

MINUTES

Niles City Council held its regular meeting of October 16, 2013 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 2, 2013 and place them on file.

Motion carried.

REPORTS AND COMMUNICATIONS

FROM The Ohio Division of Liquor Control

A permit transfer from Jenyk Inc. DBA Belleria Pizza to T&H Ivany LLC DBA Belleria Pizza

It was moved by Stredney to refer the permit request to the police chief and safety director for their report and recommendation.

Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Mr. David Brothers, 412 Wendell Place, Niles: I have two issues; I was here back in May addressing the condition of the garage at the cemetery with the siding falling off. I think Mr. Lastic said it was in the process of being torn down and he said that it will not take until October and now it is October!

President Marino: You are absolutely correct!

Mr. Brothers: (Inaudible) and they moved the dumpster in front of the garage.

Mayor Infante: We brought the dumpster in to tear down the garage.

Mr. Brothers: It's October.

Mayor Infante: Yes and I think they are going to tear it down on Saturday.

President Marino: Just so you know I have followed up on it regularly and Councilman Papalas and I have had conversations about it. The mayor told us that he was getting the garage built and he was working in the process of having that done. We were staying on top of it.

Mayor Infante: We just got the floor put in last weekend and they moved all the stuff out of the old garage into the new, so we are ready to tear it down Saturday. We got the dumpster and we have someone to tear it down for free.

Mr. Brothers: One other thing concerning the July 5 council meeting and the ordinance about if you work outside the city your local tax will be raised.

Councilman Papalas: We didn't raise the tax we eliminated the tax break that we usually had when you worked outside the city but lived in the city. We eliminated that tax break, reciprocity.

That wasn't a meeting that we hid, the press was invited to both the roundtable that we had and then the council meeting. They never showed up so they didn't report the story until much later.

Mr. Brothers: I work outside the city, am I going to pay more city tax than I did last year?

Councilman Papalas: Yes.

Mr. Brothers: So it went up for the people working outside the city.

Councilman Papalas: Yes.

Mr. Brothers: The article that I read had a quote from the mayor I don't know the exact number of people affected, but quote from the mayor that the ones that he talked to didn't seem concerned! I want to go on record that I work outside the city and pay city income tax and I am concerned about that. I don't think it is right that because Niles can't employ me in the city limits that I have to pay more taxes than I did last year.

Mr. Barry Steffey, 511 West Third Street, Niles: I want to talk about two issues also. At the last council meeting it came up about Garfield Elementary. As block watch members we want you to know that the issues are not solved at Garfield. Within the last two weeks there were several arrests made there and a fire set behind there. Volunteers cleaned up where the fire was and brought the recliner and everything else up front. I want to thank Mr. Burke because I had called him up and he had all the debris picked up within hours. He was very helpful there. But the issues at Garfield are still on the forefront. The second thing is I would like to thank community leaders and the police chief for allowing Lt. Villecco and other officers to attend the 3rd ward block watch. The third Tuesday of each month there is a block watch meeting at the First Presbyterian Church on Robbins Avenue. We encourage you to attend anytime that is convenient and we appreciate the support.

Jean Waris, 925 Youngstown Warren Road, Niles, reminded everyone about the Mahoning Valley Organizing Collaborative Trumbull Standing Together which is tomorrow night. She hopes all will attend.

Robyn Morris, 203 Sheridan, Niles: : Do you know what is happening at 206 Sheridan?

Mr. Mike Burke said that the pre-trial was today and the trial was set for November 7, 2013. The conversation between Mr. Burke and Robyn Morris was inaudible.

Councilman Stredney stopped over at 206 Sheridan Avenue with Mr. Burke and a police officer. He did not step on the property just walked around it so he would know what everyone was talking about. When he went back out to the street he was covered from head to toe with fleas. He tried wiping them off but a neighbor gave him a change of clothes so he would not get them in his car. Councilman Stredney attended the pre-trial with Mr. Burke After negotiations the trial starts in thirty days. This is for Mr. Burke's violations; Mr. Vigorito is working with the fire department to declare the house a nuisance through Trumbull County Court. Councilman Stredney told Ms. Morris that he would help keep the Sheridan Avenue property on the forefront.

COMMITTEE REPORTS

NONE

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. __ (Draft No. 60-13)

AN ORDINANCE AMENDING CODIFIED ORDINANCE NO. 505.19 TO ADD DUCKS, GEESE AND OTHER WATERFOWL TO THE ANIMALS PROHIBITED FROM BEING KEPT WITHIN THE CITY; AND, DECLARING AN EMERGENCY

It was moved by Stredney, seconded by Lastic to give this ordinance a third reading.

YEAS: 7 NAYS: 0

This Draft No. 60-13 has received a third reading.

It was moved by Stredney, seconded by Lastic to adopt this Draft No. 60-13.

YEAS: 7 NAYS: 0

This Draft No. 60-13 has been adopted on the 16th day of October, 2013.

ORDINANCE NO. __ (Draft No. 66-13)

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.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Giancola, seconded by Stredney to adopt this Draft No. 66-13.

YEAS: 7 NAYS: 0

This Draft No. 66-13 has been adopted on the 16th day of October, 2013.

ORDINANCE NO. __ (Draft No. 67-13)

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR REQUESTS FOR PROPOSALS AND ENTER INTO CONTRACT FOR THE OPERATION OF THE CONCESSION STAND AND FOR THE RENTAL OF THE GAME ROOM AT THE WELLNESS CENTER; AND, DECLARING AN EMERGENCY

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

Councilman Stredney: Are we going to have enough time to get this out and signed by the 31st?

Mayor Infante: Probably not.

Councilman Stredney: Those people just stay on under the same contract?

Councilman McCormick: Is this going to be a one year contract?

Mayor Infante: We thought the last time that we had a renewal in there and we didn't, so we are going to put it in this time.

Councilman Papalas: You will have it this time?

Mayor Infante: Yes if you don't have a problem with it.

President Marino: As long as they are meeting the terms and conditions that it will be renewable upon....

Councilman Papalas: What does the Wellness Board think? When was the last time we met?

Mayor Infante: Next Wednesday.

Councilman Papalas: Do you want to lie this aside until they decide?

Mayor Infante: Not really it is only an advisory board and I think council is the one that makes the final decision.

Councilman Papalas: I would like a recommendation from them. We could go for a first reading on this. Because if we didn't have this tonight you would have to wait until the next time anyway, right?

President Marino: What if we allowed them to go forward with it and just wait until the proposals come in?

Councilman Papalas: No I would rather have a board meeting first.

Councilman Papalas rescinded his motion to suspend.

It was moved by Papalas, seconded by Giancola to give this ordinance a first reading.

YEAS: 7 NAYS: 0

This Draft No. 67-13 has received a first reading.

RESOLUTION NO. ____ (Draft No. 68-13)

A RESOLUTION AUTHORIZING THE LINE ITEM TRANSFER OF FUNDS FROM THE BUILDING & ZONING WAGES ACCOUNT TO THE BUILDING & ZONING CONTRACTED LABOR ACCOUNT AND, DECLARING AN EMERGENCY

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 to adopt this Draft No. 68-13.

YEAS: 7 NAYS: 0

This Draft No. 68-13 has been adopted on the 16th day of October, 2013.

RESOLUTION NO.____ (Draft No. 69-13)

A RESOLUTION AUTHORIZING THE LINE ITEM TRANSFER OF FUNDS FROM THE SAFETY SERVICE WAGES ACCOUNT TO THE SAFETY SERVICE CONTRACTED LABOR ACCOUNT AND, DECLARING AN EMERGENCY

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 Giancola, seconded by Stredney to adopt this Draft No. 69-13.

YEAS: 7 NAYS: 0

This Draft No. 69-13 has been adopted on the 16th day of October, 2013.

ORDINANCE NO.____ (Draft No. 70-13)

AN ORDINANCE TO CHANGE THE ZONING OF CERTAIN PARCELS OF PROPERTY LOCATED ALONG MAHONING AVENUE, CURRENTLY OWNED BY PMRP PARTNERS, FROM INDUSTRIAL TO B-3 COMMERCIAL DISTRICT; AND, DECLARING AN EMERGENCY

Councilman Stredney scheduled a Public Hearing regarding Draft No. 70-13 on December 4, 2013 at 5:45 p.m. in council chambers.

He informed council that this draft is for a business that wants to build on Robbins Avenue near the Dollar Store.

It was moved by Stredney, seconded by Papalas to refer Draft No. 70-13 to the Planning Commission for their report and recommendation. Motion carried.

Councilman McCormick asked Mr. Vigorito what the difference was between industrial and B-3. Under city ordinance they have to combine all the properties into one lot to start with Mr. Vigorito told council. Mr. Vigorito requested that it be changed to one zoning because it is two zonings now. He wants the rules to be the same so it doesn't cross over zoning laws. This will involve tearing down some properties also.

RESOLUTION NO.____ (Draft No. 71-13)

A RESOLUTION BY THE COUNCIL OF NILES IN SUPPORT OF THE TRUMBULL COUNTY ENGINEERS'S OFICE TO MOVE FORWARD WITH A STUDY TO EXPLORE THE BENEFITS OF COMPRESSED NATURAL GAS AND APPROVING THE SERVICE DIRECTOR TO PARTICIPATE IN A LOCAL GOVERNMENT SHARED SAVINGS INITIATIVE

It was moved by McCormick, seconded by Stredney to adopt this Draft No. 71-13.

Councilman McCormick: This is something that Trumbull County and our state representative Sean O' Brien are working on in a grant right now. This is to support that and find out the feasibility and there is no cost to the city.

YEAS: 7 NAYS: 0

This Draft No. 71-13 has been adopted on the 16th day of October, 2013.

Councilman Papalas: I have a draft that I want to introduce to council and add to the agenda. I know that I have told my fellow council members that I wouldn't be doing this, but mayor if you explain it we will see how council feels about

RESOLUTION NO.____ (Draft No. 72-13)

A RESOLUTION RATIFYING THE EXPENDITURE OF THE CITY OF NILES CDBG REVOLVING LOAN FUND (RLF) FOR THE PAINTING OF THE WARD-THOMAS HOUSE AT 503 BROWN STREET, NILES, OHIO AMENDING RES. NO. 20-13 AND DECLARING AN EMERGENCY

Mayor Infante: This is for the Ward-Thomas House and I think you passed an ordinance similar to this earlier. CT Consultants went out for bid and the proposals came in for \$88,630.00. One of the criteria of the CDBG Revolving Loan Fund is that the legislation is passed through council in order to use that money. It doesn't come out of our general fund, it is a grant.

Mark Hess told council that it is our money in the Revolving Loan Fund.

Mayor Infante told Councilman Papalas that they are painting it now. They have to strip all the paint off the wood and they working in sections. If the weather turns bad they will finish it in the spring.

Councilman Papalas: Did they put up a bond for this? If the paint doesn't stick due to cold weather...

Mayor Infante: Yes the contract was done by CT Consultants.

Mark Hess said that the paint has weather constrictions, when the air temperature is lower than 50 degrees they can't apply it.

Mayor Infante: The \$88,000 was the lowest bid; the highest bid was \$151,000.

It was moved by Papalas, seconded by Lastic to add Draft No. 72-13 to the agenda. Motion carried.

Councilman Papalas: For the record, if I was a painter and if I owned a painting company I would not want to be painting this house in the fall. Especially with this weather coming in now, I just want to state that.

President Marino: How long do we hold the bond? Is it a performance bond?

Mr. Hess: The performance bond is for the contract itself and then there is a maintenance bond. The maintenance bond is for a year after.

Councilman Papalas: Well it might take a year before that starts to go, I am telling you now. Everyone in here knows that I used to paint houses. Everybody I think understands that sometimes it takes two or three years for that house to start to go to you know where, because the paint job or the weather was bad while they were working on it. I don't think a year is enough and we are going to have a representative of the Historical Society here on our backs. I just am reminding everybody later on when it happens. It is going to happen. If they paint now I bet it doesn't last two or three years.

Mayor Infante: I don't think they will get it finished this year.

Councilman Papalas: Whatever they paint right now is bad business.

Mayor Infante: We will make sure we have a talk with George Zokle.

Councilman Papalas: I would like to see George Zokle when you do that. I am serious because this is a lot of money. Should we put paint on a house in October or November is bad business.

Councilman Merlo: Do you not want this ordinance then?

Mayor Infante: We have to lock this money in because if we go out for bid next year, it is going to be a lot higher.

Councilman Papalas: We don't want to lose this money, I understand that. That is why we are in a pickle and I want to speak to George Zokle.

Mr. Hess told council that we have already got the additional Revolving Loan Fund money. This is a requirement that council approves the money by legislation.

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Stredney, seconded by Merlo to adopt this Draft No. 72-13.

YEAS: 7 NAYS: 0

This Draft No. 72-13 has been adopted on the 16th day of October, 2013.

MISCELLANEOUS REMARKS

President Marino: Mr. Brothers I owe you an apology, that garage should have been down before October weather. Government doesn't always work as efficiently and effectively as it should. I generally don't make excuses for myself that is not what I am about. I know the mayor said that it will be down by Saturday and I am certain that it will be. I want to make sure that you have a favorable opinion of this council and these elected officials here. We didn't meet the time line that we said that we would and I am sorry about that.

Councilman Papalas: How are we with the bridge?

Mr. Hess: It is still looking like the last week in October or the first week in November.

Councilman Stredney scheduled a Safety Committee Meeting for October 23, 2013 at 3:00 p.m. in the 1st floor conference room at city hall. The purpose of the meeting will be to discuss vacant property legislation similar to what the City of Warren passed this year. Councilman Stredney asked Mr. Dull, Mr. Burke and Mr. Vigorito to attend the meeting also.

The Wellness Board will meet after at 4:00 p.m.

Councilman Stredney scheduled a Roundtable for November 13, 2013 at 3:00 p.m. in the 1st floor conference room. Representatives of Trumbull County Land Bank will be in attendance. The purpose of this meeting will be the kickoff to the start of a plan for an end game for the Garfield School property.

Councilman Stredney thanked Barry Steffey for the kickoff to the block watch. I also want to keep the fire truck on the forefront.

Mayor Infante said that the brakes on the fire truck are getting repaired tomorrow, then the tank.

Councilman Stredney: Do we know which one of the firemen or who does the grants from there? Are they going to ask us for our help and input or is this just the firefighters?

Safety Director Guarino told Councilman Stredney that the firemen file their own grants.

Mayor Infante said that the fire department got a grant writer last year and since Niles didn't receive a grant the grant writer was doing it for free this year.

Councilman Stredney told Mr. Guarino to tell the fire department that if they needed any help council will help.

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

Linda A. Yuhasz, Clerk of Council

Robert Marino Jr., President of Council

