthy enough to take on that huge tackle.

Ms. Marchese: I've had a severe problem. We've all been calling and so is the neighbors down on Cleveland. That barrel's been there forever. The gravel, the concrete's breaking away now, going in their yards and on the street.

Mr. Papalas: It's been that way for months and months.

Mr. Stredney: Yup.

Mr. Papalas: Same spot.

Ms. Marchese: Yup.

Mr. Papalas: There's a cone in it.

Mr. Stredney: Yeah, right around the bend.

Ms. Marchese: Their upset. Those people have every right to be upset.

President Marino: We might as well through West Park in there. If go down there, you could lose their front end on that. The gravel washed away.

Ms. Marchese: Same thing on Belmont Ave.

President Marino: It's a reverse speed bump. It's gotta be that deep.

Mr. Papalas: I think we can understand a couple of weeks, even a month.

Ms. Marchese: It's been months.

Mr. Papalas: But to let it go on many months.

Ms. Marchese: Same thing on Belmont Ave. Since the MVSD dug deep.

Mr. Stredney: Well, they'll do hot patch eventually when those machines start turning on, but until then it's

Ms. Marchese: With all this rain and everything, it's washed all the gravel away.

Mayor Scarnecchia: They were doing.

Ms. Marchese: Now, it's actually washing the road away.

Mayor Scarnecchia: They were doing many hot patches before the weather changed.

Ms. Marchese: This I don't think can be a hot patch.

Mr. Papalas: Mayor, why don't you take a drive down South Cleveland and take a look at that?

Ms. Marchese: Thank you.

Mr. Papalas: It's been that way many months. Drive down there and just look at it.

Mayor Scarnecchia: I wish we had the money to get it (inaudible)

Mr. Papalas: That's a routine, a routine activity.

Ms. Marchese: For that section.

Mr. Papalas: Take a ride down South Cleveland.

Mayor Scarnecchia: If they do, there were doing a great job.

President Marino: Can I interrupt for one second?

Mr. Papalas: Yes.

President Marino: Regarding the budget and the no money thing, that's correct. However, and I'm speaking as a fiscal commission member now although I don't know how I separate my duties up here but I am. We can go and seek money out of the water department to fix those things. That's the operation of the department. Those things take place. We're having discussions right now on the installation of the water meters and how we're going to accomplish that. Everybody recognizes that the water fund is about \$600,000- \$700,000 in debt.

Auditor Merlo: Ish.

President Marino: When we started out, a short while ago, it was \$2.5 million in debt. The revenue is coming in so we need to, I don't want to lecture but I guess I'm going to, we need to have committee meetings and we need to appropriate money to fix the streets and to fix these things. It's a cost to doing business, yes but in the same regard we're operating a business. So, may level heads prevail here. Committee meetings, work with the auditor, we've talked to the fiscal supervisors. They understand. So, the no money is one thing. But when we're trying to operate a business, there are I guess, there are mechanisms and avenues to address that. So that we can seek funds to make these repairs. Although the accounts in the deficit so and I'd be happy to help work that through. There are solutions to this. Believe me.

Ms. Marchese: We have to get that fixed on South Cleveland. It's been way to long.

President Marino: And while the street department's out, there went up West Park. Throw some stuff in those holes. Those holes are terrible.

Ms. Marchese: Same thing on Cleveland. It's bad.

Mr. Papalas: Dr. Marino, That's what I mean by routine work. They're out there doing it. Go over there and take care of that area that she's talking about. It's not a big area. It's a square. Mayor, take a ride over there and look at it.

Ms. Marchese: It's bad.

Mr. Papalas: It can be done easily. We're doing it now in other places. So, I don't want to hear that we don't have the money. We do. They're somewhere else doing the work, send them over there.

Mr. Mientkiewicz: Crandon and Hogarth while you're writing that down. That's where I'm specifically speaking of.

Mr. Stredney: We just.

President Marino: Crandon and Hogarth?

Mr. Stredney: We hit a water break there. We just fixed that last weekend.

President Marino: Crandon and Hogarth.

Mr. Lastic: Crandon and Hogarth

President Marino: They don't.

Mr. Mientkiewicz: Two separate

Mr. Steffey: They're nowhere near each other.

Mr. Mientkiewicz: Two separate issues.

President Marino: Oh, Crandon and Hogarth. Okay I was thinking.

Mr. Mientkiewicz: Right the one was last week but other one was last year. Okay. Andy, can you stick around? I got some questions for water for you. Okay and then Mr. Vigorito, did you get my email about those banners to look into. I know you were going to look into those temporary promotional banners that are popping up everywhere around the city.

Mr. Vigorito: I've been off on different medical leave and time off. I haven't had time to get to it.

Mr. Mientkiewicz: Okay. That's it.

Mr. Pezzano: I also want to thank all the department heads and the employees prior to the storm they were in the first ward again helping me out on several items. Also, especially I want to thank Mr. Nick Altobelli. He's been overseeing the Summerbury project since it started. So, I wanted to pass that on to him. And also if the safety meeting we can have next Wednesday at 4:00 P.M. Is everybody okay with that?

Ms. Marchese: Right in here?

Mr. Papalas: When is that?

Mr. Pezzano: I'm going to have to change my plans. Mr. Papalas, you said Wednesday's good for you?

Mr. Papalas: Yes sir. Yeah.

Ms. Marchese: In here?

Mr. Pezzano: It's going to be before the

Mr. McNaughton: I'll try.

President Marino: Okay. Anything else Frank?

Mr. Pezzano: Thank you.

President Marino: Mr. Steffey.

Mr. Steffey: I move that council adjourn into executive session pursuant to Ohio Revised Code section 121.22 to discuss compensation and employment.

It was moved by Steffey, seconded by McNaughton to adjourn into executive session at 7:12 P.M.

Motion carried.

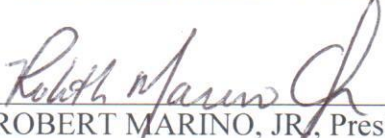
It was moved by Lastic, seconded by Mientkiewicz to reconvene council at 8:16 P.M.

ADJOURN

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



Nicole Bacak, Clerk of Council



ROBERT MARINO, JR., President of Council