

COUNCIL MEETING MINUTES

February 6, 2019

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

Niles City Council held its regular meeting on February 6, 2019 at 6:00 p.m. in Council Chambers Safety Service Complex in Niles, Ohio.

The meeting was called to order by Council President Barry Steffey Jr., and the Clerk, Nicole Bacak, called the roll:

Lastic- P, McNaughton-P, Profato-P, Cantola-P, Marchese-P, Smith- P, Kearney-P, Steffey-P

It was moved by Marchese seconded by Kearney to accept the Minutes from the January 23th meeting and place them on file.

Motion carried.

REPORTS AND COMMUNICATIONS

NONE

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

(Public remarks began at 1:03 into recording)

Lory Patrick: 414 Hartzell Ave. Niles. Ms. Patrick's comments concern liens placed against her properties that she became aware of only when she received her real estate tax bills. This was the first and only notice that she received of utility debts owed by her tenants. She does not know who the tenants were. She does not know the amount that they owe or when the delinquency occurred. Some of these delinquencies predate her ownership of the properties. Ms. Patrick says that this violates the statute of limitations which specifically limits how far back debt collections can go.

First, rental applications were signed by her tenants that state they are personally liable for any unpaid utility bills. It is right on the utility bill application. It doesn't say the landlord is jointly

responsible. The city of Niles also requires a notarized lease statement. Also, her lease clearly states that the tenant is responsible for all utilities that he/she uses while residing in her property.

Although she is aware that city council passed an ordinance in 2011 stating that the landlord is liable for tenant utility bills if the tenant fails to pay, this ordinance is not supported by city, state or federal law and therefore she doesn't know how it is enforceable legally or ethically.

Ms. Patrick says the city of Niles did have a legal obligation to mitigate their damages. They collect a security deposit from the tenants. When the bills become past due, the utility company can and should follow the procedures set up by the office of Ohio Consumers Counsel that govern privately owned utility companies to terminate services before the debt amounts over the security deposit. Accordingly to Ms. Patrick, repeatedly evidence proves that the city of Niles utility company refuses to do this and allows bills to reach unreasonable amounts. There is booklet put out that she has given to both of our previous Law Directors who have blatantly refused to read it or adhere to the conditions.

The ordinance does say that the landlord is responsible for their tenant's bill but as previously stated just because an ordinance is passed doesn't mean it's legally enforceable. The city also cannot pick and choose what parts of the ordinance they want to enforce. The ordinance states that the city will hand out an authorization form that the landlord has to sign acknowledging that if their tenant doesn't pay their bill, they will. She has been a landlord for 43 years in this town and has never signed this form nor has she been asked to.

Ms. Patrick says she is entitled to due process of the law so if anyone believes that she owes them a debt; they are to file a lawsuit and give her a day in court. At that point, a judge will render a judgment. Only if a judgment is rendered against her can they put a lien against her property. The Ohio Revised Code says you can lien a person's property for a utility bill only if that property is owner occupied. You cannot lien her rental properties because she does not live there.

Ms. Patrick asked council asked city council why they hate landlords? She has heard so many times people make comments about there being too many rentals. Ms. Patrick wishes we were a privately owned, family owned town where there are more families than tenants. But she doesn't know if that is an option. And now that GM is closing, we are closing. She understands that we have a 30% of rentals in this town, but that is not any worse than other surrounding cities. Without her rentals, you wouldn't be collecting the taxes that you are.

President Steffey asked Ms. Patrick if she has met with the current law director yet. Ms. Patrick said she has spoken to his secretary. She has already typed up and was going to file a lawsuit today but has decided to hold off until she has a chance to speak to him. She is putting this out there because she thinks there are other landlords in this town that have gotten liens on their property. If this does go to a lawsuit, she would like it to go to a class action lawsuit.

Billy Bartlett: 360 West Loudon Lexington Kentucky. His family does own a business here, his mother is Lory Patrick and he does have rentals here. He feels for the city to attempt this is just further corruption. As a millennial, he works very hard. But with his generation, he thinks this

will open a flood gate of people not wanting to pay their bills so they can stick to the landlord. It's not right. He doesn't know when the last time people looked at the empty buildings on Main St. or Robbins Ave. but people don't want to be here.

Blair Floyd: 637 Trumbull Dr. Mr. Floyd is here to speak on behalf of Matthew Burroughs and his family and the community. They are just calling for a fair and just trial. He thinks it is important that these things become aware and people become aware of what is going on. He hopes the BCI investigation comes back soon. They aren't calling for any type of riot of mischief or anything like that. They just want a fair and due trial. He thinks that Matthew, his family, his daughter, and his daughter's mother deserve that. They deserve to know what went that afternoon and for those to be held accountable for what was done.

They aren't coming to hang or to pitchfork or come after the police. He would just like a second look at what went on that day to see if anything could have been done better. Or if there could have been anything done to prevent this. Also, he would love for this to be a learning experience for the Niles Police Department and police forces around the world.

Katie Fallo: 1538 Roosevelt Ave. Mrs. Fallo wanted to comment on the smart meters. She wanted to encourage council to really think about the cost of monthly charge for some of the families. She believes that based on the median family income in the city, not all people can afford this charge. While she would be able to opt out of this charge, other families won't be able to. Mrs. Fallo suggested a possible sliding scale based on income.

Michael Harvey: Mr. Harvey is a resident of Youngstown, Ohio but is the CEO of a company and he is trying to create a better world with that. He would like see the investigation go well and he would like to see a special prosecutor, if it should go to trial. He would like to see a special investigation as well, although he doesn't think that will happen. He would also like to have the videos released so that his child will know what happened. That is what he is here to request.

Katrina Albert: 425 Seneca Street Niles. Mrs. Albert wanted to come to council and ask that some of the police officers to go to the school or the little girl's house with some teddy bears and talk to her so that she won't be another statistic growing up hating the police. That's all she wanted to ask.

Joseph Napier Sr.: 759 Harlem Street. Mr. Napier is here to be a face for the public. He is here for clarity. Mr. Napier said he doesn't want there to be implications or even a thought that perhaps things might not be totally revealed to the public. He is begging for the public that everything be put out there. They know this is an independent investigation with the BCI and it is their hope at some point that they get to see the camera footage. He just hopes this is presented at some point unedited. And when this happens, you restore a confidence with the public that the police are truly here to protect and serve the people of this community. Where confidence is shaken, sometimes people are doubting. And when people are doubting, confidence is ruined forever. There becomes a crack. He wants there to be healing today. As a member of the public, he just hopes this comes out with full clarity. No wool over their eyes. And the public can make a better decision on what happened.

Doug Sollitto: 125 Bentwillow Niles, Ohio. Mr. Sollitto asked President Steffey if the investigation was still on going? After it is done, there will be transparency. However, everything is under wraps and Niles doesn't have the ability to release anything because it would be impeding the investigation. President Steffey confirmed that the investigation is still on going and active and we cannot comment on it.

George Kuriatnyk: 52 Morningside. Mr. Kuriatnyk said that before he says something he wanted to for the gentleman who came up here and Mrs. Burroughs, they gained his respect by coming up there and saying what they said. He thinks they gained a lot of respect from everyone else. He hears a lot things. Justice will be down and he appreciates them coming up there.

Mr. Kuriatnyk stated that for the last 3-4 years he has used his videos to back up his claims and they have been used against him. Now what he is going to do, since he is a candidate for Mayor, he is going to use his videos to help him. Starting off with hiring of MS Consultants for a 2 year contract. We are hiring a babysitter by hiring a company that our guys could do themselves. Next is the \$45.00 non-compliance monthly fee. Mr. Kuriatnyk asked if he had to pay \$45.00 to have his meter installed. He wanted someone to clarify this for him. President Steffey explained that this is a monthly charge for people who will not allow the city to change their water meter. It is a monthly charge.

Mr. Kuriatnyk asked about the park legislation on the agenda. He said this is illegal and council has no right to vote on this. This should go in front of the park board. They have no say in how this money is spent. President Steffey explained that council appropriates the money. Mr. Kuriatnyk said no the park board has control of the money. You have no say so. He has been to the park board meetings. On the Board of Control minutes, you paid \$6000 for lights for the dog park. And now you want more money for lights for the dog park. It's illegal and you cannot vote on it.

Earlier the Service Director was talking about passing the emergency to get contractors on the list so that if something happens they can hire other contractors. He said no contractors signs up for it. Mr. Kuriatnyk said that's because they don't get hired. They aren't going to waste their time when all you hire is Summit Supply and KV. Mr. Kuriatnyk stated he spoke to three people in regards to repairs to the bank building that cost the city \$30,000. He stated that these three people knew about the issues there for 9 months. The administration said this was an emergency, which Mr. Kuriatnyk says is untruthful.

Mr. Kuriatnyk said nothing has changed with this administration. With the public's support and vote, he will need that on May 7th. President Steffey told Mr. Kuriatnyk this is not a commercial. Mr. Kuriatnyk said he gets five minutes. Mr. Kuriatnyk said he will need support and votes to get the city back on track. Mr. Kuriatnyk stated this administration is nothing more than Infante in the making. Papalas and Marino are going to lose. President Steffey told Mr. Kuriatnyk his time was up and asked Police Chief Holland to escort him out of the meeting. Mr. Kuriatnyk asked why he was being removed and President Steffey explained that he will not dispute the meeting by slandering people.

Paul Davis: 44 Hartzell Ave. Niles, Ohio. Mr. Davis wanted to let everyone know that a friend of council, Ernie Rozier passed away last Saturday. He has been coming to council for quite some time. President Steffey agreed and said he was a good man. Mr. Davis said he knows this isn't a question and answer but we are back at the dog park or dog bathroom. He thinks it's fair if you split up these three items in the park so he will know how each one of them vote to tear up the little league ball fields 15 years ago in a town that offers almost no recreation for children .And we are going to take away the little kids ball parks. The little kids are the ones that come out all the time and the bigger kids have stopped coming. All for dogs to go to the bathroom.

Mr. Davis was very disappointed in the stance the city took during the extremely cold weather. Where we opened up the Wellness Center until 9:00 P.M. and then had an old homeless man walk to the fire station? President Steffey said he wasn't aware of that. Mr. Davis said that the fire stations were open all night, but how were the people supposed to get there. He wants to know why we couldn't have taken supervision, people from the city building, and paid them a little bit of overtime to keep the Wellness Center open all night. They could have slept on the ballpark in the middle of the field inside.

Ms. Smith moved that council adjourn into executive session per Ohio Revised Code 121.22 Section G1, G3 and G4. It was moved by Smith, seconded by Marchese to adjourn into executive session.

Motion carried.

Council adjourned into executive session at 6:30 P.M.

Council reconvened from executive session at 7:21 P.M.

COUNCIL COMMITTEE REPORTS

None

ORDINANCES AND RESOLUTIONS

(Legislation began at 31:23 into recording)

RESOLUTION NO. ____ (Draft No. 15-19)

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH MS CONSULTANTS, INC. FOR THE PURPOSE OF ADMINISTRATION OF

**BACKFLOW PREVENTION PROGRAM FOR YEARS 2019 AND 2020; AND
DECLARING AN EMERGENCY**

It was moved by McNaughton, seconded by Smith to give a second reading to this Draft No. 15-19.

YEAS: 6 NAYS: 1 (Cantola)

This Draft No. 15- 19 has received its 2nd reading on the 6th day of February 2019.

RESOLUTION NO. ____ (Draft No. 20-19)

**A RESOLUTION AUTHORIZING THE SERVICE DIRECTOR TO ISSUE A REQUEST
FOR PROPOSALS TO CONTRACTORS TO PROVIDE SERVICES FOR PROJECTS
INVOLVING INFRASTRUCTURE REPAIRS AND/OR TREATMENTS FOR
CALENDAR YEAR 2019; AND DECLARING AN EMERGENCY**

It was moved by Marchese, seconded by Lastic to give a second reading to this Draft No. 20-19.

YEAS: 6 NAYS: 1 (Cantola)

This Draft No. 20- 19 has received its 2nd reading on the 6th day of February 2019.

ORDINANCE NO. ____ (Draft No. 21-19)

**AN ORDINANCE AMENDING ORDINANCE NO. _____, KNOWN AS THE
AUTHORIZED STRENGTH ORDINANCE, AND DECLARING AN EMERGENCY**

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

YEAS: 4 NAYS: 3 (McNaughton, Cantola, and Smith)

Rules are not suspended.

It was moved by Marchese, seconded by Kearney to give a second reading to this Draft No. 21-19.

YEAS: 4 NAYS: 3 (McNaughton, Cantola, and Smith)

This Draft No. 21- 19 has received its 2nd reading on the 6th day of February 2019.

ORDINANCE NO. ____ (Draft No. 24-19)

**AN ORDINANCE CREATING A SMALL CELL DESIGN GUIDELINES ORDINANCE,
ORDINANCE NUMBER 959**

It was moved by McNaughton, seconded by Smith to give a second reading to this Draft No. 24-19.

YEAS: 7 NAYS: 0

This Draft No. 24- 19 has received its 2nd reading on the 6th day of February 2019.

RESOLUTION NO. ____ (Draft No. 25-19)

**A RESOLUTION ADOPTING THE ASSESSMENT OF A \$45.00 NON-COMPLIANCE
MONTHLY FEE ON THE WATER METER INSTALLATION; AND, DECLARING AN
EMERGENCY**

It was moved by McNaughton, seconded by Lastic to give a second reading to this Draft No. 25-19.

YEAS: 5 NAYS: 2 (Cantola and Marchese)

This Draft No. 25- 19 has received its 2nd reading on the 6th day of February 2019.

ORDINANCE NO. ____ (Draft No. 28-19)

**AN ORDINANCE AUTHORIZING THE PURCHASE OF NEW FIRE DEPARTMENT
SUV THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM
FOR THE 2019 CALENDAR YEAR; AND, DECLARING AN EMERGENCY**

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

Mr. Cantola asked when the funds would be available for this purchase. Auditor Merlo said it was already budgeted for and the funds are there now.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by McNaughton, seconded by Marchese to adopt this Draft No. 28-19.

YEAS: 7 NAYS: 0

This Draft No. 28- 19 has been adopted on the 6th day of February 2019.

ORDINANCE NO. _____ (Draft No. 29-19)

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION REPORT FOR THE PETITION FOR AMENDING ZONING MAP FILED BY HOME FEDERAL SAVINGS AND LOAN ASSOCIATION OF NILES, FOR PERMANENT PARCEL NO.: 25-713620 AND REFERRING FOR A PUBLIC HEARING

It was moved by Marchese, seconded by Cantola to suspend the rule requiring three readings and send back to the planning commission for a public hearing.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Lastic, seconded by Smith to adopt this Draft No. 29-19.

YEAS: 7 NAYS: 0

This Draft No. 29- 19 has been adopted on the 6th day of February 2019.

RESOLUTION NO. _____ (Draft No. 30-19)

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

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Cantola, seconded by Kearney to adopt this Draft No. 30-19.

YEAS: 7 NAYS: 0

This Draft No. 30- 19 has been adopted on the 6th day of February 2019.

ORDINANCE NO. ____ (Draft No. 31-19)

AN ORDINANCE CREATING THE POSITION OF WATER DEPARTMENT OPERATOR GROUP LEADER; AMENDING THE AUTHORIZED WORK FORCE ORDINANCE TO REFLECT THIS NEWLY DESIGNATED POSITION; AND, DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Lastic, seconded by McNaughton to adopt this Draft No. 31-19.

YEAS: 7 NAYS: 0

This Draft No. 31- 19 has been adopted on the 6th day of February 2019.

ORDINANCE NO. ____ (Draft No. 32-19)

A RESOLUTION AUTHORIZING THE RE-APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED PARK FUND 221 TO THE PARK GRANT ACCOUNT FOR THE WADDELL PARK IMPROVEMENTS PROJECT; AND DECLARING AN EMERGENCY

Ms. Marchese has some questions on this. On January 3rd in board of control, they allocated \$6,400 for a fence and after is that for cameras? Mayor Mientkiewicz said cameras will be installed throughout the park. Ms. Marchese wants to know what this \$11,000 is for. Mayor Mientkiewicz explained this is re-appropriated the grant money from last year.

Ms. Marchese is concerned because she remembers sitting in a meeting with Attorney Newman, the Mayor, Mr. Papalas, and our past chair where council wasn't allowed to have anything to do with the money. Everything has to go through the park board. She doesn't know why it's coming back through council now and through the Mayor when the previous Mayor wasn't allowed to do anything with it.

Mayor Mientkiewicz explained the money was appropriated in 2018 by council to get started on the park projects. It was for the Waddell Park improvements. Nothing was done because of weather issues. Since we started a new budget year of 2019, that money needs to be re-appropriated. Ms. Marchese still doesn't understand why based on how the deed is written, this is coming to city council. It should be going through the Park board.

President Steffey and Mayor Mientkiewicz clarified that city council has to appropriate money. The Park board cannot do that. Mayor Mientkiewicz said once the money is appropriated for the Park by city council, the Park board has a say in how the money is spent. Ms. Marchese asked Mayor Mientkiewicz if he was making the decisions...any of the decisions for the park because he isn't allowed. Mayor Mientkiewicz said the Park board already approved the Waddell Park Improvement Park Plan. They adopted it.

Ms. Marchese wants to know why the Park Board doesn't come to council and ask for these things. If this is their rules, why aren't they coming and speaking to council. Mayor Mientkiewicz said they don't have to. And himself and Mr. Burke have had conversations with council about this. Auditor Merlo stated that they have talked about this in budget hearings also. He explained the money wasn't spent last year so now you have to spend it this year. In order for it to be spent, council has to appropriate it. Ms. Marchese says she understands that but this all seems so different than what Attorney Newman said.

President Steffey said the money was left unspent last year so it has to be rolled back and spent this year. It was already appropriated and that's why it's just being re-appropriated. Ms. Marchese just wanted to make sure it's still just the grant money. President Steffey said yes it is.

Mr. Cantola asked if this \$11,000 is from the grant money, he wants to know what projects it is from. It is a little over \$13,000 in projects. He wants to know if it is for something different. Mayor Mientkiewicz said it is not. It is for park security, cameras, the dog park and walking trail. The quotes were a little higher but within the park budget, there is wiggle room to give a little. Mr. Cantola just wanted to make sure this was in the plan submitted to the park board.

Mayor Mientkiewicz said that this is a reimbursement grant so once we spend it, we are reimbursed for it. It has to done by June 1st. Ms. Marchese thought we already the money, but we do not.

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Profato, seconded by Lastic to adopt this Draft No. 32-19.

YEAS: 7 NAYS: 0

This Draft No. 32- 19 has been adopted on the 6th day of February 2019.

Mayor Mientkiewicz did have a comment to make in regards to a public comment made earlier in the meeting. Someone said that the \$11,000 were to be spent on lighting within the park. He wanted to clarify that it was not being spent on lights.

RESOLUTION NO. ____ (Draft No. 33-19)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED FEMA FUND 229 TO THE FEMA WORKMEN’S COMP ACCOUNT; AND, DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Lastic, seconded by Smith to adopt this Draft No. 33-19.

YEAS: 7 NAYS: 0

This Draft No. 33- 19 has been adopted on the 6th day of February 2019.

ORDINANCE NO. ____ (Draft No. 34-19)

AN ORDINANCE ACCEPTING AND APPROVING THE FINAL PLAT APPROVAL OF CARNEGIE HEIGHTS PLAT NO. 3 AND, DECLARING AN EMERGENCY

It was moved by Lastic, seconded by Smith 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. 34-19.

YEAS: 7 NAYS: 0

This Draft No. 34- 19 has been adopted on the 6th day of February 2019.

RESOLUTION NO. ____ (Draft No. 35-19)

A RESOLUTION APPROVING THE AGREEMENT BETWEEN THE CITY AND THE RANK OFFICERS UNIT OF THE POLICE DEPARTMENT REGARDING A NEW LABOR CONTRACT; AND, DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Cantola, seconded by Kearney to adopt this Draft No. 35-19.

YEAS: 7 NAYS: 0

This Draft No. 35- 19 has been adopted on the 6th day of February 2019.

MISCELLANEOUS REMARKS

(Miscellaneous remarks began at 50:28 into recording)

Mayor Mientkiewicz informed council that last Friday the city launched the newly designed city website. This was done a Niles company. It was done in an effort to better market and promote the city of Niles in a more professional manner. It is up and running and it is live. President Steffey said he did look at it over the weekend and he does like the changes. However, he suggested he might want to look at one of amenities being a pool. Mayor Mientkiewicz said he will look into that.

Auditor Merlo got notification today from John Stevens in the Fire Department that the city did get granted an immediate 6 month extension for our FEMA grant. Above and beyond that, they

cannot approve that immediately. It will have to go to another level. This will get us through August.

Mr. Catanzarite wanted to indulge the public. There was a Sewer line plug up on Emmett earlier this afternoon and the vac truck had to sit on 46 and he was sorry to say that the citizens driving around were not courteous at all. They showed no respect for the workers. Mr. Catanzarite had his pick-up with the snow plow out there blocking so that guys where protected. They were going in people's yards to go around. They don't want to see anyone getting hurt.

Mr. Catanzarite said that Mr. Hale called him from MVSD. He wanted to let council know that they are nearing the end of their search for a new administrator there and they hope to finish the interviewing process in the next two weeks. President Steffey asked to have a representative come maybe to the first meeting in March. He understands that they are short staffed but people have asked to see them and get updates. Mayor Mientkiewicz said he spoke to Dr. Neapolitan a couple of days ago and someone does plan on coming to give council an update shortly.

Mr. Crowley thanked council for approved the final plat for the Carnegie development this evening. He pointed out that the developer, Mr. Jason Altobelli, was in the audience. Mr. Crowley wanted to publicly thank him. This is a big project for the city of Niles. It will be 20 or more new houses. This is one of the first new housing developments we have had in our city in a long time. President Steffey thanked Mr. Altobelli for his investment in his city.

Mr. McNaughton wanted to publicly the water crew. With the up and down weather, they have had been very quick to respond to water breaks. They have been professional. He appreciates what they do.

Mr. Cantola commented on the piece of legislation this evening in regards to MS consultants about the backflow. He knows that everyone on council around him votes yes, but he feels it should be a one year contract. It has always been a one year contract and it should stay that way. He thinks that when we bring our contracts out too far that we have a tendency to be taken advantage of by individuals that are doing business with the city.

Next, there is the meter issue with the \$45.00. Mr. Cantola thinks that when the homes need service, our employees could install these without the citizens occurring a \$45.00 monthly fee for putting in a meter that have sat around for years. Service Director Flarey clarified that the \$45.00 fee is not the cost to install the meter. Mr. Cantola said that is not what he said. That is the monthly fee that the administration wants to add on to everybody who does not have a meter into their home at this time. All he is saying is that at a point in time, when a home needs service that our employees would be able to install these at a later date rather than needing to be charged for something that has been sitting around for 6 years plus.

Service Director Flarey said the customer service employees have installed these in the past and do install them when something goes bad. So, they have been doing this all along. Mr. Cantola agreed. You have digital electric meters. You aren't going out to every home and charging more because the person has an analog meter. Now all of a sudden, you want to change it for water because we spent all this money and sat it on forever. We don't do this with other utilities.

Mr. Cantola feels we need to be consistent in how we are operating our \$70 million business. He doesn't feel this is consistent. It doesn't look good to him to charge the residents \$45.00 a month. He would change the meter as the person needs a service. He wouldn't charge people more money for their water because the fund maybe low or for whatever reasons. Service Director Flarey said the fund is not low. It is about getting people motivated to have them changed. People are ignoring the letters. They are ignoring the efforts. There are some exceptions. This is an attempt to motivate those individuals to schedule.

Ms. Marchese would like to thank the water department also. She is also glad to see that they got new clothes. Ms. Marchese asked if we could have a moment of silence for Ernie Rozier.

Ms. Smith had a question about the MS consultant contact. She wanted to verify that the second year of the contract could be negotiated. Service Director Flarey said yes. The second year could be terminated. It is a fixed cost now. You get a fixed cost for both years.


President Steffey informed council that they need to do a schedule change. The first meeting in March is scheduled for Wednesday, March 6th. That is not only Ash Wednesday, but Auditor Merlo and Clerk of Council/ Deputy Auditor, Nicole Bacak, will be on their way to Columbus for meetings. He would like to move the meeting to Tuesday, March 5th.

It was moved by Profato, seconded by Lastic to change the meeting from Wednesday, March 6th to Tuesday, March 5th.

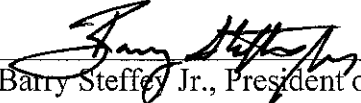
Motion carried

ADJOURN

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



Nicole Bacak, Clerk of Council



Barry Steffey Jr., President of Council