

MINUTES

Niles City Council held its regular meeting of August 24, 2011 at 6:00p.m.in Council Chambers Safety-Service Complex in Niles, Ohio.

The meeting was called to order by President Robert Marino, and the Clerk; Linda A. Yuhasz called the roll:

Lastic-P;Papalás-P;Giancola-P;McCormick-P;Stredney-P;Papas-P;Wilkerson-P;Marino-P

It was moved by Stredney, seconded by Papas to excuse the absence of Mayor Infante. Motion carried.

It was moved by Wilkerson, seconded by Lastic to accept the Minutes of the July 6, 2011 meeting and place them on file. Motion carried.

REPORTS AND COMMUNICATIONS

FROM The Auditors Office

The 2nd Quarter Status Reports 2011

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

Motion carried.

FROM The City Income Tax Office

The Monthly Receipts Totals thru July 2011

It was moved by Stredney, seconded by Giancola to accept the report and place it on file.

Motion carried.

FROM The Ohio Division of Liquor Control

A transfer of a permit from Little Tony's Pizzeria to The Stone yard Grill & Tavern

It was moved by Stredney, seconded by Papas to refer this to the chief of police and safety director for their report and recommendation. Motion carried.

FROM Donna Dickey

A postal worker asking for support in stopping the closing of the Youngstown Processing and Distribution Plant of the Youngstown Post Office.

It was moved by Papalás, seconded by Giancola to accept the report and place it on file.

It was moved by Papalás, seconded by Lastic to draft a resolution sponsored by Council as a Whole for the next meeting opposing the closing of the Youngstown Processing and Distribution Plant of the Youngstown Post Office. Motion carried.

FROM The Geauga-Trumbull Solid Waste Management District

A notice of a public hearing on Sept. 19, 2011 concerning designation of facilities for the receipt of solid waste.

It was moved by Papalás, seconded by Papas to accept the report and place it on file.

Motion carried.

FROM Jean Waris, Co-Chair MVOC Human Trafficking Core Team

A letter acknowledging Councilman Stredney, Mayor Infante and Law Director Dull for their support.

It was moved by Stredney, seconded by Lastic to accept the letter and place it on file.

Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Mr. Barry Steffey, 511 West Third Street, Niles informed council that the block watch on the south side was going very well and they have a lot of neighborhood involvement. Mr. Steffey is trying to clean up his neighborhood which includes Garfield School. He wants to know if they can trim back the hedges along the school where fires are started because it is hidden from view. He knows that it is private property and doesn't want to break the law so he is asking for councils help in the matter. Mr. Steffey brought a bag of debris from one of his clean ups from the old Garfield School down to the police station. It contained drugs and drug paraphernalia. He doesn't think that the police are doing enough to stop the loitering around the school. He says that there is loitering all day and when the police go by he doesn't know if they don't stop because it is private property. Mr. Steffey thinks the owner should be held accountable and that the city should find funding to tear the building down. Mr. Steffey tried to file charges with the prosecutor to try to clean up the neighborhood and found that it was a very troublesome system. The prosecutor is only available on Monday, Wednesday and Friday for a half a day. Mr. Steffey was fifth on the list and had to leave after waiting four hours. He was not able to file charges.

Councilman Papalas: I have a question to ask about that, this is the first time I heard that. Terry, if the prosecutor can't address some ones concerns can't they come and see you?

Law Director Dull: That is what we have done in the past, usually the clerk's office will call me and ask if this person can come and see me.

Councilman Papalas: Yes because we can't turn citizens away.

Law Director Dull: Barry, I will get your phone number and we can get something set up.

Councilman Papalas: You better set something up at the court, I am sure that if it happened to him it has happened to other people.

Mr. Anthony Vigorito: I was in contact with the property owner approximately a month and a half ago. The fire chief and I went in because we had a report of a fire inside the building. The doors were wide open so we went in and investigated it and there was a fire inside. I contacted the owner who lives in Chicago and I told him to send someone over to get the building boarded up and nothing happened. I hired someone to board it up and I assessed their taxes. I am sure Mike Burke does the same with the grass cutting.

Mr. Steffey: We mow the grass because we only do it every few weeks and we don't mind. But the drugs and everything that is going on, when the sun goes down every night there are four or five people there. Then, we have to go and clean it up every night. It is not my job to go and confront these kids. I don't think that the police are enforcing the no littering because it is private property. We are trying to find out what avenue to take to get it corrected.

Mr. Vigorito: I know the owner is trying to sell it because it didn't work out what they wanted to do. We gave them a zone change so that they could utilize the building and it didn't pan out. I was going to recommend to council to revoke the zone change ,but it is RA at least we have some kind of control on what goes into that building afterwards.

Councilman Papalas informed Mr. Vigorito that the rezoning was built into the ordinance and that we should look into tearing it down even though the asbestos issue would have to be

addressed. Why don't we treat it like a vacant house that's dilapidated? Why don't you send him a letter and tell him that we are about to address tearing the place down?

Mr. Vigorito: I will do that.

President Marino asked Law Director Dull if the city was permitted to go on their property and cut the trees. Mr. Dull said only if the trees are interfering with a public sidewalk which these trees are not. Councilman McCormick stated that these trees are not on the public sidewalk, they are on the side that goes back into the building that doesn't impede anyone from getting into the building.

Linda Bennett, of 1669 Sunny Estates, Niles asked Law Director Dull about the progress he has made with the commercial code. Mr. Dull and Mr. Vigorito are going to set up a meeting with the Safety Committee Chairman in the next week or so to discuss the general direction of (inaudible). She also questioned a downtown business that wasn't in compliance with the ordinance concerning tires. Mr. Vigorito has asked the business to store the tires around the back of the shop and purchase a metal container to store them in but he hasn't complied. He discussed it verbally with him so the next step will be to send him a letter.

COMMITTEE REPORTS

None

ORDINANCES AND RESOLUTIONS

RESOLUTION NO. ___ (Draft No.38-11)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED GENERAL FUND TO THE REFUNDS ACCOUNT IN THE BUILDING AND ZONING DEPARTMENT; AND DECLARING AN EMERGENCY

It was moved by Papalás, seconded by Papas to suspend the rule requiring three readings.

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

This Draft No. 38-11 has been adopted on the 24th day of August, 2011.

RESOLUTION NO. ___ (Draft No. 39-11)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED SEWER FUND TO THE OPERATIONAL SUPPLIES ACCOUNT IN THE SEWER DEPARTMENT; AND, DECLARING AN EMERGENCY

It was moved by Papalás, seconded by Lastic to suspend the rule requiring three readings.

NAYS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

This Draft No. 39-11 has been adopted on the 24th day of August, 2011.

ORDINANCE NO. __ (Draft No. 40-11)

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$7,500,000 TO PAY COSTS OF (i) CONSTRUCTING, FURNISHING AND EQUIPPING A MULTIUSE INDOOR MUNICIPAL RECREATION FACILITY AND THE SITE THEREOF, (ii) IMPROVING THE CITY'S WATER SYSTEM BY THE CONSTRUCTION OF A PUMP STATION, WATERLINES AND ALL NECESSARY APPURTENANCES, AND (III) IMPROVING THE CITY'S SANITARY SEWER SYSTEM, INCLUDING ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY

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

Councilman Papalas told council that instead of going out for a note, this is a twenty year bond and over its life we will save the city a substantial amount of money and it also decreases our annual budget by about \$7,000,000. The city is locked into this for seven and a half years and according to the auditor the city can pay this off earlier. Councilman Papalas told Auditor Nader that is was a good move and good work.

President Marino asked if Auditor Nader can let council know all final costs involved once it was finalized.

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

This Draft No. 40-11 has been adopted on the 24th day of August, 2011.

ORDINANCE NO. __ (Draft No. 41-11)

AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 547 TO SPECIFY THAT GRASS OR WEEDS IN EXCESS OF SIX INCHES IN HEIGHT IS TO BE CONSIDERED A PUBLIC NUISANCE

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

YEAS: 7 NAYS: 0

Rules are suspended.

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

Councilman McCormick asked Mr. Burke if this ordinance would be enough for his department to get the violations enforced and he said that it would.

YEAS: 7 NAYS: 0

This Draft No. 41-11 has been adopted on the 24th day of August, 2011.

ORDINANCE NO. __ (Draft No. 42-11)

AN ORDINANCE AMENDING CODIFIED ORDINANCE NO. 547.02 TO SHORTEN THE LENGTH OF TIME A PROPERTY OWNER IS GIVEN TO REMOVE GRASS OR WEEDS IN EXCESS OF SIX INCHES IN HEIGHT; AND, DECLARING AN EMERGENCY

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

Councilman Stredney told council that to help the Health Department address the problem sooner they shorten the length of time a property owner has to five days.

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

This Draft No. 42-11 has been adopted on the 24th day of August, 2011.

MISCELLANEOUS REMARKS

Fire Chief Brown informed council of the department's progress of the fire hydrants pressure check.

Councilman Papalas and Safety Director Guarino discussed the city's recycling bins behind the police station. Councilman Papalas remarked about the garbage that was dumped there. Mr. Guarino told Councilman Papalas that he noticed and had called them about it. Councilman Papalas remarked about installing cameras to deter dumping of garbage that wasn't recyclable.

Councilman McCormick will bring legislation in for the next meeting to help supplement the current backflow regulations and maintain compliance with the EPA.

It was moved by Stredney, seconded by Wilkerson to adjourn the meeting.

Linda A. Yuhasz, Clerk of Council

Robert Marino Jr., President of Council

