

COUNCIL MEETING MINUTES
June 20, 2018

Audio recording of full meeting will be available on line on the city's website

Niles City Council held its regular meeting on June 20, 2018 at 6:00 p.m. in Council Chambers Safety Service Complex in Niles, Ohio.

The meeting was called to order by Pro Tem President Ryan McNaughton, and the Clerk, Nicole Bacak, called the roll:

Lastic- P, McNaughton-P, Profato-P, Cantola-P, Marchese-P, Mientkiewicz- NP, Kearney-P, Steffey-P

It was moved by Lastic, seconded by Kearney to excuse Mr. Mientkiewicz from the meeting. Motion carried.

It was moved by Marchese, seconded by Kearney to accept the Minutes from the June 6th meeting and place them on file. Motion carried.

REPORTS AND COMMUNICATIONS

FROM – Ohio Division of Liquor Control

To Tarmarkin Co DBA Getgo- From Tarmarkin Co DBA Giant Eagle 6505

It was moved by Marchese, seconded by Lastic to refer to Police Chief Holland for his recommendation.

Motion carried.

FROM – Ohio Division of Liquor Control

To Adam May Inc- From Collins Enterprise Inc. DBA Collins Birite Supermarket

It was moved by Profato, seconded by Cantola to refer to Police Chief Holland for his recommendation.

Motion carried.

FROM – Treasurer's Office

Monthly Receipt Totals from the Income Tax Division- June 2018

Mr. McNaughton asked Treasurer Telago for a brief explanation of the report. Treasurer Telago explained that even though we are short \$324,000 for being a month, collections are going well.

Ms. Marchese asked why RITA is sending out letters asking people to pay taxes in advance. Law Director Swauger explained that the estimated tax payment has always been required by law. You are required to pay quarterly estimated taxes when you pay your own taxes. The IRS does the same thing. When you are self-employed and you have income and taxes that are not taken out of, you are supposed to pay an estimated tax payment every quarter for the entire year. RITA is just simply enforcing it. This is not for people who have taxes withheld.

Mr. McNaughton respectfully disagreed because he received this letter as well. Law Director Swauger said that if you pay taxes in addition of what is withheld from your check, then you would have received this letter.

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

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

(Public comments began at 5:47 into the recording)

George Kuriatnyk: 1206 Mason St. He isn't sure about the law in regards to the tents. If he has a brick and mortar store and he wants to build a pavilion outside of it that he already pays taxes on and he already spent \$10,000 on it, does he now have to spend another \$500.00 a year to sell things outside of it? Or is it if he gets a piece a land, can he get a tent and get a farmers market? But then it was said you can't sell furniture. Well, can you sell the furniture because the pavilion was built and paid the \$500.00 or no? It is too confusing to a lot of people. Ms. Marchese said that's not what they meant. She explained the individual has the right to put the furniture on the inside of his building but not in the parking lot. Mr. Kuriatnyk doesn't agree that they should have to pay this \$500.00 if that's the case in addition to what they are already paying.

The next thing about the wine and the alcohol in the parks, he believes Mr. Burke said in a meeting that a wedding event said that there would be more people if there could sell wine. If you don't sell wine there, this event is going to go somewhere else. But the Frontliners do it all the time. They get their permit through the state. They have been doing it for the past 30 years. He doesn't understand that.

The city wants to use MS consultants because Canfield said so. Someone else said to use Sekanick and the city spent a \$1 million on the building. The next thing is housing department. Nothing against Jeff or Frank because he sees Frank out there every day writing people up. If Frank is doing 20 hours of work, he is doing 10-12 hours work on forms to send them over to the court. Same with Jeff. They do a great job. Why don't they have a secretary? The housing is never going to be fixed unless they get help. He hopes they come to council and ask for help because they need it. They are wasting \$20,000 on a guy who is spending 8 hours a week in the field and then the rest of the time he is writing up reports. They need help.

COUNCIL COMMITTEE REPORTS

None

ORDINANCES AND RESOLUTIONS

(Legislation began at 11:10 into recording)

RESOLUTION NO. ____ (Draft No. 66-18)

AN ORDINANCE AMENDING CODIFIED ORDINANCE NO. 763.03, "PERMIT REQUIRED" AND DECLARING AN EMERGENCY

It was moved by Cantola, seconded by Lastic to give a 3rd reading to this Draft No. 66-18.

YEAS: 3 NAYS: 3 (Profato, Marchese, Kearney)

Since the vote is a tie by council rules, President Steffey will need to vote. President Steffey voted Yea. New vote for this draft is as follows for the 3rd reading.

YEAS: 4 NAYS: 3 (Profato, Marchese, Kearney)

It was moved by Cantola, seconded by Lastic to adopt this Draft No. 66-18.

YEAS: 6 NAYS: 0

This Draft No. 66-18 has been adopted on the 20th day of June 2018.

RESOLUTION NO. ____ (Draft No. 73-18)

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

It was moved by Marchese, seconded by Kearney to give a 2nd reading to this Draft No. 73-18.

YEAS: 6 NAYS: 0

This Draft No. 73-18 has received its second reading on the 20th day of June 2018.

ORDINANCE NO. ____ (Draft No. 75-18)

AN ORDINANCE AMENDING SECTION 159.03 OF THE NILES CODIFIED ORDINANCES; AND DECLARING AN EMERGENCY

It was moved by Profato, seconded by Marchese to give a 1st reading to this Draft No. 75-18.

YEAS: 6 NAYS: 0

This Draft No. 75-18 has received its first reading on the 20th day of June 2018.

RESOLUTION NO. ____ (Draft No. 76-18)

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH MS CONSULTANTS, INC. FOR THE PURPOSE OF ADMINISTRATION OF BACKFLOW PREVENTION PROGRAM; AND DECLARING AN EMERGENCY

It was moved by Profato, seconded by Marchese to give a 1st reading to this Draft No. 76-18.

YEAS: 6 NAYS: 0

This Draft No. 76- 18 has received its first reading on the 20th day of June 2018.

ORDINANCE NO. ____ (Draft No. 77-18)

AN ORDINANCE AMENDING ORDINANCE NO. 10-18, KNOWN AS THE AUTHORIZED STRENGTH ORDINANCE, AND DECLARING AN EMERGENCY

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

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Lastic, seconded by Cantola to adopt this Draft No. 77-18.

YEAS: 6 NAYS: 0

This Draft No. 77- 18 has been adopted on the 20th day of June 2018.

ORDINANCE NO. ____ (Draft No. 78-18)

AN ORDINANCE SEPARATING THE COMBINED BAILIFF AND PROBATION OFFICER POSITIONS IN THE MUNICIPAL COURT AUTHORIZED IN ORDINANCE NO. 03-16 AND CREATING SEPARATE BAILIFF AND PROBATION OFFICER POSITIONS, EFFECTIVE JULY 1, 2018; AND, DECLARING AN EMERGENCY

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

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Lastic, seconded by Marchese to adopt this Draft No. 78-18.

YEAS: 6 NAYS: 0

This Draft No. 78- 18 has been adopted on the 20th day of June 2018.

RESOLUTION NO. ____ (Draft No. 79-18)

A RESOLUTION APPROPRIATING FUNDS FROM THE UNAPPROPRIATED PROBATION FUND 266 TO THE PROBATION FUND 266 ACCOUNT; AND, DECLARING AN EMERGENCY

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

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Lastic, seconded by Profato to adopt this Draft No. 79-18.

YEAS: 6 NAYS: 0

This Draft No. 79- 18 has been adopted on the 20th day of June 2018.

MISCELLANEOUS REMARKS

(Miscellaneous remarks began at 19:05 into recording)

President Steffey wanted to publicly thank Mr. Scarnecchia for his hard work. He did the very best he could and he left the city in a better position than he found it in. He just wanted to thank him for his service. In the seventies, he was the youngest Safety Director. He served 9 years on City Council and 2 and ½ years as Mayor. President Steffey wanted to let everyone know that they are working hard on the plan and whoever the next Mayor is they will work hard with him/her on getting them up to speed to continue the progression that we are on.

Safety Director Kaniclides agreed with President Steffey. The Mayor came into the job in a hole and dug his way out. He wanted to congratulate him on that.

Chief Holland stated that they had only 12 people pass their entry level civil service exam for police. They will be starting interviews on those 12 people at the end of month to fill the 2 open positions they have. Mr. McNaughton asked how far below average that is for people taking the test. Chief Holland said in 1999, there would be about 100 people and now, we might get 16. But the surrounding towns are having the same issues too. He is confident we will find the right people.

Ms. Rose wanted to thank council for passing the legislation in regards to the court for the funding for the Probation Officer. Mr. McNaughton commended Ms. Rose and Judge Shaker for the work that they have done so far. It has been exemplary not only with the visual updates but with the behind the scenes things they have done. He works forward to future collaborations.

Mr. Pezzano updated council that as of today he has completed 242 inspections and 177 reports have gone out to home owners and/or landlords. People are stepping up to the plate and taking care of issues. He does have before and after pictures. President Steffey asked if he could forward a few of those pictures on to council for them to review.

Mr. Crowley gave council an update on some demos going on in the city. The land bank has demoed 3 properties within the last 35-40 days and has 3 more properties to go in the next 45

days. He is confident they will get the second building on Robbins Ave torn down. This one is in court and is taking some time. He did hire someone to go on 5 condemned properties and clean those up. He has been working closely with Mr. Burke at the County on getting properties with high grass cut. Ms. Marchese asked about the property on the top of Mason Street. Mr. Crowley explained it just officially went into the demo protocol and that will take close to a year. It is very a detailed process.

Mr. Crowley also wanted to thank Mr. Pezzano publicly. He is doing an excellent job. He takes the job seriously. Ms. Marchese agrees and said she also thinks they need a secretary.

Mr. Burke wanted to thank the citizens who came out on their own time and cleaned up Waddell Park on their own time. It is more beautiful now because of them. There were about 60 volunteers. He also wanted to thank all of the people who donated the food. Everyone left full. Thank you to all of the citizens who made a difference. Mr. McNaughton agreed. He volunteered along with his wife for the clean-up and said it was wonderful and would like to see more of it.

Mr. Catanzarite informed council that the water tower on Ridge Road is now back in service. Last week, they took the one on Deer Trail out of service. The outside of the water tower on Deer Trail should not take as long as Ridge Road. It is just being touched up. They are looking at about 6 weeks to have this water tower down, weather permitting. So, hopefully by the beginning of August it is back up and running. Mr. Catanzarite said if you notice the area tore up there, the contractor will be hiring a landscaper to come in and put everything back to way it was before at no extra cost to the city. This is part of the contract. This will also be done at Deer Trail.

Mr. Hale wanted to thank council for coming out and taking the tour of the plant. President Steffey wanted to thank Mr. Hale and everyone at MVSD for inviting them out there. We all know that water is life but to see what happens behind the scenes is amazing. It was an impressive facility. Mr. Hale appreciated them coming out.

Treasurer Telago stated on Monday, July 16th the Treasurer's office from the State of Ohio will be in and they will begin the process of setting up the online checkbook. The office has reconciled the books again for May with very little help from the State. The State didn't come in until today and helped for about 2 hours. Their opinion is they are about 90-95% proficient in excel, which is a big step forward. They are still working on the SSI. Also on one of the audits he reviewed, he noticed we were cited for not having an investment policy in place. He is working on that getting that in place now. This Friday, Treasurer. Telago and Auditor Merlo are meeting with representatives from a bank to talk about investments. The city has accounts with money that are not performing or earning interest. Mr. McNaughton asked if he had any idea on how long those accounts have been sitting earning no interest. Treasurer Telago said it has been some time because they are accounts that have been transferred from bank to bank. The current bank waived the fees but the money is just sitting there. They are nice balances that need to be working for us.

Auditor Merlo wanted to comment on Ms. Rose's comments. They worked pretty extensively the last few weeks in regards to what the judge wanted to with his chambers. The probation fund is a

court fund, which is where this position is being funded from. All the money being generated by that are moving above pace. The fund should be at around 50% and it is currently generating around 70% in revenue. That is one of the reasons why this can happen because the probation fund is producing more revenue. He just wanted to thank the courts for their efforts they have done.

Mr. Lastic asked President Steffey if we had a new date for the CIC meeting that was cancelled this week. President Steffey said it will be rescheduled very soon.


Mr. Cantola wanted to give his appreciation to the Police Chief, Fire Chief and Building/Zoning Departments for their help. He has been emailing them behind the scenes with issues and he gets responses back almost immediately. They really do take what council puts out there to heart and they move forward on it. Secondly, the MVSD tour was outstanding. It was extremely clean and very well-maintained. If they ever have an open house for the public, he would recommend going to see it. It is a well groomed team out there.

Ms. Marchese wished the Mayor great health and happiness on his retirement. She wanted to thank Law Director Swauger and President Steffey for the communication they gave that day. She has heard nothing but excellent response from the citizens saying how well it was handled and how they feel reassured.


Mr. McNaughton echoed President Steffey's comments wishing Mayor Scarnecchia the best. Anyone stepping into that office on January 1, 2016 was stepping into a giant pile of stuff deeper and thicker than any of us previously thought. It is absolutely true the city is in far better shape today since he took over. If you disagree, you are not objective and that is his opinion. There have been a lot of bumps in the roads but we are in far better shape with our buildings, our equipment, our facilities, our people, etc. A lot more to go. All the best to Mayor Tom and all the best to President Steffey. Everyone is here to him.

ADJOURN

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



Nicole Bacak, Clerk of Council



Ryan McNaughton, President of Council Pro Tem