

City of Niles, Ohio

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

Amended DRAFT NO. 60-25

RESOLUTION NO. _____

A RESOLUTION ADOPTING THE UPDATED VEHICLE USE POLICY FOR THE CITY; AND, DECLARING AN EMERGENCY

WHEREAS, the City updated the Vehicle Use Policy. (See attached).

WHEREAS, in furtherance of the administrations executive function Council desires to authorize the administration to update the policy as necessary to meet the needs of the City.

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

SECTION 1: That Council hereby approves the updated Vehicle Use Policy, a copy of which is attached hereto and authorizes the administration to update the policy in the future as necessary to meet the needs of the City.

SECTION 2: This Ordinance is hereby declared to be an emergency measure in the interests of the public health, safety and welfare, for the reason that it is imperative that the updated Vehicle Use Policy be adopted as soon as possible to give proper guidance to City officials and employees. 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 _____, 2025
and approved by me as such Mayor this _____ day of _____, 2025.

Mayor

City of Niles, Ohio Vehicle Use Policy

Policy Statement

The City of Niles, Ohio may assign a vehicle to designated officials or City employees (whether on a case-by-case or continual basis) for the purpose of discharging office City business. This shall be done so long as the City of Niles can afford such benefit, and the employees live within the City limits or within a fifteen (15) mile air radius of the City building to which they report. The City owns and maintains such vehicles, including related equipment, explicitly to conduct official City business.

All employees who may be required to drive either a City owned, leased vehicle or a privately owned vehicle for City business must possess a current and valid Ohio driver's license. If any employee has reason to believe that their license may not be current or valid, the employee must notify their department supervisor and the Safety-Service Director within 24 hours.

Personal use and the use of City-owned vehicles, included related equipment, for the private gain of any elected, appointed or City employee, included related equipment, except for commuting and de minimus personal use, is strictly prohibited.

Drivers guilty of policy violations are subject to disciplinary action including, but not limited to, the prohibition to operate city-owned vehicles or possible termination.

Vehicles are to be operated in a manner which avoids even the appearance of impropriety.

This policy dose not apply to the City's Safety Forces.

1) General Guidelines for Using City Vehicles

- a) City Vehicles are municipal property and are to be used for official City business only.
- b) Employees may not use vehicles assigned while off-duty except for work-related activities.
- c) City vehicles can be used to transport non-City individuals (those who are not City employees) if the transport is for business purposes. It is not permitted without express written approval from the Safety/Service Director to transport non-City individuals (those who are not City employees) for non-business purposes.
- d) Only City employees can operate City vehicles. Contract employees and unpaid interns cannot operate City vehicles.
- e) Operators of vehicles or equipment that require a special class license must possess the license prior to operating such vehicles or equipment. Those employees who possess a driver's license from another state must obtain an Ohio driver's license within three months of their date of hire.
- f) Unattended vehicles must be locked at all times. Unattended vehicles must not have a key in the ignition.
- g) All travel outside the City limits must be done for legitimate business purposes. Supervisor approval is strongly encouraged.
- h) Hitchhikers and pets are not allowed to ride in any city-owned vehicle.
- i) Eating food is prohibited while driving a city-owned vehicle.

2) Individual Responsibilities

- a) The driver and all passengers must wear seat belts at all times when the vehicle is in motion.
- b) Employees must comply with applicable state and local driving laws, parking regulation and City safety policies
- c) Employees must drive according to road conditions especially during inclement weather.
- d) Employees are personally responsible and liable for any citations and/or violations received while operating a City vehicle.
- e) For employees required to drive or maintain a valid driver's license as part of their official duties, driving record convictions may be considered as grounds for disciplinary actions, up to and including termination, whether infractions occurred while conducting City business or outside of work. Employees are required to immediately report to their supervisors and the Safety/Service Director any tickets or citations for stationery or moving violations received while operating a vehicle for City business.
- f) Employees must notify their immediate supervisor and the Safety-Service Director within 24 hours of receiving notice that their license will be revoked or suspended.

- g) Drivers shall not operate City or personal vehicles for City business when they are required to take medication which may impair their ability to safely operate a moving vehicle. Drivers have an affirmative duty to report to their health care provider, the fact that they are required to drive for City business and the type of vehicles that they are responsible for to enable the provider to give appropriate direction about the use of prescription medication and City driving tasks. Drivers must also report any restrictions and limitations to their supervisor and the Safety/Service Director when taking such medications.
- h) Employees operating City vehicles are strictly prohibited from cell phone use (phone, text, data, etc.) while the vehicle is in operation.
- i) Under no circumstances will any employee purchase, carry or consume any form of alcoholic beverage or controlled drug substance while operating a City vehicle.

3) Take-Home Vehicle Assignment. Employees must meet at least one of the following four (4) criteria:

- a) If emergency response/emergency call-out is the justification, vehicle use must be supported by data demonstrating the actual number and nature of required emergency responses. There must be a minimum of eight (8) emergency responses per quarter or thirty-two (32) per year to meet the standard. In addition, there must be an explanation as to why alternative forms of transportation cannot be used to respond to the emergencies and why assigned City vehicles cannot be picked up at the City building.
- b) If economic benefits is the justification, it must be supported by a calculation of economic benefit to the City. The cost of mileage and the time it takes an employee to travel from their home to their workstation may be included in the calculation of economic benefits to the City. In addition, there must be an explanation as to why alternative forms of transportation cannot be used to respond to the emergencies and why assigned City vehicles cannot be picked up at the City building.
- c) If special equipment is used as a justification, the following information must be provided:
 - (1) The necessary special equipment must be described
 - (2) Explanation of why a City vehicle is required to transport the special equipment
 - (3) How the equipment is used
 - (4) Why the vehicle cannot be picked up at the City building
 - (5) Description of the type and nature of emergencies that requires the use of such equipment within the vehicle
- d) If the Union contract is used as justification, the relevant collective bargaining agreement language is to be cited and approved by the Safety-Service Director.
- e) The Take-Home Vehicle Assignment Request Form shall be submitted to the Niles City Administration for approval each year.

NOTE: Employees authorized to use a City owned vehicle on a 24-hour-per-day, seven-day-a-week basis shall be subject to imputed income tax regulations as set forth by the Internal Revenue Service, which considers a certain portion of the vehicle use (namely the commute) to be income for the purposes of income taxation. The City of Niles will use IRS Publication 15-B "Employers Guide to Fringe Benefits," Section 3, Fringe Benefit Valuation Rules, Commuting Rule, in determining any tax liability and automatically update changes to the rate as made by the IRS. The rule establishes a \$1.50 per one-way commute value as the non-cash taxable fringe value. This value will be includable in the employee's gross income and is subject to all Federal withholding taxes. Employees who are assigned marked police, unmarked police vehicles or specialized vehicles carrying tools and meeting certain other eligibility criteria established by the IRS will not be subject to the rule. (This provision will update automatically in accordance with IRS Rules.)

4) Safety

- a) Employees must comply with all driver safety training and the policies and procedures established by the City of Niles.
- b) Employees shall operate vehicles and equipment in compliance with traffic laws and the rules and regulations within the City of Niles and the State of Ohio, including the use of seat belts at all times by the operator and all passengers.
- c) City employees may not operate a motor vehicle while under the influence of alcohol or a controlled substance.
- d) Smoking and the use of smokeless tobacco in City's vehicles is strictly prohibited.
- e) Employees operating City vehicles are strictly prohibited from cell phone use (phone, text, data, etc.) while the vehicle is in operation.
- f) Wearing stereo/music headphones/ear buds while operating a City vehicle is prohibited.
- g) City employees will avoid any vehicle use which might result in or create the appearance of impropriety with regard to public perception concerning misuse of City vehicles, Citizen complaints concerning driving habits such as speeding,

recklessness, and/or other inappropriate behavior may lead to revocation of vehicle assignment and other appropriate disciplinary actions.

- h) Any employee who is found to have an expired, canceled, revoked, suspended or photo ID license will be prevented from driving for City business.

5) Private Vehicle Use

- a) All private vehicles authorized for City business will be properly insured in the State of Ohio pursuant to Ohio financial responsibility laws.
- b) All private vehicles authorized for City business will be properly licensed and maintained in accordance with City of Niles Ordinances and State of Ohio's vehicle operating requirements.
- c) Employees must maintain a current Ohio Driver's License. (Any employee who is found to have an expired, canceled, revoked, suspended, or photo ID license will be prevented from driving for City business.)
- d) The City shall provide gasoline in accordance with Collective Bargaining agreements and the City's Gasoline policy for employees performing City business in which private vehicles are used. (Employees are required to submit appropriate forms pursuant to the Vehicle Use policy and the Gasoline policy.)

6) Accidents of City-Owned/Personal Vehicles used in Performance of Job

- a) Any crash in a City vehicle, City leased vehicle or personally owned vehicle used in performance of job duties must be reported in accordance with the City of Niles Vehicle Accident Reporting Procedures.
- b) The City of Niles Drug Testing Policies and Procedures must be followed.
- c) Incidental damage to a vehicle or equipment, defined as damage while the vehicle is unattended or damage such as a broken windshield from a flying rock must also be reported to the employee's immediate supervisor.

7) Graphics, Painting and Markings

- a) All City vehicles will have standardized markings and graphics in accordance with each department's established marking details.
- b) Advertisements, signs, bumper stickers, or other markings of a political or commercial nature may not be displayed on any City vehicle at any time.
- c) Employees are expected to maintain the exterior and interior cleanliness of City vehicles. Blatant misuse of the vehicles, as determined by the Supervisor, which leads to the requirement of structural or other repairs may be charged back to the user.

8) Vehicle Idling

- a) In order to reduce emissions that are a result of idling diesel and gasoline engines, no City-owned diesel or gasoline powered vehicles/equipment or stationary engines may idle for more than five (5) consecutive minutes, with the following exceptions"
- Idling when queuing*.
 - Idling to verify that the vehicle is in safe operating condition;
 - Idling for testing, servicing, repairing or diagnostic purposes;
 - Idling when it is necessary to accomplish work for which the vehicle was designed (such as operating a crane or when emergency vehicles used by the Police/Fire are at the scene of an incident);
 - Idling to bring the machine system to operating temperature; and
 - Idling to ensure safe operation of the vehicle.

NOTE: For the purpose of this section, queuing shall mean the intermittent starting and stopping of a vehicle while the driver, in the normal course of doing business, is waiting to perform work or a service, and when shutting the vehicle engine off would impede the progress of the queue and is impracticable. Queuing does not include the time a driver may wait motionless in line in anticipation of the start of a workday or a location where work or a service will be performed.

9) Disciplinary Action

In accordance with the Policy, Ohio Revised Code and pertinent collective bargaining agreements, employees who are found to have violated the policies set forth or if there are any indications or misconduct involving City vehicles, may be subject to disciplinary action up to an including termination.

Take-Home Vehicle Assignment Authorization Request

Employee Name: _____
 Position Title: _____
 Department: _____
 City of Residence: _____
 Current Odometer Reading: _____
 Primary Work Location: _____
 Number of Emergency callouts in previous year: _____
 Jan. 1-March 31: _____
 April 1-June 1: _____
 July 1-Sept 30: _____
 Oct. 1-Dec. 31: _____
 Daily Commute Miles: _____
 Daily Business Miles: _____

Pursuant to the City of Niles Vehicle Use Policy, requests to authorize take-home vehicles must meet at least one of the following criteria:

- ___ **Emergency Response:** The employee has primary responsibility for responding to emergency situations which require immediate response to protect life or property, and the employee is called out at least 8 times per quarter. A "call-out" is defined as a prior year. In addition, there must be an explanation of why alternate transportation cannot be used and why a City vehicle cannot be picked up from the City building. **Attach all justification and back-up documentation to this form.**
- ___ **Economic Benefit:** There is an economic benefit to the City. This means the cost of travel/daily business reimbursement would exceed the costs associated with a take-home vehicle. **Attach all justification and back-up documentation to this form.**
- ___ **Special Equipment:** The employee has primary responsibility for responding to emergency situations which require immediate response to protect life or property, and the employee needs a special equipment and/or carries specialized equipment other than communications equipment in order to perform their work outside of normal working hours. A description of this equipment must be submitted along with the Take-Home Vehicle Request. **Attach all justification and back-up documentation to this form.**
- ___ **Union Contract:** Collective bargaining agreement may provide general language for department director to approve take-home assignment. **Provide union name, contract number, and attach a copy of the relevant contract language.**

NOTE: Use of a City owned take-home vehicle is a fringe benefit that generates a tax liability. If your request for take-home assignment is approved, you are encouraged to speak with the City Auditor concerning possible tax liabilities.

Requestor: I have read and understand the City's Policies governing take-home vehicles assignments. I certify that this request meets the requirements.

Requestor's Name (Print): _____
 Requestor's Signature: _____

Safety/Service Director: I certify that this request meets the requirements of the City's Policy.
 Approved: _____ Date: _____
 Denied: _____

Safety/Service Director's Name (Print): _____
 Safety/Service Director's Signature: _____ Date: _____

City of Niles, Ohio

SPONSORED BY: FINANCE COMMITTEE
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 61-25

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE DISPOSAL OF IT HARDWARE TO BE SOLD BY INTERNET AUCTION ON GOV DEALS AS THE ITEMS ARE NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE BY THE CITY, AUTHORIZING TO SCRAP THE LISTED HARDWARE IF NOT SOLD; AND, DECLARING AN EMERGENCY

WHEREAS, the following items are no longer needed for any municipal purpose:

Serial Number	Model	Brand	Description
01PH09531AaBBH25A1205	F110	Getec	Tablet
010H09531AaBBH25A0402	F110	Getec	Tablet
01PH09531AaBBH25A0314	F110	Getec	Tablet
VN941273	LT2223pwC	Lenovo	Monitor
MXQ00503ZA	DL360 G6	HP	Server
SSI18040440	UCS-FI-6248UP	Cisco	Switch
SSI1804042W	UCS-FI-6248UP	Cisco	Switch
681763500	DS-9664NI-ST	Hikvision	DVR
N/A	OfficeServ 7400	Samsung	DCS
2UA1380L7W	Compaq 8100	HP	Desktop
2UA4122RVH	Compaq 8100	HP	Desktop
2UA4161HVJ	Compaq 8100	HP	Desktop
MXL4033PP8	ProDesk 600 G1	HP	Desktop
MXL4033PNY	ProDesk 600 G1	HP	Desktop
JVMR9Z2	N/A	Dell	Desktop
MJ03WR33	001LUS	Lenovo	Tiny Workstation
MJ022UX6	0020US	Lenovo	Tiny Workstation
2UA5021B2W	TPC-F063-DM	HP	Tiny Workstation
MJ061XWY	003WUS	Lenovo	Tiny Workstation
MJ061XWG	003WUS	Lenovo	Tiny Workstation
MJ061XY3	003WUS	Lenovo	Tiny Workstation
PC0HUP3C	002AUS	Lenovo	Tiny Workstation
MJ061XXK	003WUS	Lenovo	Tiny Workstation
MJ061XXE	003WUS	Lenovo	Tiny Workstation
MJ061XVQ	003WUS	Lenovo	Tiny Workstation

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

SECTION 1: That this Council finds the foregoing listed items to longer have any further municipal purpose.

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 this Ordinance is hereby declared to be an emergency measure in the interests of the public health, safety and welfare because the immediate sale of such IT Hardware or scrapping the IT Hardware, if not sold, is necessary. 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 _____, 2025,
and approved by me as such Mayor this _____ day of _____, 2025.

MAYOR

City of Niles, Ohio

SPONSORED BY: FINANCE COMMITTEE
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 63-25

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED GENERAL FUND FOR LAW DIRECTOR'S OFFICE FURNITURE; AND, DECLARING AN EMERGENCY

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

SECTION 1: Council hereby authorizes the following appropriations of funds from the Unappropriated Street Fund to the following accounts listed below in the total amount of Eight Thousand Dollars and 00/100 (\$8,000.00):

APPROPRIATION FROM UNAPPROPRIATED FUNDS		
FUND	ACCOUNT NUMBER	DESCRIPTION
101 - General	101-1005-56010	Furniture & Fixtures
Total Appropriation		\$8,000.00
		\$8,000.00

SECTION 2: This Ordinance is hereby declared to be an emergency measure in the interest of the public health, safety and welfare, for the reason that the funds are needed to complete payment for the law director's office furniture. 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 _____, 2025 and signed by me as such Mayor this _____ day of _____, 2025.

MAYOR

City of Niles, Ohio

SPONSORED BY: Comm. Develop. & Neighborhood Stab.
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 64-25

RESOLUTION NO. _____

A RESOLUTION TO PETITION FOR CONFORMITY OF BOUNDARIES; AND
DECLARING AN EMERGENCY

WHEREAS, the limits of the City of Niles, upon the effective date of the annexation accepted by the City of Niles on May 15, 2024, by operation of Sections 709.021, 709.022, 709.04, and 709.10 of the Ohio Revised Code, will not be identical to the boundaries of Vienna and Howland Township.

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

SECTION 1: Council hereby determines that it is in the City's interest to petition the Trumbull County Board of Commissioners, pursuant to Section 503.07 of the Ohio Revised Code, for a change in township lines such that the 31.3801 acres of property (11.216 acres in Vienna Township and 20.164 acres in Howland Township) depicted in Exhibit A, attached hereto, and annexed to the City of Niles effective May 15, 2024 shall be identical to the boundaries of the City of Niles.

SECTION 2: The Clerk of Council, the Mayor, the Law Director, the Auditor, or other appropriate officers or agents of the City are hereby authorized and directed to take any other actions as may be appropriate to implement this Resolution, and to complete any actions prescribed by the Ohio Revised Code in furtherance of this Resolution.

SECTION 3: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, property, health or safety, such emergency arising from the need to complete the conformity of boundaries for this Property owned by the City in an expeditious manner.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____

CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the _____ day of _____, 2025 and signed by me as such Mayor on this _____ day of _____, 2025.

MAYOR

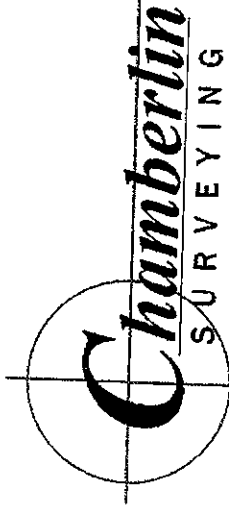


Exhibit A

3.20.23

Keith A. Chamberlin, P.S. 6744
514 E. Park Avenue, Columbiana, Ohio 44408
Ph: 330-482-9578 Fax: 330-482-9630

Property Description

For: Heston and Bagnoli, Irpino, LLC

Proposed Annexation of 31.3801 Acres

Known as and being a tract of land situated in Township Lot #44, Howland Township, and Township Lot #39, Vienna Township, Trumbull County, State of Ohio and being more fully described as follows:

Beginning with a point at the centerline intersection of Niles Vienna Road SE and Stillwagon Road SE and being the true place of beginning of the tract of land herein described,

Thence with said centerline of Stillwagon Road SE, and the east line of lands now or formerly of Richard J. and Linda D. Meloni (Inst. #201609120016344) and now or formerly of Eric R. and Lindsay M. Kovach (Inst. #201410100020286) N 03°-38'-43" W, a distance of 409.95 feet to a point at the southwest corner of lands now or formerly of James J. and Claudette W. Fonce, (O.R.V. #1132, Page #324),

Thence with said Fonce lands, N 88°-42'-57" E, a distance of 465.60 feet to a point,

Thence with said Fonce lands, and the east line of lands now or formerly of John T. and Rosemary L. Finley (O.R.V. #1247, Page #332), N 03°-38'-43" W a distance of 240.00 feet to a point at the northeast corner of said Finley lands,

Thence with the north line of said Finley land S 88°-42'-57" W a distance of 465.60 feet to a point in the centerline of said Stillwagon Road SE,

Thence with the centerline of said Stillwagon Road SE, N 03°-35'-27" W a distance of 153.61 feet to a point at the northeast corner of lands now or formerly of Michael E. Grove, Trustee (O.R.V. #92, Page #125),

Thence with the north line of said Grove lands S 89°-18'-57" W, a distance of 450.76 feet to a point on the east line of lands now or formerly the City of Niles (Deed Vol. #1071, Page #739),

Thence with the east line of said City of Niles lands and the east line of lands now or formerly of Christine M. Biello (Deed Vol. #845, Page #288) N 03°-34'-07" W a distance of 205.95 feet to a point at the southwest corner of lands of Frank J. Stosik and Maureen A. Garito (Inst. #201205240013267),

Thence the next four courses with the south line of said Stosik and Garito lands

- 1: N 89°-04'-31" E a distance of 198.89 feet to a point,
 - 2: S 82°-45'-05" E a distance of 34.11 feet to a point,
 - 3: S 89°-08'-32" E a distance of 60.79 feet to a point,
 - 4: N 87°-02'-21" E a distance of 158.41 feet to a point in
- the centerline of said Stillwaggen Road SE,

Thence with the centerline of said Stillwaggen Road SE, N 03°-17'-26" W a distance of 16.80 feet to a point,

Thence continuing with the centerline of said Stillwaggen Road SE, N 01°-10'-10" E a distance of 102.85 feet to a point at the southwest corner of lands now or formerly of Anthony R. and Maureen M. Russo (O.R.V. #674, Page #64),

Thence with the south line of said Russo lands N 88°-42'-21" E a distance of 1027.62 feet to a point on the township line separating Howland Township and Vienna Township,

Thence with the said township line and the east line of said Russo lands and lands now or formerly of Anthony R. Russo (Inst. #201209240023645), N 01°-41'-00" W a distance of 416.41 feet to a point at the southwest corner of lands now or formerly of George L. Mateyko, Trustee (Inst. #201104140007020),

Thence with the south line of said Mateyko lands N 89°-28'-24" E a distance of 394.38 feet to a point on the west right of way line of State Route #11,

Thence with the west right of way line of said State Route #11, S 18°-32'-34" E a distance of 890.06 feet to the north right of way line of said Niles Vienna Road SE,


Thence the following six courses along the north right of way line of said Niles Vienna Road SE:

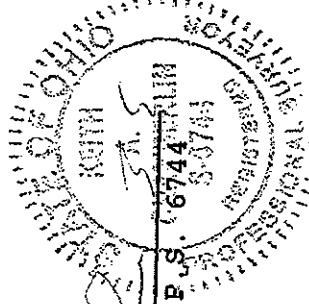
- 1: S 80°-42'-52" W a distance of 247.85 feet to a point,
- 2: S 73°-02'-16" W a distance of 243.08 feet to a point,
- 3: S 68°-55'-49" W a distance of 159.51 feet to a point,
- 4: S 60°-11'-28" W a distance of 226.02 feet to a point,
- 5: S 63°-30'-09" W a distance of 192.00 feet to a point,
- 6: S 53°-48'-55" W a distance of 125.28 feet to a point,

Thence S 25°-47'-39" E a distance of 25.00 feet to the centerline of said Niles Vienna Road SE,

Thence continuing with the centerline of said Niles Vienna Road SE, and lands now or formerly of JRD Holdings (Inst. #201809070017716), S 64°-11'-41" W a distance of 607.29 feet to the true place of beginning of the tract of land herein described, passing over an iron pin found.

Containing in area 31.3801 Acres with 20.1644 Acres being in Howland Township and 11.2157 Acres in Vienna Township with approximately 1.1724 Acres being in road right of way, (0.4182 Acres in Niles Vienna Road and 0.7542 Acres in Stillwagon Road) and being subject to all legal highways, right of ways and easements.


Keith A. Chamberlin, P.S. 66744
8-3743



Boundary Closure Report

Tue Nov 29 07:57:00 2022

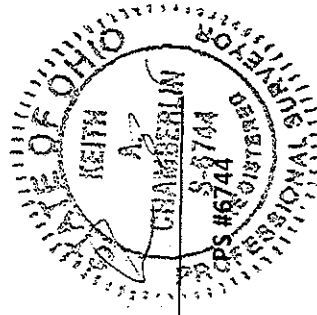
Project: full annexation - map.PCS

Inverse of Lot 5

27	N:566083.0940'	E:2459321.5680'
	S 89°08'32" E 60.79'	
26	N:566082.1840'	E:2459382.3530'
	N 87°02'21" E 158.41'	
34	N:566090.3660'	E:2459540.5473'
	N 03°17'26" W 16.80'	
52	N:566107.1383'	E:2459539.5830'
	N 01°10'10" E 102.85'	
51	N:566209.9707'	E:2459541.6820'
	N 88°42'21" E 1027.62'	
44	N:566233.1789'	E:2460569.0399'
	N 01°41'00" W 416.41'	
45	N:566649.4092'	E:2460556.8076'
	N 89°28'24" E 394.38'	
46	N:566653.0343'	E:2460951.1710'
	S 18°32'34" E 890.06'	
47	N:565809.1805'	E:2461234.2213'
	S 80°42'52" W 247.85'	
48	N:565769.1886'	E:2460989.6190'
	S 73°02'16" W 243.08'	
49	N:565698.2722'	E:2460757.1136'
	S 68°55'49" W 159.51'	
50	N:565640.9278'	E:2460608.2679'
	S 60°11'28" W 226.02'	
40	N:565528.5736'	E:2460412.1572'
	S 63°30'09" W 192.00'	

41 N:565442.9111' E:2460240.3260'
 S 53°48'55" W 125.28'
 42 N:565368.9470' E:2460139.2103'
 S 25°47'39" E 25.00'
 43 N:565346.4379' E:2460150.0888'
 S 64°11'41" W 607.29'
 29 N:565082.0757' E:2459603.3551'
 N 03°38'43" W 409.95'
 36 N:565491.1963' E:2459577.2908'
 N 88°42'57" E 465.60'
 37 N:565501.6308' E:2460042.7739'
 N 03°38'43" W 240.00'
 25 N:565741.1453' E:2460027.5149'
 S 88°42'57" W 465.60'
 24 N:565730.7107' E:2459562.0318'
 N 03°35'27" W 153.61'
 10 N:565884.0193' E:2459552.4113'
 S 89°18'57" W 450.76'
 35 N:565878.6371' E:2459101.6788'
 N 03°34'07" W 205.95'
 33 N:566084.1878' E:2459088.8601'
 N 89°04'31" E 198.89'
 31 N:566087.3980' E:2459287.7290'
 S 82°45'05" E 34.11'
 30 N:566083.0940' E:2459321.5680'

Perimeter: 7517.83' Area: 31.3801 acres 1366917.0700 sq ft Precision: Perfect



Keith A. Chamberlin

City of Niles, Ohio

SPONSORED BY: FINANCE COMMITTEE
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 65-25

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CHANGE ORDER FOR SHELLY & SANDS FOR THE 2025 LOCAL STREET RESURFACING; APPROPRIATING FUNDS FROM THE UNAPPROPRIATED GENERAL FUND FOR RESURFACING OF STEVENS PARK; AND DECLARING AN EMERGENCY.

WHEREAS, certain overages occurred during the 2025 Local Street Resurfacing Project requiring the expenditure of additional funds;

WHEREAS, Council authorizes the Change Order for Shelly & Sands, Inc in the amount of One Hundred Forty-Five Thousand Forty-Five Dollars and 80/100 (\$145,045.80) for the 2025 Local Street Resurfacing Project.

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

SECTION 1: Council hereby authorizes the Change Order for Shelly and Sands, Inc in the amount of One Hundred Forty-Five Thousand Forty-Five Dollars and 80/100 (\$145,045.80) for the 2025 Local Street Resurfacing Project.

SECTION 2: Council further authorizes the following appropriations of funds from the Unappropriated General Fund to the following account listed below in the total amount of One Hundred Forty-Five Thousand Forty-Five Dollars and 80/100 (\$145,045.80) for the resurfacing of Stevens Park.

APPROPRIATION FROM UNAPPROPRIATED FUNDS		
FUND	ACCOUNT NUMBER	DESCRIPTION
101 - General	101-1090-59000	Transfer
Total Appropriation		\$145,045.80

APPROPRIATION FROM UNAPPROPRIATED FUNDS		
FUND	ACCOUNT NUMBER	DESCRIPTION
401 - Capital Projects	401-4646-55400	Street Resurfacing
Total Appropriation		\$145,045.80

SECTION 3: This Ordinance is hereby declared to be an emergency measure in the interest of the public health, safety, and welfare for the purpose of the Change Order for Shelly & Sands as not to delay the completion of the 2025 Local Street Resurfacing Project. As such an emergency measure, this Ordinance shall take effect 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 _____, 2025 and signed by me as such Mayor this _____ day of _____, 2025.

MAYOR

CITY OF NILES - STEVENS PARK PARKING LOT AND DRIVE ***REVISED ***



Shelly & Sands, Inc.
1450 North Bailey Road
North Jackson, Ohio 44451

Project:
Bid Date:
County:

3/26/2025
Trumbull

Contact Person:

Michael Schossler
Phone: (330) 253-3612
Fax: (330) 538-0725
Email: m.schossler@shellyandsands.com

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
10	PLANING (T=1.5")	1,866.00	SY	5.00	9,330.00
20	T1 SURFACE (T=1.5")	78.00	CY	204.45	15,947.10
30	MOT	1.00	LS	1,095.00	1,095.00
	SECTION 1 SUBTOTAL				26,372.10
40	PLANING (T=1.5")	1,182.00	SY	5.00	5,910.00
50	T1 SURFACE (T=1.5")	49.00	CY	204.45	10,018.05
60	MOT	1.00	LS	915.00	915.00
	SECTION 2 SUBTOTAL				16,843.05
70	PLANING (T=1.5")	3,233.00	SY	5.00	16,165.00
80	T1 SURFACE (T=1.5")	135.00	CY	204.45	27,600.75
90	MOT	1.00	LS	1,830.00	1,830.00
	SECTION 3 SUBTOTAL				45,595.75
100	PLANING (T=1.5")	1,050.00	SY	5.00	5,250.00
110	T1 SURFACE (T=1.5")	44.00	CY	204.45	8,995.80
120	MOT	1.00	LS	915.00	915.00
	SECTION 4 SUBTOTAL				15,160.80
130	EXCAVATION (T=4.5")	1,400.00	SY	5.00	7,000.00
140	301 BASE (T=3")	117.00	CY	168.00	19,656.00
141	T1 SURFACE (T=1.5")	58.00	CY	204.45	11,858.10
142	MOT	1.00	LS	2,560.00	2,560.00
	SECTION 2 ADDITIONAL SUBTOTAL				26,656.00
	QUOTE TOTAL				130,627.70
	GRAND TOTAL				\$145,045.80

NOTES:

- Our commitment to the prices, terms and conditions of this proposal are firm for a period of 30 days following submission of this proposal to the Contractor.

- Above pricing is based off the measurements provided by Robert Hughes.

- Section 1: 240' L x 70' W
- Section 2: 280' L x 38' W
- Section 3: 1,455' L x 20' W
- Section 4: 450' L x 21' W

Additional Base

- Section 2: 280' L x 30' Average W

- Above pricing includes Tack Coat.

- Unless expressly offered otherwise as part of this proposal, the prices, terms and conditions of this proposal are contingent upon S&S receiving the scope of work as quoted in this proposal, as a complete package. We reserve the right to equitable adjustments, if necessary, for division of the subcontracted work into packages other than those offered in our proposal.

- This proposal is contingent upon the abilities of the Parties to agree upon equitable contract terms & conditions and the credit approval, by S&S, of the Contractor.

City of Niles, Ohio

SPONSORED BY: FINANCE COMMITTEE
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 66-25

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE USE OF AN EMPLOYEE DISHONESTY AND FAITHFUL PERFORMANCE OF DUTY POLICY FOR ELECTED OFFICIALS AT THE CITY OF NILES REQUIRED TO BE BONDED; AND DECLARING AN EMERGENCY

WHEREAS, the City of Niles is a member of the Public Entities Pool (PEP), a political subdivision risk pool established pursuant to Ohio Revised Code hereinafter "ORC," 2744.081; and

WHEREAS, House Bill 291, was signed into law on December 20, 2018 and became effective March 20, 2019, which authorizes the use of an "employee dishonesty and faithful performance of duty policy," instead of individual surety bonds, for trustees, employees, and appointees who are otherwise required by law to acquire a bond before entering upon the discharge of duties; and

WHEREAS, in accordance with ORC 3.061, the "political subdivisions", (meaning counties, townships, "municipal corporations," including villages and cities) must adopt a policy by resolution to allow the use of an "employee dishonesty and faithful performance of duty" coverage document, rather than a surety bond, to cover loss by fraudulent or dishonest actions of employees and failure of employees to faithfully perform duties; the following should apply to the policy:

1. An officer, employee, or appointee shall be considered qualified to hold the office or employment, without acquiring a bond, on the date the oath of office is taken, certified, and filed as required by law.
2. An officer, employee, or appointee shall have the employee dishonesty and faithful performance of duty policy in effect before the individual's term of office or employment and the officer, employee or appointee shall not commence the discharge of duties until coverage is documented.
3. All officers, employees, or appointees who would otherwise be required to file a bond before commencing the discharge of duties shall be covered by and are subject to the employee dishonesty and faithful performance of duty policy instead of a surety bond requirement.
4. The coverage amount for an officer, employee, or appointee under an employee dishonesty and faithful performance of duty policy shall be equal to or greater than the maximum amount of the bond otherwise required by law.
5. Elected officials, prior to taking the oath of office and holding office, shall obtain approval of the intent to use the PEP coverage agreement and affirm that the public entities coverage complies with ORC 3.061. Said approval shall be obtained by the City of Niles in Trumbull County, Ohio.

WHEREAS, the City of Niles' "employee dishonesty and faithful performance of duty policy" through the PEP coverage document complies with ORC 3.061; and

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

SECTION 1: The City of Niles is hereby authorized to purchase and use "employee dishonesty and faithful performance of duty policy" through PEP instead of

individual surety bonds for officers, employees, and appointees who are otherwise required by law to acquire a bond before entering upon the discharge of duties.

SECTION 2: That this Resolution is hereby declared to be an emergency measure in the interests of the public health, safety and welfare so that officials may comply with Ohio Revised Code requirements. As such an emergency measure, this Resolution 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 _____, 2025,
and approved by me as such Mayor this _____ day of _____, 2025.

MAYOR

City of Niles, Ohio

SPONSORED BY: FINANCE
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 68-25

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING BUDGET LINE-ITEM TRANSFERS FROM THE PARK FUND 221; AND, DECLARING AN EMERGENCY

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

SECTION 1: That Council hereby authorizes the following Budget Line-Item Transfers from the Park Fund 221:

APPROPRIATION BUDGET TRANSFER			
FUND	ACCOUNT NUMBER	DESCRIPTION	Appropriation
221 - Park	221-2121-55350	Maintenance Materials	-\$8,000.00
221 - Park	221-2121-56300	Equipment Purchases	\$8,000.00

SECTION 2: This Ordinance is hereby declared to be an emergency measure in the interest of the public health, safety, and welfare for the reason that these funds are immediately needed for City financial obligations. As such an emergency measure, this Ordinance shall take effect immediately 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 _____, 2025,
and approved by me as such Mayor this _____ day of _____, 2025.

MAYOR

City of Niles, Ohio

SPONSORED BY: PUBLIC GROUNDS
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 69-25

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY OF NILES TO CONTRACT WITH THE TRUMBULL COUNTY COUNCIL OF GOVERNMENTS TO PERFORM ENGINEERING DESIGN SERVICES THROUGH THE TRUMBULL COUNTY ENGINEER'S OFFICE FOR WADDELL PARK BOWL TRACK PROJECT; REPEALING RESOLUTION 03-25; AND DECLARING AN EMERGENCY

WHEREAS, the City of Niles desires to pursue a track resurfacing for the Waddell Park Bowl; and

WHEREAS, the Council of Governments, in coordination with the Trumbull County Engineer's Office, can provide these services at a minimal cost;

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

SECTION 1: The City of Niles is hereby authorized to contract with the Trumbull County Council of Governments, in coordination with the Trumbull County Engineer's Office, for engineering design services for the Waddell Park Bowl Track project.

SECTION 2: The Clerk of Council is hereby directed to forward a certified copy of this resolution to the Trumbull County Council of Governments.

SECTION 3: Resolution 03-25 is hereby repealed in its entirety.

SECTION 4: That this Resolution is hereby declared to be an emergency measure in the interests of the public health, safety and welfare so that the projects may commence within the 2025 calendar year. As such an emergency measure, this Resolution 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 _____, 2025,
and approved by me as such Mayor this _____ day of _____, 2025.

MAYOR

City of Niles, Ohio

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

DRAFT NO. 62-25

RESOLUTION NO. _____

A RESOLUTION ADOPTING THE UPDATED GAS USE POLICY FOR THE CITY;
AND, DECLARING AN EMERGENCY

WHEREAS, the City updated the Gas Use Policy. (See attached).

WHEREAS, in furtherance of the administration's executive function Council desires to authorize the administration to update the policy as necessary to meet the needs of the City.

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

SECTION 1: That Council hereby approves the updated Gas Use Policy, a copy of which is attached hereto and authorize the administration to update the policy in the future as necessary to meet the needs of the City.

SECTION 2: This Ordinance is hereby declared to be an emergency measure in the interests of the public health, safety and welfare, for the reason that it is imperative that the updated Gas Use Policy be adopted as soon as possible to give proper guidance to City officials and employees. 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 _____, 2025
and approved by me as such Mayor this _____ day of _____, 2025.

Mayor

The City of Niles

Gasoline policy

Responsible Division- Office of the Mayor
Responsible Officer- Director of Public Service/Safety

January 23, 2019

Next Review- 2028

Policy Statement:

The City of Niles will properly follow specified procedures for allocating gasoline to City employees, both full and part time for official City business. The City of Niles shall provide gasoline for City-owned vehicles, as well as personal vehicles used for conducting City business. Standards of personal and professional ethics, applicable laws and regulations, appropriate utilization of resources, and the best interest of the City of Niles govern such participation. This Policy is not all-inclusive. If in doubt or a question arises, please consult with the City Law Director.

Procedure:

Any City of Niles employee must complete an "Approval/Acknowledgment" form, signed by the Director of Public Service before being issued a gasoline fob by the IT Director. All forms will be maintained by the Human Resource Generalist.

Gasoline fobs are the responsibility of the employee. Any lost, stolen, or misplaced gasoline fob must be reported immediately to the employee's immediate supervisor. Upon separation from The City of Niles, employees must return the gasoline fob to the IT Director for deactivation.

Gasoline fobs are only to be used by the employee assigned to that fob, for the purpose of discharging gasoline into city-owned vehicles and equipment or for employees authorized by the administration to use their personal primary vehicle for official city business. The City of Niles has the right to remove/deactivate an employee gasoline fob for misuse.

Meter Readers shall be eligible for a gasoline allowance for the use of their personal vehicle while discharging official City business, in accordance with the current AFSCME Collective Bargaining Agreement. Such allowance shall consist of a maximum of fifteen (15) gallons of gasoline per week.

Full and Part-Time, non-bargaining, non-elected employees designated by the Administration, and as determined by the City's Vehicle Use policy, shall have a City vehicle assigned to them for use while discharging official City business. If there is a temporary need for such an

employee to use their personal vehicle, a gasoline allowance amount will be determined by the Administration.

Full-time non-bargaining, non-elected employees required by the administration to utilize their personal vehicles while discharging official City business, shall be granted a gasoline allowance of up to a maximum of fifteen (15) gallons of gas per week.

Part-time non-bargaining, non-elected employees required by the administration to utilize their personal vehicles while discharging official City business, shall be granted a gasoline allowance of up to a maximum of twelve (12) gallons of gas per week.

For purposes of this policy, a week is defined as the seven (7) day period from Sunday through Saturday.

City employees who utilize a city issued gasoline fob, pursuant to this policy are only authorized to discharge gasoline into city owned vehicles, equipment or transport containers.

City employees pursuant to this policy are prohibited from discharging gasoline, intended for personal vehicle use, into any gasoline container for transport purposes, notwithstanding the above.

The Office of the Mayor/Auditor shall monitor all gas slips, reports and inventory on a monthly basis. Restitution and discipline up to and including termination are subject to internal audits.

In accordance with this Policy, Ohio Revised Code, and pertinent Collective Bargaining Agreements, employees who are found to have violated the policies set fourth or if there are any indications or misconduct involving city-owned gasoline, may be subject to disciplinary action up to and including termination and/or possible referral for criminal charges.

**Employees are covered by City liability insurance. It is recommended that each employee using their personal vehicle for official city business consult with their personal liability auto carrier.*

Approved:

Amended: 3-20-25

THE CITY OF NILES
Approval and Acknowledgment
of the
Gasoline Policy
3-20-25

I, _____, have received and reviewed the Gasoline Policy. I understand that I am required to abide by the policy and may be subject to discipline up to and including termination for violations and/or possible referral for criminal charges. I hereby certify under the penalty of law that the fuel I obtain will only be used in conjunction with my job duties for the City of Niles. I realize any question concerning my conduct or use of gasoline should be addressed to my immediate supervisor.

Signature

Date

Director of Public Service

Date

For IT department use:

Position Title: _____

FOB Number: _____

Issue Date: _____

Return Date: _____

City of Niles, Ohio

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

DRAFT NO. 67-25

ORDINANCE NO. _____

AN ORDINANCE ENACTING NILES CODIFIED ORDINANCE (NCO) CHAPTER 169.01, INVALID TERMS AND CONDITIONS IN CITY CONTRACTS; AND DECLARING AN EMERGENCY

WHEREAS, the administration is continuously presented with terms and conditions in contracts that are not beneficial to the City and/or outright against the law for the City to accept; and

WHEREAS, the State of Ohio has codified invalid terms and conditions in ORC 9.27; and

WHEREAS, Council desires to incorporate the same restrictions in City contracts as enumerated in ORC 9.27 by enacting NCO 169.01 et seq

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

SECTION 1: Niles Codified Ordinance 169.01 shall state the following:

- (A) As used in this section, "City" shall mean the City of Niles, including the Mayor, auditor, law director, and treasurer, and all departments, offices, and other instrumentalities of the City of Niles, but not including the legislative authority or any or any court or judicial agency.
- (B) Except as otherwise required or permitted by state or federal law, a contract entered into by the City for the procurement of goods or services shall not include any of the following:
- (1) A provision that requires the City to indemnify or hold harmless another person, including any provisions requiring the City to pay attorney's fees and costs of the opposite party for any reason.
 - (2) A provision by which the City agrees to binding arbitration or any other binding extra-judicial dispute resolution process.
 - (3) A provision that names a venue for any action or dispute against the City other than a court of proper jurisdiction in Trumbull County, Ohio.
 - (4) A provision that requires the City to agree to limit the liability for any direct loss to the City for bodily injury, death, or damage to property of the City caused by the negligence, intentional or willful misconduct, fraudulent act, recklessness, or other tortious conduct of a person or a person's employees or agents, or a provision that would otherwise impose an indemnification obligation on the City.
 - (5) A provision that requires the City to be bound by a term or condition that is unknown to the City at the time of signing a contract, that is not specifically negotiated with the City, that may be unilaterally changed by the other party, or that is electronically accepted by a City employee.

- (6) A provision that provides for a person other than the law director to serve as legal counsel for the City.
- (7) A provision that is inconsistent with the City's obligations under section 149.43 of the Revised Code.
- (8) A provision for automatic renewal such that City funds are or would be obligated in subsequent fiscal years.
- (9) A provision that limits the City's ability to recover the cost of cover for a replacement contractor.
- (C) If a contract contains a term or condition described in division (B) of this section, the term or condition is void ab initio, and the contract containing that term or condition otherwise shall be enforceable as if it did not contain such term or condition.
- (D) A contract that contains a term or condition described in division (B) of this section shall be governed by and construed in accordance with Ohio law notwithstanding any term or condition to the contrary in the contract.
- (E) This section does not apply to a contract in effect before the effective date of this section or to the renewal or extension of a contract in effect before the effective date of this section.

SECTION 2: This Ordinance is hereby declared to be an emergency measure in the interest of the public health, safety and welfare, and so that the changes may be in effect as soon as possible as the City is procuring goods and services regularly. As such an emergency measure, this Ordinance shall take effect 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 _____, 2025 and signed by me as such Mayor on the _____ day of _____, 2025.

MAYOR