

MINUTES
June 17, 2015

Niles City Council held its regular meeting on June 17, 2015 at 6:00 p.m. in Council Chambers Safety Service Complex in Niles, Ohio.

The meeting was called to order by President Robert Marino, and the Clerk, Lori Kuszmaul, called the roll:

Lastic-P, Papalas-P, Giancola-P, McCormick-P, Stredney-P, Merlo-P, Pezzano-P, Marino-P

It was moved by Stredney, seconded by Pezzano to accept the Minutes from the June 3, 2015 meeting and place them on file.

Motion carried.

REPORTS AND COMMUNICATIONS

FROM The Niles City Income Tax Department

The Monthly Receipt totals thru May 2015

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

Motion carried

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

None

COUNCIL COMMITTEE REPORTS

None

President Marino: Would the clerk please present tonight's legislation.

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. _____ (Draft No. 28-15)

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

It was moved by Merlo, seconded by Lastic to give this Draft a second reading.

Mr. Merlo: A quick comment. I talked to Mark and Andy today. I've talked to Congressman Ryan's office and they're going to look and see if there is any federal money to assist us with this project. So before we do any rate increases we want to make sure that we check that off as whether they can or cannot help.

YEAS: 7 NAYS: 0

Draft 28-15 has received its second reading.

ORDINANCE NO. _____(Draft No. 29-15)

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

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

YEAS: 7 NAYS: 0

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

Mr. Merlo: I would just like to state that this is part of the fiscal plan to increase revenue that the Mayor recommended.

YEAS: 7 NAYS: 0

Draft No. 29-15 has been adopted on the 17th day of June 2015.

ORDINANCE NO. _____(Draft No. 30-15)

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

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

President Marino: Please let the record reflect that the state auditors informed us this evening during the fiscal commission meeting that the books have been balanced through May, so we would expect commencing with July, unless I didn't hear correctly, that we would be getting the report from the treasurer for your approval.

YEAS: 7 NAYS: 0

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

YEAS: 7 NAYS: 0

Draft No. 30-15 has been adopted on the 17th day of June 2015.

ORDINANCE NO. ____ (Draft No. 31-15)

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

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

YEAS: 7 NAYS: 0

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

YEAS: 7 NAYS: 0

Draft No. 31-15 has been adopted on the 17th day of June 2015.

ORDINANCE NO. ____ (Draft No. 32-15)

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

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

YEAS: 7 NAYS: 0

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

YEAS: 7 NAYS: 0

Draft No. 32-15 has been adopted on the 17th day of June 2015.

ORDINANCE NO. _____(Draft No. 33-15)

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

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

YEAS: 7 NAYS: 0

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

Mr. Papalas: All of these ordinances up to this point have been and are part of the financial plan.

YEAS: 7 NAYS: 0

Draft No. 33-15 has been adopted on the 17th day of June 2015

RESOLUTION NO. _____(Draft No. 34-15)

A RESOLUTION AUTHORIZING THE LINE ITEM TRANSFER OF FUNDS FROM THE LIGHT DEPARTMENT'S CONSTRUCTION ACCOUNT TO THE LIGHT DEPARTMENT'S CONTRACTED LABOR ACCOUNT; AND DECLARING AN EMERGENCY

It was moved by Merlo, seconded by Lastic to give this Draft a first reading.

YEAS: 7 NAYS: 0

Draft 34 -15 has received its first reading.

Jim Newbrough: There is money in the construction account to replace the line on Surrey Hill off North Road. There is money in the construction account for these tree trimmers hired to clear forest for us to do that work and there was a question of whether that money should come out of construction or whether it needs to come out of contracted labor; so there won't be any question at all, we want to transfer that money into contractor labor for the tree work.

President Marino: Thank you, Jim.

RESOLUTION NO. _____(Draft No. 35-15)

A RESOLUTION AUTHORIZING THE SALE BY INTERNET AUCTION OF CERTAIN OBSOLETE POLICE VEHICLES NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE BY THE CITY; AND, DECLARING AN EMERGENCY

Mr. Giancola: Mr. President, I would like to make an amendment to Section 5, where it says, "police department's vehicle maintenance account," we have to change that to the general fund because the cars that we are auctioning off they were bought out of the general fund, so the money has to go back into the general fund.

President Marino: Is there a second?

Mr. Papalas: I'll second it.

President Marino: Moved by Giancola, seconded by Papalas to amend Section 5 to read, "deposit into the general fund." All in favor signify by Aye.

Motion carried.

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

Mr. Giancola: The reason I am moving for suspension is the Captain wants to get this going tomorrow and get rid of the old vehicles.

YEAS: 7 NAYS: 0

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

YEAS: 7 NAYS: 0

Draft No. 35-15 has been adopted on the 17th day of June 2015.

RESOLUTION NO. _____(Draft No. 36-15)

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE OHIO DEVELOPMENT SERVICES AGENCY AND ADOPTING A PROPOSED BUDGET FOR THE PY 2015 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM, INCLUDING THE CDBG ALLOCATION PROGRAM AND CDBG CRITICAL INFRASTRUCTURE PROGRAM , AND ALLOTING THE FUNDS FOR THE PROGRAM YEAR 2015 COMMUNITY DEVELOPMENT ALLOCATION PROGRAM ; AND DECLARING IT AN EMERGENCY.

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

Mark Hess: \$61,000.00 is going to be spent on two streets. We are going to do Erie and Mahoning, a part of Mahoning. Those are the only two streets we are going to do with this money. We are also applying for the Gypsy Lane project. It is a \$224,000.00 project that -- this was actually a project that was on the list of projects that didn't get done. We had applied for it, but we couldn't generate enough points, so it's just been sitting there and this project is

competitive and it doesn't mean we are going to get it, but the next ordinance there will be some money that we have to put towards this, which you'll see in the next ordinance.

YEAS: 7 NAYS: 0

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

YEAS: 7 NAYS: 0

Draft No. 36-15 has been adopted on the 17th day of June 2015

AMENDED RESOLUTION NO. _____(Draft No. 37-15)

A RESOLUTION AUTHORIZING THE COMMITMENT OF \$26,000 FROM THE CITY OF NILES REVOLVING LOAN FUND FOR THE PY 2015 CDBG CRITICAL INFRASTRUCTURE PROGRAM; AND \$75,000 FROM THE REVOLVING LOAN FUND FOR THE PY 2015 CDBG ALLOCATION AND OHIO PUBLIC WORKS COMMISSION (OPWC) STREET RESURFACING PROGRAM; AND DECLARING IT AN EMERGENCY

President Marino: Before you take action, can we have a motion to amend \$26,000 to \$101,000, please?

Mark Hess: Well, actually it's correct the way it was.

President Marino: Terry passed out another one, so that it's clean for the record, it is \$101,000. It was moved by Stredney, seconded by Lastic to amend the caption to read \$101,000.

Motion carried.

Mr. McCormick: When you were talking about that \$61,000, originally we were \$26,000, then I heard \$61,000.00 then \$101,000.

Mark Hess: No, it's a little bit confusing. The earlier Draft was for \$61,300 and it's going to go into the 2016 resurfacing. Typically we apply for Ohio Works Commission projects and normally we have money to have a local match and because we don't have that now, so that process is getting ready. I talked to the Mayor and he suggested that we try to find some city streets that we can possibly include in a package that we can submit to Ohio Public Works Commission. We actually had to – in order for me to have a shot at that, I've got to have (inaudible), so I requested four city streets and I have this for Fifth Street, Third Street, Summit Street and Olive. Those accounts came back better than I thought in a range that we feel that we can put together an application to do those. In order for us to do that, though, we're going to need to put up 48% of whatever the total cost is. So if we look at the sheet that I passed out, we have \$407,000 in total project costs. The OPWC would pay \$220,000, \$61,300 from 2015 to put into this, \$75,000 from the revolving loan fund that's going to be put into this and that leaves the city's share for that project only \$51,000.

Mr. McCormick: All right.

Mayor Infante: The \$51,000 would come from the street fund.

Mr. McCormick: And that doesn't change what you intended to do this year?

Mark Hess: No.

Mr. Merlo: So we're making a commitment of \$101,000 and \$75,000?

Mark Hess: No. \$26,000 and \$75,000.

Mr. Merlo: So this was originally right? The \$26,000 and \$75,000?

Mark Hess: Yes. The one I have says \$26,000 and \$75,000.

Mr. Dull: When we were talking I misunderstood what you wanted.

President Marino: So we didn't need to change this?

Mr. Merlo: I make a motion to put it back at \$26,000 and \$75,000. Revert back to the original.

President Marino: Seconded by Stredney.
Motion carried.

Mr. McCormick: So we are going to vote on the original version and not the Amended version?

President Marino: Correct.

Mr. Dull: Just to clarify what Ed was asking. We are still using the Amended Draft No. 37-15.

Mr. McCormick: So we're changing the \$101,000 back to \$26,000?

Mr. Dull: Yes.

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

YEAS: 7 NAYS: 0

It was moved by Stredney, seconded by Merlo to adopt this Draft No. 37-15.

YEAS: 7 NAYS: 0

Amended Draft No. 37-15 has been adopted on the 17th day of June 2015.

RESOLUTION NO. _____(Draft No. 38-15)

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 McCormick, seconded by Lastic to give this Draft a first reading.

YEAS: 7 NAYS: 0

Draft No. 38 -15 has received its first reading.

RESOLUTION NO. _____(Draft No. 39-15)

A RESOLUTION ADOPTING THE ALTERNATIVE TAX BUDGET FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2016; AND DECLARING AN EMERGENCY

Mr. Papalas: Mr. Chairman, because there is a deadline on this next month, I would ask council that we pass this under suspension of the rules in case someone might not be here next month because of vacations.

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

YEAS: 7 NAYS: 0

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

YEAS: 7 NAYS: 0

Draft No. 39-15 has been adopted on the 17th day of June 2015.

President Marino: Council, may I have your pleasure on Draft No. 40-15?

Mr. Papalas: Mr. Chairman, I would like to ask that Draft 40-15 to be placed on the Agenda.

It was moved by Papalas, seconded by Stredney to place Draft 40-15 on tonight's Agenda.
Motion carried.

RESOLUTION NO. _____ (Draft No. 40-15)

A RESOLUTION AUTHORIZING THE SERVICE DIRECTOR TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND AGREEMENT ON BEHALF OF THE CITY OF NILES FOR PLANNING, DESIGN AND/OR CONSTRUCTION OF WASTEWATER FACILITIES; DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN; AND, DECLARING AN EMERGENCY

Mr. Papalas: I have a question to ask before I make a motion. Neil or Mark or maybe Andy, could we go for a first reading and does that then give us enough time?

Mr. Hess: Yes, you can go for a first reading.

It was moved by Papalas, seconded by Merlo to give this Draft a first reading.

Mr. McCormick: Might this also have an impact about getting federal monies.

Mr. Hess: No, this is just a requirement that you pass a resolution that authorizes somebody from the city to comply.

YEAS: 7 NAYS: 0

Draft 40-15 has received its first reading.

MISCELLANEOUS REMARKS

Mr. Hess: I just wanted everybody to know that the Main Street project is going to be completed by (inaudible)


Mr. Giancola: Real quick. There was a Draft that was passed out and I would ask everyone to read it over in case there are any changes on it.

Mr. Merlo: I would like to schedule an IT roundtable for Tuesday, June 30th prior to our council meeting at 4:00 in City Hall conference room.


Mr. Pezzano: There was a lot of action in the first ward the last few days, and I have to thank a lot of people starting off with Mr. Newbrough's crew on Saturday with the downed line and then Monday with all the water we had, Neil Buccino came out, the first chief and his crew, Andy, a tremendous job, professional, and we had a plan in case we had to evacuate the trailer park. The fire chief and Neil came up with a plan and we didn't have to go that way, but I want to thank all of you guys for a great job.

ADJOURN

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



LORI KUSZMAUL, Clerk of Council



ROBERT MARINO, JR., President of Council