

MINUTES

Niles City Council held its regular meeting of March 20, 2013 at 6:00p.m. in Council Chambers Safety Service Complex in Niles, Ohio.

There was a moment in silence in memory of Courtney Miller, a former Niles McKinley graduate who was killed in a car crash earlier this week.

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 Lastic to accept the Minutes of the regular meeting of March 6, 2013 and place them on file. Motion carried.

REPORTS AND COMMUNICATIONS

FROM The Ohio Division of Liquor Control

A new permit request from DVino Ristorante

It was moved by Stredney, seconded by Merlo to refer the permit transfer to the safety director and police chief for their report and recommendation. Motion carried.

President Marino asked for this to be expedited as quickly as possible in light of the reconfiguration of the facility on Route 422.

Safety Director Guarino asked if there would be two liquor licenses and President Marino informed him that there would only be one now that Alberini's is closing its business.

FROM The Cemetery Board

Board minutes from the Cemetery Board Meeting of March 8, 2013.

It was moved by Giancola, seconded by Wilkerson to accept the minutes and place them on file. Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Mr. Chuck Johnstone of 145 Sheridan Ave, Niles; I have been here before and (inaudible). 206 Sheridan Avenue is deplorable. We are back to the same issues of pickup truck full of trash, garbage cans all up and down the side of the property and now they have put up a tent garage. It hides the garbage that is inside the fenced in area. The stench is so bad that you can't stand walking past the house! I know that the city went there last year to try to do something about it. Once again spring is here and the winter months are over and the smell gets worse. My neighbor Ralph actually put his house up for sale because he can't stand the deplorable condition of this house any more. We finally get nice people in the rental property and they are moving out because they can't stand even driving past the house! I don't want to sit back and

say that it is just this one house. When I look at this city and in my neighborhood alone I have got a list of homes that are actually deplorable, things that can't get done.

There is house on 422 Vine Court that has stray cats roaming underneath the porch and countless cats come through the neighborhood and spray our houses. They do whatever they want in our yards and hide out at that house. If you look in the back door of this house you can see mold, stink and the garbage that is in the back of this house.

Unfortunately Mr. Burke isn't here. Mike has always helped me no matter what I have ever gone to see him about. I haven't had the opportunity to go down and see him lately. The rental houses, a couple of them are just moving out, they are leaving the neighborhood because they don't want to live there anymore.

At 219 Hyde they put a tarp on their garage over two years ago and nobody can repair this garage or fix it and we have to have this tarp blowing in the wind whenever it storms!

At 218 Williams Street, a dumpster has been sitting in the driveway for I don't know how long and I don't know why.

At 324 Sayers Avenue it has been abandoned for almost two years and the property looks like crap. The garage needs painted bad and the house itself needs cleaned up. The property needs touched up and nobody knows how to get a hold of the owners.

The house needs torn down at 316 Chestnut, there is enough trash inside this garage, half of the garage doors are falling down and the house itself looks like nobody has lived in it for six years. I don't know about 122 Maple, but I think that is one of them that are going to be torn down. The house right next door to it at 116 Maple has junk cars, boats and different parts in the back that hasn't been moved. I have people in the neighborhood that have bought some of the abandoned property and want to build a garage on it next to their own property and they are being told that they can't. For one reason or another they just can't put up a garage even when they own both properties, they are adjacent to each other. Yet, at 142 Pleasant there is just a garage on that property and nothing else.

You have people that are actually buying abandoned property and trying to fix them up and improve the property that they own and they are being told for one reason or another that they can't build on that property.

I want to build up on my garage; I want to build eight feet up so I can store my classic vehicle that I have. I am told that I have to put up a barn style roof, I am not changing the pitch of the roof I just want to go up eight feet. They tell me that I can't do that, but this guy at 206 Sheridan he can build a tent. He can do whatever he wants and nobody says a blessed word to him!

Councilman Papalas: Who told you that you couldn't do that?

Mr. Johnstone: Mr. Vigorito told me that the only way that I could build it upward was to build a barn style roof and I don't want a barn style roof. I don't want it to look like I live out in the country.

Mr. Vigorito: That is the way it was before the rules have changed back in 2009 now you would need to get a variance to do anything higher than fifteen feet. I must have told you that five or six years ago. It had to be a while back when I told you that. As far as that man building on an empty lot I told him how he had to proceed to do that. There are rules that have to be followed all I do is enforce the rules. If he wants to do that then he has to come in and do what he needs to do, apply for a variance and it goes before the board. I don't have any authority to issue you a permit if it doesn't meet the codes in the city ordinances.

Mr. Johnstone: They are being told they can't build a garage on the property unless it is a living space.

Mr. Vigorito: That is right. You can't have an accessory used without a dwelling. So either the properties have to be joined together to do it or it doesn't get done.

Mr. Johnstone: Those people have lived there for over twenty years and all they want to do is improve the property that is next to them and they are told that they need to dig virgin soil. Wouldn't that virgin soil be gone when they tore the house down?

Mr. Vigorito: Well that is a building issue; you have to have solid ground in order to put your footers down. You can't build over fill. Again, you are getting two different issues; you are getting the zoning issue and a building issue. That is why I am in the office if they want to come down and do something; they have to follow what rules I have to give them. Unless they show me another way to do it that provides (inaudible) the building code.

Mr. Johnstone: Well at 142 Pleasant there is nothing but a garage there!

Mr. Vigorito: That property is joined with a property on Warren Avenue. That was done years ago with a variance and they called the garage because it joins another lot a dwelling.

Mr. Johnstone: If you own the property next to you isn't that adjacent property? Isn't that the same thing?

Councilman McCormick: Chuck, if you go down to have the property changed where you have lots to make them one lot then you have the property to do the building that you wanted.

Mr. Johnstone: In order to do that you have to open up your mortgage, pay for all the closing costs and pay for that all over again just because you want to build on the property to improve it.

President Marino listed all the addresses that Mr. Johnstone told council about.

Mr. Vigorito asked Mr. Johnstone if he ever filed a complaint in his office. The housing officer works twenty hours a week and is very diligent on what he does and will follow up on the written complaints. If there are issues that he can deal with by the code, he will deal with them.

Mr. Johnstone: I think that you are missing the point here. This blight is getting worse and it is not just in the six block area of my house, it's around our town. I wear my Niles hat with pride; I love the City of Niles. I lived here my entire life and I can remember as a kid coming down Main Street with Christmas lights strung from one light pole to another, now we can't even keep the bulbs lit at Christmas time. I work at Lordstown and people are coming in from out of state to work there and ask me where a good place to live is. I tell them to come to Niles, cheap utilities, and low crime rate and then they drive through town looking at all this stuff and turn around and say I don't want to live in Niles. They would rather live in Austintown, Boardman or Poland. I guess that is part of my complaint, basically we are seeing nothing but the blight of the city anymore that is just occurring over and over. Nobody even wants to drive through the neighborhood from council to look at what wards you represent and say I have to go talk to someone about this house or I will talk to someone about that house and get it straightened out.

President Marino: I can assure you we do drive the city and we do report when we see things, we do. When we become aware of things, I think we are very aggressive if we are going to compare ourselves to other cities and what other jurisdictions do. I know this town is very aggressive when it comes to housing maintenance. As a matter of fact, other communities look to us to model their ordinances after ours. Is there room for improvement, I am not going to sit

here and lie to you I have too much respect for you, absolutely! Have we dropped the ball in certain areas, absolutely we have. But, I can assure you that we will get after these things and we want Niles to be the best place to live. That situation next door to you, we have got to fix that. It seems to go on and on and I don't know why. I know Tony you will get Mr. Yovich over there. Mike Burke isn't here but I can get a hold of him. These gentlemen will be following up on this.

Mr. Ralph Stamp, 210 Sheridan Avenue, Niles talked with Councilman Papalas about his neighbor's house on Sheridan. Councilman Papalas said the city had problems with this house when they went to court.

Mr. Stamp: That house stinks so badly. The father got sick and she took him out on the porch for the ambulance people to take him and they had to throw TV's off their porch. The ambulance driver was gagging, that is how bad that house stinks.

Councilman Papalas: When you start at the lower end of Maple Avenue Mr. Yovich went a long way in cleaning some of these houses up. He went to court with a couple of them. There are other places throughout the city where Mr. Yovich has taken them to court and they have had to fix their homes or garages. We have had over one hundred sixty homes torn down because they were condemned. They are having a hearing very soon here for landlords who are appealing because Mr. Yovich has declared the house has to come down. We are working on this all the time and I am sure some of these houses are in Steve's sights. When we get this turned into him we will give you an update on it. To say that we are ignoring it really isn't true. We have been on this for years.

Mr. Johnstone: I am not saying that you are ignoring it; I am trying to say that this problem at 206 Sheridan has been going on for years!

Councilman Papalas: That is an example where it gets tied up in court and it seems that the courts are very liberal with this sort of thing and it's a long process. There are other homes that people leave town and abandoned their homes, banks take those houses. It is very difficult to deal with those houses in having them torn down or put up for auction, because some distant bank like in California has it tied up. Those are the situations where we have to take them to court and it goes on for years.

Mr. Stamp: There must be fifteen dogs in the house. Couldn't you get animal welfare to step in and go in and see? They do it all the time in Cleveland and I see them go in those houses.

Mr. Johnstone: You can hear the dogs but we can't see them. We only see one dog outside.

Councilman McCormick: I will be happy to go down and see Mr. Burke tomorrow and see where we are. If this lawsuit is coming to ahead shortly there probably isn't a whole lot that is going to change before that. If all that garbage is over there and if it smells that bad this time of year what is it going to be like in another month or two? It is going to be unbearable. I will be happy to go down and see Mike to see where we are at and Mr. Johnstone and you can go down also. I am concerned about all your concerns but this 206 Sheridan seems to be the most immediate.

Mr. Johnstone asked the mayor if the city still had an animal control employee and the mayor told him that the city had not filled the position and were using Trumbull County's employee.

Mr. Johnstone: If you start coming up Maple Avenue and you see that someone has remodeled one house and then two houses down you see a house and think how this could be! The house on Vine Court has been abandoned for at least three years. There has been no one in that house for at least three or four years. There can't be insurance on the house. The insurance companies won't let you keep the insurance unless you have at least a renter in there. So the people living next door, Mrs. Abernathy sold her house. She has one of the nicest houses in the City of Niles.

President Marino told Mr. Johnstone that Councilman McCormick will get in touch with him and follow up on all of the houses mentioned. He also told him as he sees things to report them to the building and zoning office.

Mr. Vigorito told Mr. Johnstone that he had to come down to the office and file the report. Mr. Yovich only works by written report.

Mr. Vigorito: I would be glad to meet with you about Sheridan Avenue that has been a sore spot for years. Every time he goes to court he takes jail and the whole thing starts over again. We have been trying to get into the house and we tried to get Senior Affairs in to check on the woman in the house and he refuses to let any one in the house.

Mr. Johnstone: After everyone came last year we actually did get to see the woman for the first time in five years outside the house. They brought her outside and put her in the truck maybe to take her to the doctor and now we haven't seen her since.

Mr. Johnstone told council that the pickup truck is not running and it is full of garbage.

Todd Thomas, 131 Sayers Avenue, Niles asked Mr. Vigorito if you have to have the property excavated before you can build on these vacant lots. Mr. Vigorito told him no. The building code said that you have to be on virgin soil in order to start the foundation. Some of these properties have been built on, in another area or where the house was torn down or they excavated completely out. In the old houses the basements weren't very deep anyway so if they excavated out and put a new basement in they wanted virgin soil anyway.

COMMITTEE REPORTS

None

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. __ (Draft No. 06-13)

AN ORDINANCE REPEALING NILES ORDINANCE NO. 26-07; CHANGING THE ZONING FOR PROPERTY KNOWN FOR STREET NUMBERING PURPOSES AS 101 THIRD STREET, FROM B-2, COMMERCIAL DISTRICT TO R-A, RESIDENTIAL DISTRICT; AND AMENDING THE ZONING MAP AS REQUIRED THEREIN

It was moved by Stredney, seconded by Wilkerson 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.

YEAS: 7 NAYS: 0

This Draft No. 06-13 has been adopted on the 20th day of March, 2013.

ORDINANCE NO. __ (Draft No. 13-13)

AN ORDINANCE AMENDING THE ORDINANCE PROHIBITING LOUD AND RAUCOUS NOISE DURING OUTDOOR ACTIVITIES CODIFIED ORDINANCE NO. 509.15; AND, DECLARING AN EMERGENCY

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.

Councilman Papalas: This ordinance is a result of stipulations brought on by a lawsuit and directed to us.

YEAS: 7 NAYS: 0

This Draft No. 13-13 has been adopted on the 20th day of March, 2013.

RESOLUTION NO. __ (Draft No. 14-13)

A RESOLUTION AUTHORIZING AND DIRECTING THE CHIEF OF POLICE TO ISSUE A GENERAL ORDER FOR THE ENFORCEMENT OF NOISE-RELATED ORDINANCES AND STATUTES WITHIN THE CITY

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

Councilman Papalas: This ordinance also came about because of a lawsuit.

YEAS: 7 NAYS: 0

This Draft No. 14-13 has been adopted on the 20th day of March, 2013.

ORDINANCE NO. __ (Draft No. 15-13)

AN ORDINANCE AMENDING THE ABATEMENT OF CRIMINAL ACTIVITY NUISANCES ORDINANCE CODIFIED ORDINANCE NO. 501.14; AND, DECLARING AN EMERGENCY

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

Councilman Stredney met with the chief and safety director concerning this ordinance and just making a few changes and alterations to the nuisance ordinance as previously stated.

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

This Draft No. 15-13 has been adopted on the 20th day of March, 2013.

MISCELLANEOUS REMARKS

President Marino asked Mr. Vigorito if he takes any housing complaints over the phone.

Mr. Vigorito: No we don't actually take them over the phone but we will mail it to them if they are not able to come down to the office. Steve is only part-time so he does them by written complaints and he has a follow-up to refer to. Especially if it is a tenant landlord issue then he has a number to call and will make an appointment to get into the home to follow through with the complaint.

Councilman Stredney and President Marino have turned in complaints listed on paper with details and given them to Mr. Steve Yovich without a complaint form.

Mr. Vigorito: He is worried about being accused of harassing somebody, this way it is written on paper and he is following through with the complaint.

President Marino was going to talk to Mr. Tom Telego to see if the city can get a link on our website with a time stamped form fill-in that automatically will be sent to Mr. Yovich's email.

Mr. Vigorito said that he will speak to Mr. Telego about the link.

Mayor Infante sent a follow up letter to the state opposing the 90,000 pound limit on trucks that passed through the house and senate.

He also sent a letter to the president of Phillips Manufacturing encouraging them to resume negotiations.

The mayor also sent a letter to Susi Kim's Spa regarding their permit. The mayor stated in his letter that they had thirty days to comply with the city's massage parlor ordinance and if they don't comply the city has the right to revoke their permit.

Law Director Dull asked council if he could bring in at the next council meeting the ordinance approving the recodification of certain ordinances. Council said yes and to bring it in Council As A Whole.

Councilman Papalas: I have a question about the loan that we had given to a particular entity. I had asked Mr. Swauger about it at the last council meeting and that loan was to be paid back some time ago. It is my understanding that it hasn't.

Auditor Nader: I have received nothing in the last two weeks.

Councilman Papalas: I know that in our minutes on page five I was told that we would have a report at the next council meeting. I said “will you be able to give us an update next meeting” and Mr. Swauger said “yes” and I am still waiting for an update. Mr. Swauger isn’t here and I don’t have a response. I am very curious as to when this money is going to be returned to the general fund. Especially at a time now when we are nearing a desperate point for funding. So, could somebody in this room please, Mr. Law Director ?

Law Director Dull: I will follow up on this.

Councilman Papalas: I hope that we don’t have to take some steps to retrieve that money. It will put everybody in an unfortunate light but it has got to be done.

Councilman Stredney: I wanted to thank council for passing the resolution on the 101 Third Street back to residential.

It was moved by Lastic, seconded by Merlo to adjourn the meeting. Motion carried.

Linda A. Yuhasz, Clerk of Council

Robert Marino Jr., President of Council

