

# City of Niles, Ohio

SPONSORED BY: NEIGHBORHOOD STABILIZATION COMMITTEE  
AMENDED DRAFT NO. 155-19

AUTHORIZED BY: PROFATO

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ACCEPTING THE PARK PLACE – PHASE 3 FROM HOME ANDLAND DEVELOPERS, LLC FOR THE PARK PLACE VILLAS PROJECT; AND, DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION ONE: Council hereby accepts the Park Place Phase 3 from Home and Land Developers, LLC, the developer for the Park Place Villa Project. (See Attached)

SECTION TWO: This ordinance is hereby declared to be an emergency measure in the interests of the public health, safety and welfare, for the reason that its immediate effectiveness will allow development of the Park Place Villa Project to continue, providing new residential housing in the City of Niles. As such an emergency measure, this ordinance shall take effect upon passage by Council and approval by the Mayor.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the \_\_\_\_ day of \_\_\_\_\_, 2019 and signed by me as such Mayor on the \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
MAYOR

# City of Niles, Ohio

SPONSORED BY SAFETY COMMITTEE  
AUTHORIZED BY: MARCHESE

DRAFT NO. 158-19

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE APPROVING A THEN AND NOW PAYMENT REQUEST AUTHORIZING THE AUDITOR TO MAKE PAYMENT TO FINDLEY FIRE EQUIPMENT FOR EMERGENCY REPAIRS TO THE CITY OF NILES FIRE DEPARTMENT TOWER 7 (hydraulic repairs); AND, DECLARING AN EMERGENCY

WHEREAS, Findley Fire Equipment submitted invoices for emergency services provided to the City of Niles Fire Department repairs to Tower 7 (hydraulic repairs).

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: Council hereby authorizes the Auditor to submit payment to Findley Fire Equipment in the total amount of Four Thousand Five Hundred Ninety Three and 82/100 Dollars (\$4,593.82) for the emergency repairs to Tower 7 (hydraulic repairs) for the Fire Department from Vehicle Maintenance Account, Account 217-1715-55050.

SECTION 2: This Ordinance is declared to be an emergency measure in the interest of the public health, safety and welfare. As such an emergency measure, this Ordinance shall take effect upon passage by Council and approval by the Mayor.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_

\_\_\_\_\_  
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the \_\_\_\_ day of \_\_\_\_\_, 2019 and signed by me as such Mayor on this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
MAYOR

# City of Niles, Ohio

SPONSORED BY: FINANCE and UTILITIES COMMITTEES DRAFT NO. 159-19  
AUTHORIZED BY: SMITH and McNAUGHTON

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RESOLUTION NO. \_\_\_\_\_

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

WHEREAS, the City has obsolete tools and equipment in the Water/Sewer Department; and

WHEREAS, these items are not needed for any purpose by the City; and

WHEREAS, the City has chosen GovDeals, 5907 Carmicheal Place, Montgomery, Alabama, as the vendor to implement an internet auction, to dispose of the vehicles.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: That this Council finds that the Water/Sewer Department is in possession of certain items, namely a **2000 International Pole Digger truck, VIN: IHTSDAAR9YH254550** and a **2007 Chevy Impala, VIN: 2G1WB58K879366689**, which are obsolete, surplus, have little monetary value, and are no longer needed for any municipal purpose. Council further finds that it will be in the best interest of the City that such property be sold by public internet auction through GovDeals.

SECTION 2: That pursuant to Ohio Revised Code Section 721.15, the City is authorized to sell or dispose of such property by internet auction.

SECTION 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council; and, that all deliberations of this Council, and any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 4: That this Resolution is hereby declared to be an emergency measure in the interests of the public health, safety and welfare for the reason that the immediate sale of such obsolete municipal property is necessary in order to assist in purchasing replacement tools or other equipment. As such an emergency measure, this Resolution shall take effect upon passage by Council and approval by the Mayor.

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_

CLERK OF COUNCIL

\_\_\_\_\_  
PRESIDENT OF COUNCIL

Received by the Mayor of the City of Niles this \_\_\_\_\_ day of \_\_\_\_\_, 2019,  
and approved by me as such Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
MAYOR

# City of Niles, Ohio

SPONSORED BY: COUNCIL AS A WHOLE DRAFT NO. 160-19  
AUTHORIZED BY: LASTIC, McNAUGHTON, SMITH, PROFATO

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REPEALING EXISTING CODIFIED ORDINANCE NO. 163.05, “HOSPITALIZATION”, AND ENACTING NEW CODIFIED ORDINANCE NO. 163.05, ENTITLED “HEALTH INSURANCE COVERAGE PLAN”; AND DECLARING AN EMERGENCY

Whereas, existing Codified Ordinance Section 163.05 describes the obligations of the City and its non-union, full time employees with respect to hospitalization insurance; and,

Whereas, in an effort to contain the ever-increasing costs of health care insurance, the City has revised its health insurance offerings that includes options for an eligible employee to contribute to the insurance coverage premium or select optional coverage for which the insurance premium will be paid entirely by the City; and,

Whereas, to allow these options to become effective, Council desires to adopt this legislation.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION ONE: Existing Codified Ordinance No. 163.05 is hereby repealed.

SECTION TWO: Repealed Codified ordinance is hereby replaced by enacting the following Codified Ordinance:

**“163.05 Health Insurance Coverage Plan.**

(a) (1) The Auditor is hereby authorized and directed, with approval of the Board of Control, to enter into a contract for Health, Hospitalization, Optical and Drug Prescription coverages and benefits, including major medical, (“health insurance coverage”) for eligible employees of the City and their dependents for a period of one year, renewable by mutual agreement between the City and the insurance provider. The Plan Year shall commence January 1 and shall end on December 31.

(2) Beginning January 1, 2020, the City will offer the following health insurance coverage plans:

(a) One plan shall be designated as the “Buy-Up” Insurance Plan. The Buy-Up Insurance Plan shall offer benefits and coverages for which eligible employees will be required to contribute toward the premium for the Plan. Beginning January 1, 2020, the City will pay ninety three percent (93%) of the Buy-Up Insurance Plan premium and the employee will pay seven percent (7%) of the Plan premium through equalized payroll deductions. Beginning January 1, 2021, The City will pay ninety percent (90%) of the Plan premium and the employee will pay ten percent (10%) of the Plan premium through equalized payroll deductions.

(b) The other Plan shall be designated as the “City” Insurance Plan. The City shall provide to interested eligible employees an Employee Benefit Plan Summary for the City Plan for review. If an eligible employee selects the City Plan, the City shall pay the entire premium cost of the City Plan. The City shall have the sole discretion to discontinue the City Plan on an annual basis upon thirty (30) days’ notice to participating Employees.

(3) As used in this section, eligible employee means: any regular union and non-union full-time City employee or officer; and any person meeting the definition of full time under the Affordable Care Act, which also includes the Mayor, Auditor, and Law Director.

(4) Coverage and benefits for an eligible employee begins on the first day of the next calendar month after said employee has completed 30 days of employment with the City.

(5) Where two eligible employees of the City are married, the spouses shall be offered one health insurance coverage plan. The spouses may select the spouse that will make the premium contribution.

(6) Eligible employees may choose to enter or exit the Buy-Up or City Plans during annual open enrollment or a due to a qualifying event as described per the Healthcare Plan Document.

(b) An employee may elect to waive health insurance coverage for which an employee and the employee's dependents may be eligible, provided the employee presents proof of alternative, effective health insurance coverage to the Auditor. In consideration of such a waiver, the employee shall receive an additional one hundred dollars (\$100.00) in compensation for each calendar month that this waiver remains in effect. Employees who elect this waiver shall complete a form provided by the Auditor, and return same with proof of effective, alternative health insurance coverage before any such waiver compensation shall be paid. In the event an employee loses the alternative health insurance coverage, that employee shall be enrolled in the City's health insurance coverage as soon as is practicable following proof of such termination.

This waiver option shall not be available to employees whose spouses are also eligible employees of the City.”

The City reserves the right to add any additional health plan(s).

The City is also authorized to pay any in-term increases in premiums for the officers and elected officials of the City provided that any increase is automatic and not dependent on an in-term exercise of official discretion and that the increase in premiums is attributable to price increases and not a change in benefits.

SECTION THREE: This Ordinance is hereby declared to be an emergency measure in the interests of the public health, safety and welfare, for the reason that this Ordinance must be immediately implemented so that the proper health insurance coverage plans will be in place and can be selected by eligible employees on a timely basis. As such an emergency measure, this Ordinance shall take place upon passage by Council and approval by the Mayor.

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

\_\_\_\_\_  
PRESIDENT OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio, on the \_\_\_\_ day of \_\_\_\_\_,  
and signed by me as such Mayor on this \_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
MAYOR

# City of Niles, Ohio

SPONSORED BY: UTILITIES COMMITTEE  
AUTHORIZED BY: McNAUGHTON

DRAFT NO. 161-19

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CREATING A COMMUNITY IMPROVEMENT CORPORATION OF NILES ORDINANCE, ORDINANCE SECTION NUMBER 167

WHEREAS, Council believes that enacting and adopting Community Improvement Corporation of Niles promotes the public health, safety, and welfare of the City and its residents.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: The Chapter 167 of the Codified Ordinances of the City of Niles entitled "Community Improvement Corporation of Niles," shall be enacted to read as follows:

## CHAPTER 167 Community Improvement Corporation of Niles

- 167.01 Designation of Corporation.
- 167.02 Agreement Between City and Corporation.
- 167.03 Membership of Corporation.
- 167.04 Sale of lease of lands or interests
- 167.05 Conveyance of lands and interests

### CROSS REFERENCES

Department of Economic and Community Development to facilitate contracts between industry and community improvement corporations - see Ohio R.C. 122.04

Community improvement corporations - see Ohio R.C. Ch. 1724

Community urban redevelopment corporations - see Ohio R.C. Ch. 1728

### **167.01 DESIGNATION OF CORPORATION.**

Council hereby finds and determines that it is the policy of the City to promote the health, safety, morals and general welfare of its citizens through the designation of a community improvement corporation as the agency and instrumentality of the City for advancing, encouraging and promoting the industrial, economic, commercial, and civic development of a community or area and for facilitating the reclamation, rehabilitation, and reutilization of vacant, abandoned, tax-foreclosed or other real property within the City. The Community Improvement Corporation of Niles, one organized as a corporation not for profit in the manner provided in Ohio R.C. Chapter 1724, is hereby designated as the City's agency and instrumentality for advancing, encouraging and promoting the industrial, economic, commercial, and civic development of a community or area and for facilitating the reclamation, rehabilitation, and reutilization of vacant, abandoned, tax-foreclosed or other real property within the City.

### **167.02 AGREEMENT BETWEEN CITY AND CORPORATION.**

The Mayor is hereby authorized by Council to enter into an agreement approved by the Law Director for industrial, commercial, distribution and research development with the Community Improvement Corporation of Niles, pursuant to the requirements of Ohio R.C. 1724.10.

### **167.03 MEMBERSHIP OF THE CORPORATION.**

Not less than two-fifths of the governing board of the Community Improvement Corporation of Niles shall be made up of appointed or elected officers of the City, and the governing board shall

consist of fifteen trustees. The original incorporators of the Corporation shall serve as trustees and appoint the two remaining trustees of the governing board. The governing board shall meet annually in the month of January and from time to time as business requires, and action taken shall be by majority vote. Membership on the governing board of the Corporation does not constitute the holding of public office or employment within the meaning of Ohio R.C. 731.02 and 731.12 or any other section of the Ohio Revised Code.

**167.04 SALE OR LEASE OF LANDS OR INTERESTS.**

The Community Improvement Corporation of Niles is hereby authorized to sell or lease any lands or interests in lands owned by the City whenever Council determines that such land is not required for Municipal purposes, for a use that Council determines will promote the welfare of the people of the City, stabilize the economy, provide employment, assist in the development of industrial, commercial, distribution and research activities for the benefit of the people of the City and provide additional opportunities for their gainful employment. City Council shall specify the consideration for such sale or lease and any other terms thereof. Any determination made by City Council under this section, the laws of the State and the ordinances of the City shall be conclusive. The Community Improvement Corporation of Niles, acting through its officers and on behalf and as an agent of the City, shall execute the necessary instruments, including deeds conveying the title or lease, to accomplish such sale or lease of land. Such conveyance or lease may be made without advertising and the receipt of bids. A copy of such agreement shall be recorded in the office of the County Recorder prior to the recording of a deed or lease executed pursuant to such agreement.

**167.05 CONVEYANCE OF LANDS AND INTERESTS.**

The City will convey to the Community Improvement Corporation of Niles lands and interests in lands owned by the City whenever Council determines that such land is not required for Municipal purposes and that conveyance of such land or interest in land will promote the welfare of the people of the City, stabilize the economy, provide employment, assist in the development of industrial, commercial, distribution and research activities to the benefit of the people of the City, and provide additional opportunities for their gainful employment. The consideration for any such lands and interests in land so conveyed may be determined by the Mayor and the City Law Director and confirmed by City Council. Any conveyance or lease by the City to the Community Improvement Corporation of Niles shall be made without advertising and receipt of bids. If any lands or interest in lands conveyed by the City to the Community Improvement Corporation of Niles are sold by the Corporation at a price in excess of the consideration received by the City from the Corporation, such excess shall be paid to the City after deducting therefrom the following costs, to the extent incurred by the Community Improvement Corporation of Niles: the costs of acquisition and sale by the Corporation, taxes and assessments, costs of maintenance, costs of improvements to the land by the Corporation, service fees and any debt service charges of the Corporation attributable to such land or interests.

SECTION 2: This Ordinance repeals any prior section involving the Community Improvement Corporation of Niles.

SECTION 3: This Ordinance shall take effect at the earliest time allowed by law.

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the \_\_\_\_ day of \_\_\_\_\_, 2019 and signed by me as such Mayor on this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
MAYOR

# City of Niles, Ohio

SPONSORED BY: COUNCIL AS A WHOLE  
AUTHORIZED BY: ALL MEMBERS OF COUNCIL

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DRAFT NO. 162-19

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION APPROVING THE LABOR AGREEMENTS BETWEEN THE CITY  
AND THE DISPATCHERS BARGAINING UNIT; AND, DECLARING AN  
EMERGENCY

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NILES, STATE OF  
OHIO:

SECTION ONE: That Council hereby approves the Labor Agreement between  
the City and the Dispatchers Bargaining Unit.

SECTION TWO: That the Mayor, Safety Director and Auditor are hereby  
authorized to execute the Labor Agreements on behalf of the City.

SECTION THREE: This Ordinance is hereby declared to be an emergency  
measure in the interests of the public health, safety and welfare, for the reason that the  
Labor Agreements are to become effective immediately. As such an emergency measure,  
this ordinance shall take effect upon passage by Council and approval by the Mayor.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_

CLERK OF COUNCIL

Received by the Mayor of the City of Niles this \_\_\_\_\_ day of \_\_\_\_\_, 2019,  
and approved by me as such Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
MAYOR