

## **MINUTES**

Niles City Council held its regular meeting of October 17, 2012 at 6:00 p.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; Papalas-P; Giancola-P; McCormick-P; Stredney-P; Merlo-P; Wilkerson-P; Marino-P

It was moved by Stredney, seconded by Wilkerson to accept the Minutes of the regular meeting of October, 3, 2012. Motion carried.

## **REPORTS AND COMMUNICATIONS**

FROM The Office of the Building Inspector

Planning Commission's letter approving Draft No. 50-12(A)

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

Motion carried.

## **MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL**

Mr. Mike Anderson, 138 West Second Street, Niles: I have a complaint about a neighbor, I thought we had an ordinance that if the police were called and the fire department were called so many times in the year they were to be fined. I have called the dog catcher a few times because they have their dog running loose every day and no one does anything. The policemen were just there Sunday to arrest one of the kids. We don't need that over there, we are trying to keep nice and quiet.

President Marino: Mr. Anderson there is a nuisance ordinance and what was the address that you are speaking of?

Mr. Mike Anderson: 313 Frances Avenue up at the end of Second Street. Every time you turn around you have police calls over there.

President Marino: I would ask if you would give consideration to Chief Hinton to allowing him to do background work tomorrow and hang around until after the meeting or excuse yourselves right now so that you can exchange phone numbers. I would like to give him some time to look to see how many calls we had because we do have an ordinance.

Mr. Anderson: Another thing I would like to know why it has taken me a year and a half to get title for my property.

Law Director Dull: Mr. Anderson bought one of the first Land Bank lots and the first time through there was an issue on how exactly we have to clear things with the county auditor. It has been very long and I do apologize for that. I think that I am down to the last step or two in getting that cleared up.

Mr. Anderson: It shouldn't have taken that long, almost two years. I paid my money for a clear title to the property and now I can't do anything with it.

President Marino: Terry when do you think that will be wrapped up so that he has a title?

Law Director Dull: I just have to check one thing out with the county auditor, I think I have your phone number and I can call you one week from today and let you know what the status is.

Mr. Anderson: You can call me anytime I always have my phone with me.

Chief Hinton replied but it was inaudible.

### **COMMITTEE REPORTS**

None

### **ORDINANCES AND RESOLUTIONS**

#### **ORDINANCE NO.\_\_(Draft No. 50-12A)**

**AN ORDINANCE ADDING NEW CODIFIED ORDINANCE SECTION NO. 1157.17 TO PROHIBIT THE CONSTRUCTION AND/OR OPERATION OF LANDFILLS, TRANSFER STATIONS, MEDICAL WASTE FACILITIES, TOXIC MATERIAL DISPOSAL FACILITIES, FACILITIES FOR THE TREATMENT OF SOIL CONTAMINATED BY PETROLEUM PRODUCTS OR HAZARDOUS SUBSTANCES, AND SALTWATER INJECTION WELLS AND INJECTION WELLS FOR ANY OTHER WASTE MATERIALS PRODUCED IN ASSOCIATION WITH OIL AND NATURAL GAS DRILLING WITHIN THE CITY; AND, DECLARING AN EMERGENCY**

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

Councilman McCormick: Who would that be administered by, is that something the police department would do or what department would that fall under if we would enforce that?

Law Director Dull: Because that's now a zoning ordinance it would be enforced through the zoning department.

**YEAS: 7    NAYS: 0**

Rules are suspended.

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

**YEAS: 7    NAYS: 0**

This Draft has been adopted on the 17<sup>th</sup> day of October, 2012.

#### **ORDINANCE NO.\_\_(Draft No. 57-12)**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE TO ADD A NEW SECTION REQUIRING THE REMOVAL OF GRAFFITI BY OWNERS AND/OR OCCUPANTS OF PROPERTY; AND, DECLARING AN EMERGENCY**

It was moved by Stredney, seconded by Merlo to give this Draft a seconding reading.

**YEAS: 7    NAYS: 0**

Draft No. 57-12 has received a second reading.

**ORDINANCE NO.\_\_(Draft No. 58-12)**

**AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO AN EXTENSION OF THE LEASE AGREEMENT FOR SIXTY-THREE MONTHS WITH TOSHIBA CORPORATION FOR NINE PHOTOCOPYING SYSTEMS FOR THE VARIOUS DEPARTMENTS OF THE CITY; AND, DECLARING AN EMERGENCY**

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

Councilman Papalas: I have discussed this with Auditor Nader and briefly with the Mayor today and as Auditor Nader explained it's a fine way to save money and I am all for this.

**YEAS: 7    NAYS: 0**

Rules are suspended.

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

**YEAS: 7    NAYS: 7**

This Draft No. 58-12 has been adopted on the 17<sup>th</sup> day of October, 2012.

**ORDINANCE NO.\_\_(Draft No. 59-12)**

**AN ORDINANCE AUTHORIZING THE MAYOR AND THE SERVICE DIRECTOR TO ENTER INTO AN AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS FOR INDIGENT LEGAL SERVICES; AND DECLARING AN EMERGENCY**

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

Councilman Papalas told council that Draft No. 59-12 was a routine ordinance brought out every year for the public defender.

**YEAS: 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. 59-12 has been adopted on the 17<sup>th</sup> day of October, 2012.

**RESOLUTION NO.\_\_(Draft No. 60-12)**

**A RESOLUTION APPROVING THE AGREEMENT BETWEEN THE CITY AND THE FRATERNAL ORDER OF POLICE LODGE (FOP) NO. 27 REGARDING A NEW LABOR CONTRACT; AND, DECLARING AN EMERGENCY**

It was moved by Papalas, seconded by Stredney to adjourn into executive session to discuss the contract of police officers and the rank of the police department.

**YEAS: 7    NAYS: 0**

Council adjourned at 6:12 p.m. into executive session to discuss the agreement between the city and the Fraternal Order of Police Lodge (FOP) No. 27.

Council reconvened at 6:38 p.m. from executive session. The Clerk called the roll: Lastic-P;Papalas-P;Giancola-P;McCormick-P;Stredney;Merlo-P;Wilkerson-P

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

**YEAS: 7    NAYS: 0**

Rules are suspended.

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

**YEAS: 7    NAYS: 0**

This Draft No. 60-12 has been adopted on the 17<sup>th</sup> day of October, 2012.

It was moved by Papalas, seconded by Stredney to add Draft No. 61-12 to the agenda.

**RESOLUTION NO.\_\_\_\_(Draft No. 61-12)**

**A RESOLUTION REJECTING THE FACT-FINDING REPORT ISSUED OCTOBER 15, 2012 FOR THE OPBA, RANK UNIT**

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

**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. 61-12 has been adopted on the 17<sup>th</sup> day of October, 2012.

**MISCELLANEOUS REMARKS**

Mr. Vigorito: I would like to meet with the Safety Committee and the Police Chief with the new electric fences with the dog collars. Are we going to consider these fences whether we are going to allow them as restraints on dogs. I have been ending up with a lot of problems with them and they are relatively new so I would like to get a clarification.

Councilman Papalas: Relatively new? I have had mine for thirteen years, I would like to be at your little meeting to see what kind of a problem there is. Just let me know when it is.

A Safety Committee Meeting was scheduled for October 22, 2012 at 1:00 p.m. in Conference Room 1 at City Hall.

Councilman Papalas: I would like to know how that is relatively new.

Mr. Vigorito: Well within the last few years they have come out and we have no regulations on them, where they are allowed to be, where they are allowed to be placed and if we are going to allow them. The problems I have been having are we are getting bigger dogs jumping right through them. That is where we are ending up with the leash law, where we are with this issue. I have had neighbor complaints of dogs getting out of the fencing area.

Councilman Papalas: Have you talked with anyone who owns a system like this, Invisible Fence? The people in Youngstown have you called them?

Mr. Vigorito: No.

Councilman Papalas: Well if you haven't called them what do we know?

Mr. Vigorito: I just wanted to go over what we have.

Councilman Papalas: I think that you should get a representative of someone who installs these, like experts and could we have them there also on Monday so we are not running around in circles. I want an expert there.

President Marino checked with council to make sure Draft 61-12 sponsorship was Council as a Whole.

President Marino: I want to thank the Mayor and Mark Hess for the nice job they did on the grand opening of the bike trail. It was a first class dedication ceremony and thanks for all the work that you put in.

Mr. Hess: The Washington Street sewer project is completed and let's hope that nobody has any more flood problems. We were \$92,000 under budget and a lot of that was due to the cut back that we made because we had to add the water line construction. It was scheduled to be complete by the end of October so they were a couple of weeks early.

President Marino: Chuck when do you cut off spending?

Auditor Nader: We had the official letter go out October 5 and the last Board of Control for that is October 12.

President Marino: So our Status Reports based on our revenue for our various accounts should be fairly close. How long will bills lay out there so we can get a good handle on where we are at for 2012 with our unencumbered fund balances?

Auditor Nader: We still our monthly bills every month still. We should have a pretty good knowledge of our unencumbered balance by the middle of December.

President Marino: I would ask that we get a good idea of our unencumbered fund balances by the middle of November. We could project out our standard operating costs because we know what they are. The reason I ask that is at our budget hearings this year I am keenly interested in

what our appropriations are going to be and how we are going to handle that. I am also interested in our Light, Water and Sewer revenues as paid by the billing office. We will be looking at those things as we get into the middle of November. I am interested in that and if you could add some note on your auditors report for the members I would appreciate that. We have got to pay attention and we always have paid attention, but we must pay careful attention with the state cutting back and local government funds and where we are at with delinquencies on taxes. I just want to keep up on this.

Councilman Papalas: The only question I have is in regard to an Animal Control Officer, Mayor are you working on that? Are we going to address that soon? Is there anything I can tell constituents because I have had a question about cats?

Mayor Infante: I called the one we had and he is not going to be able to come back to work due to health problems so we have a couple other applications that have qualifications.

Councilman Papalas: Have you talked to them yet?

Mayor Infante: One.

Councilman Papalas: How soon do you think you can put somebody online?

Mayor Infante: Maybe next year, beginning of the year.

Councilman Stredney: Mayor and Mr. Hess I just want to say thank you, there are many happy residents down on Washington Avenue. A lot of them said that while the construction was going on the crews went out of there way to be friendly and helpful to the residents. It looks great and I am very excited. Thank you.

Councilman Papalas: I want to thank Mark Hess for the years of frustration that he endured with that bike trail. I was very disappointed I wasn't able to make the grand opening. This guy is the unsung hero because it never would have gone through if it hadn't been for his fortitude. He was tenacious with this thing, one road block after another and there were moments where really I didn't think it would ever get done.

It was moved by Giancola, seconded by Merlo to adjourn this meeting.

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Linda A. Yuhasz, Clerk of Council

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Robert Marino Jr., President of Council

