

MINUTES

Niles City Council held its regular meeting Wednesday, March 7, 2007 at 6:00 p.m. in Council Chambers, Safety-Service Complex, Niles, Ohio. The meeting was called to order by President Robert Marino, and the Clerk; Linda A. Yuhasz called the roll:

Lastic-P; Papalas-P; Scarnecchia-P; Cox-P; Stredney-P; Papas-P; Wilkerson-P; Marino-P

It was moved by Stredney, seconded by Wilkerson to accept the Minutes of the regular meeting of February 21, 2007 and place them on file. Motion carried.

REPORTS AND COMMUNICATIONS

FROM: Mr. James Sylvester

A letter asking to be reappointed to the M.V.S.D. Board for the next three year term. It was moved by Stredney, seconded by Lastic to accept the letter and place it on file. Motion carried.

FROM: The Cemetery Department

The February 2007 Sales Report

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

FROM: The City Income Tax Department

The Monthly Receipts thru February 2007.

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

FROM: The Building and Zoning Department

The Housing Code Monthly Report for February 2007

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

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Donna Hinkle, 1695 Timber Court, Niles, Ohio: First of all I would like to thank the Mayor for helping; I couldn't get anything done without him. I live in Sliwinski's apartment and it is full of mold and I can't get anything done and he won't repair the roof. It leaks from my apartment clear down to the bottom floor. Nancy lives on the other side and her roof is starting to leak now and my apartment was the only one that got condemned and I can't understand why the whole complex isn't.

Mayor Infante: The reason why because is the only complaint we had was on your apartment Mrs. Hinkle. If we have complaints on the other ones we will definitely go and check those out to see if there is any mold in those.

Nancy Williams 1695 Timber Court, Niles, Ohio: I would like my apartment checked for mold also because now there are spots on my roof and when I moved in there was plaster (inaudible) and now I know that it was leaking previous to me moving in.

President Marino: Is it possible, Mayor, for Mr. Yovich to inspect all of those or do we have to go case by case or because of this circumstance?

Mayor Infante: He answers by complaint so the only one we knew was Mrs. Hinkle's.

President Marino: How many apartments are in the complex?

Nancy Williams: Six and he gets away with this all the time.

President Marino: Maybe we can have the Mayor inspect all of them?

Mayor Infante: Absolutely.

Councilman Scarnecchia: Mayor, what department checks for mold, health or ...?

Mayor Infante: Steve Yovich does this.

Councilman Scarnecchia: We do have, if they do find mold, we do have strict rules don't we?

Mayor Infante: What Steve does is that he will condemn the apartment or the home or whatever it may be. Then he will call the owner and site him in court until they repair it and get it all fixed and cleaned up. Then it has to be inspected before somebody moves in.

Councilman Scarnecchia: What about the people that are living in there? Do we have any recourse or does he have to move them some where?

Mayor Infante: I think that would be up to Mrs. Hinkle as far as that goes.

President Marino: Terry, do the tenants have legal recourse against a landlord concerning..?

Law Director Dull: There is through the Municipal Court. There is a procedure where if you put the landlord on notice that there is a problem, you give them a specific amount of time to straighten the problem out and if they don't the rent starts to get paid to the court and the money is held there until the problem gets straighten out by the landlord. So, that is another alternative to working with the housing department.

President Marino: Do the tenants have to pursue that on their own to meet with the prosecutor?

Law Director Dull: It is something they have to go to the clerk's office and talk to them about that, they will explain the procedure to you. You don't actually go through the prosecutor but you go through the clerk's office and they will explain the procedure. It will be something where within a fair amount of time rent will actually be withheld from him until the problem gets fixed.

President Marino: The Clerk's Office, the Clerk of Court is who you will meet with in this building.

Donna Hinkle: I got condemned and I have to leave within thirty days, less than thirty days. This is the mold (showing a picture) that I took that is floating around my room. I am sick from it. It has been leaking since May. I have been asking him since May to fix it. It was just a small spot in the bedroom ceiling and now it is everywhere. I mean they tore the wall off behind the plaster board. He wants to put dry green board up and not even fix the roof and I won't let his workers in my apartment.

Kim Lokash, 1804 Cardigan Street, Niles, Ohio: My question is the Board of Health can not help me with any of these problems, we called Trumbull County and The City of Niles Board of Health and all they keep doing is referring me back to the building inspector. Also, here she has to live in this apartment, getting sicker and sicker each day. Her dog is on its death bed. Why can't somebody help her move into a motel while she is trying to find a place to live and pack up all of her belongings? I just don't understand why nobody gave her the time of day until it took the Mayor to call the Building Inspector. The building was condemned I believe two years ago and you have thirty days to fix all these problems and all these apartments, nobody came back and re-inspected it or anything. Now he is back to the same old filth. If you walked into the building it would make you sick. I probably have a mold in my system as well because I have been up there trying to help her. Her son probably has it because once it's in your home it is in your system. ProLab does all the test kits, we haven't got the results yet, we will probably get them back next week. I just don't understand why people don't find that this is such a big issue but it is.

President Marino: Ma'am I don't mean to interrupt you but I don't believe anyone in this room would not find it to be a big issue. I think that the Mayor, his administration and I certainly believe that all seven members of Council take these matters very seriously. As our law director pointed out there are legal recourses. Our department head from the health department is here, Mike can you shed any light on what she shared with..?

Kim Lokash: May I add something before he does? My thing is that no matter who we spoke to and I am not talking about the Mayor or the Building Inspector, no matter who we tried to talk to about this nobody was giving her or us any kind of insight of where to go and what to do in almost a year now. I guess that was the point I was trying to make.

President Marino: I don't want you to take this in a disrespectful manner but if this has been leaking for that long it may have been wise to move out a lot sooner before it got this bad. That is just my own personal opinion.

Donna Hinkle: I didn't realize that is was that bad.

President Marino: I understand and I don't want to get into a dialogue with you.

Nancy Williams: It is only because the landlord wouldn't take the responsibility to come and do his part to take care of the problem when it was happening. He... that is all I have to say.

Councilman Lastic: Do you have a place now to go to?

Nancy Williams: She just found an apartment today, but she can't move in for a while.

Councilman Lastic: Will you be moved before the end of the month?

Donna Hinkle: At the end of the month.

Councilman Lastic: Our Community Services did you contact anybody there, ministers?

Donna Hinkle: Sliwinski has a lot of apartments so he does this all over and he has been in court numerous times and nothing ever seems to happen.

Nancy Williams: She has tried Community Services as well.

Councilman Lastic: Did they give her any directions?

Nancy Williams and Donna Hinkle both were speaking at the same time. One of them replied that they didn't receive any help from Community Services.

Councilman Lastic: No direction at all.

Nancy Williams and Donna Hinkle replied none.

President Marino: Jean Williams didn't offer you any help? I am on the Board of Directors for Niles Community Services so...

Mr. Mike Burke: I have talked to Mrs. Hinkle a couple of times and I have referred her back to the Building Inspection Department because they are responsible for the inspections of rental property. I believe that is why the building was condemned because there was a problem there so it's not like nothing was done. We have no idea what kind of mold is present in the building. What we do is refer a person to private entities that is all we can do. We have no way of going into the building and monitoring the mold.

Nancy Williams: You are with the Board of Health and you can't go into a building and try and go to these apartments?

Mr. Mike Burke: It is not always the toxic mold present. We are told by The State of Ohio EPA to go ahead and eliminate the leaks first then if that doesn't take care of it they will go ahead and monitor the mold.

Donna Hinkle: But, he doesn't take care of the leaks, he had seven days to fix and he said that he fixed it and it has leaked three times since and has gotten worse.

Nancy Williams: It is through the whole building and a few have water.

Mr. Mike Burke: I think we should call Mr. Yovich and ask him if he could bring the people in to do the testing.

Nancy Williams: You could go to Home Depot and for \$9.99 get a mold test there. That is how we tested Donna.

Mr. Mike Burke: I am not an expert in that. (The rest was inaudible)

Nancy Williams: We are going to find out the next few days what kind of mold she has.

Donna Hinkle: I am sick I am off on leave.

Mr. Mike Burke: It could be from that, it very well could be.

Councilman Scarnecchia: Mr. President, I think that it is appalling to think of this, this young lady here has mold and is ill and in the sense it takes so much time. I have seen in other communities when mold arises in homes I have seen the city come up and board up the house. I don't know what they do with the tenant or the owner but even if it takes a law because we do have homes with mold. I know some in Niles, even if it takes another law for us. For the health of these people maybe we ought to take a look at that.

Nancy Williams: I just feel that she should have been out of there and had somebody help her find a place to live.

Councilman Scarnecchia: Well for her she is going to have a civil case, I can see that. I am saying for anybody in the future in a home where there is mold then we can take immediate action because it definitely is a serious health concern.

Terry Irwin of 1695 Timber Court, Niles: These landlords in this community seems to be a lot of apartments where people rent their homes out, it seems to be going that way in this community because of times of economic conditions. These landlords they know where they can get underneath the wire. This gentleman is in court, in and out tons of times and nothing get resolved with this guy because he knows what he can get away with. I think that is the problem with this whole process that you need to address that to check out these laws that these people know what they can get away with. It is a hundred dollar fine and they don't care. That is the only thing I have to say about this.

Law Director Dull: My experience with the Housing Department when something has been brought to their attention they try to get their attention the best way they can. The biggest hammer we have is condemning the building. Take for example there is a mortgage on that property and all the tenants end up moving out it is likely the landlord is going to end up losing that property. That is our biggest hammer is condemning the property.

Fire Chief Brown: As the Fire Chief appointed to the Housing Board I haven't even been to a meeting yet and I would like to clarify who the landlord is. I know I have some meetings coming up.

Donna Hinkle: John Sliwinski. He is the senior.

President Marino: Well ma'am the Mayor has told you his department heads will be out to inspect the facility and pursue it to the extent that our ordinances and laws permit. Hopefully, it will be resolved and he fixes it and you can have a safe place to live. You are moving out, that is our goal to provide for you a safe place for you to live. We appreciate your comments and I feel very badly that you had to go through this.

Nancy Williams and Donna Hinkle thanked the Mayor and City Council for their time.

COMMITTEE REPORTS

None

ORDINANCES AND RESOLUTIONS

RESOLUTION NO. ____ (Draft No. 11-07)

A RESOLUTION REAPPOINTING JIM SYLVESTER TO THE BOARD OF DIRECTORS TO THE MAHONING VALLEY SANITARY DISTRICT

It was moved by Papalas, seconded by Papas that this Draft be adopted.

YEAS: 7 NAYS: 0

This Draft No. 11-07 has been adopted this 7th day of March, 2007.

Mr. Jim Sylvester: Thank you very much I appreciate your support and we will do the best we can for the City of Niles. We do have some issues we are going to bring to council very shortly.

ORDINANCE NO.____ (Draft No. 12-07)

AN ORDINANCE AMENDING IN PART CODIFIED ORDINANCE NO.191.05(C) TO CLARIFY PROCEDURES FOR A REQUEST TO THE CITY INCOME TAX

DEPARTMENT FOR AN EXTENSION OF TIME TO FILE A MUNICIPAL INCOME TAX RETURN; REPEALING EXISTING CODIFIED ORDINANCE NO. 191.05(C); AND, DECLARING AN EMERGENCY

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

Treasurer Robert Swauger: Basically what this will do is at the present time our ordinance reads that if a customer files or a resident files an income tax extension with the IRS they don't have to give it to us until they come and file their income tax. So, this will make it more inline with the IRS rules, the extension letter has to be filed by our tax filing deadline so that we can make the adjustments in our computer system. Just to get it more inline with IRS rules.

Councilman Scarnecchia: Our tax form is not online right?

Mr. Swauger: Yes it is.

Councilman Scarnecchia: It was put on in January?

Mr. Tom Telego: It has been on for three years.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Papalas, seconded by Stredney that this Draft be adopted.

YEAS: 7 NAYS: 0

This Draft No. 12-07 has been adopted on this 7th day of March, 2007.

MISCELLANEOUS REMARKS

Fie Chief Brown: I actually passed my chief's test so I am official and apparently you are going to have to deal with me for awhile.

City Council and everyone in Council Chambers congratulated Chief Brown.

Treasurer Swauger: Thank you for passing this tonight.

Mr. Carmen Vivolo asked the press to print the news release concerning the city spring cleanup in the cemetery.

Councilman Papalas: Mr. Chairman I would like to try and arrange a meeting with the mayor's office with Mr. Robertson with the county. We left off with our discussion on that Land bank and what we are going to do with the various parcels we have since we demolished almost sixty homes. The name Robertson was given to us by Mr. Keys as somebody who may be able to further help us in deciding what to do. Mayor, would you try to set that up, do you want me to call you to tomorrow? Let us try to do it on a Wednesday; maybe we will have a round table instead. I will get in touch with everyone and Linda.

Mayor Infante: Okay.

Councilman Scarnecchia: I would like to personally congratulate Chief Brown and I hope that you have fifty year tenure over there.

Councilman Stredney: Mr. Hess I got a few complaints about the bridge at the end of Fifth Street and I was wondering if you could contact the railroad and see if we can get anything done?

Mr. Mark Hess: What were the complaints, the loose boards?

Councilman Stredney: The loose boards and it being very uneven. I guess they replaced a few of them over the years and they are not all there.

Mr. Mark Hess: Yes we generally contact them usually once a year to come out and do that. Last year we contacted them and they had indicated to us that they were preparing plans to replace that bridge soon. That will be something that we would welcome, but I will give them a call and I will get back to you.

Councilman Wilkerson: Congratulations to Chief Brown and Mr. Sylvester.

It was moved by Stredney, seconded by Papas to adjourn this meeting at 6:28 p.m.
Motion carried.

Linda A. Yuhasz, Clerk of Council

Robert Marino, President of Council

