

MINUTES
MARCH 5, 2014

Niles City Council held its regular meeting on March 5, 2014 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, Lori Kuszmaul, called the roll:

Lastic-P, Papalas-P, Giancola-P, McCormick-P, Stredney-P, Merlo-P, Pezzano, P, Marino-P

It was moved by Stredney, seconded by Lastic to accept the Minutes of the regular meeting of February 19, 2014 and place them on file.

Motion carried.

REPORTS AND COMMUNICATIONS

FROM Attorney Randil J. Rudloff

Agent for Joseph Marzullo, Jr. and Niles Cortland Land Co., LLC

Notice of Filing Petition for Annexation of Real Property

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

Mayor Infante: In the meantime on that correspondence, I spoke a couple of times with the owner and we are trying to work it out with the Buyer and the Township and the City, so we are having ongoing talks on that.

President Marino: Thank you, Mayor. Any other comments?

Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

President Marino: Audience, would anybody like to address Niles City Council this evening? Please state your name and address for the record please.

Catherine Moran, 174 Morningside Road, Niles, Ohio. My husband and I have lived all our adult lives in Niles and we love this community. I'm sorry to be coming to you this evening. In all the years my husband worked as an engineer, he has never been able to get work in Niles. For 20 some years he has worked in (inaudible). The city tax up there was 1%. We gladly paid our ½%. He lost his job and we are now paying (inaudible) also tax to the State of Ohio. You can imagine my surprise when we found out we have to pay ½% to Niles on top of what we are paying. I'm not complaining about paying the ½% although that is not in my budget to pay that. What I am complaining about is that I found out about it when I was filing my taxes. I wonder why you did not let it out that you were planning on doing this so people could have input into this, but my complaint is the way it came at me unannounced. I don't appreciate that.

President Marino: Mr. Swauger, our Treasurer.

Mr. Swauger: It was passed last July by council and the Vindicator, The Tribune and the Niles Times all did articles on it for the benefit of the residents. I talked to all of the papers about it and put it out there. There were probably at least five different articles that addressed it and explained it for the residents. If you would like, I can get any information about it, if you want, but the Tribune and the Vindicator and the Niles Times all did articles on it trying to fully explain this to the residents. As to what was happening.

Catherine Moran: A couple of people I talked to didn't see any of that.

Mr. Swauger: It was on the postcard that we sent out also.

Catherine Moran: Yes, and I got that.

Mr. Swauger: Because I made sure we put it on a postcard also so that –

Catherine Moran: My question is for right now, that is high taxes for people. If my husband could work in Niles, he would. I mean, we want to support our community, but there has to be another way besides putting this hardship on the backs of the residents.

Mr. Papalas: Mrs. Moran, we passed this because our finances are in bad shape right now. We are struggling. As far as we are concerned, this is a bridge to at least get us through this year. As we look at the audit that we are undergoing right now and we see ways to improve our budget, I'm confident that in the near future, in the next couple of months, we can start to address this situation to repeal it for the following year.

Catherine Moran: So it's not permanent?

Mr. Papalas: No, we don't want it to be a permanent. In fact, I don't think any of us want it to be a permanent tax, but we needed to do it this year as a bridge to get through what we're very concerned about as far as the deficit is concerned. We are also very confident that we are going to sit down soon with a roundtable with our Mayor, President of Council and the rest of the City Council and probably have this tax repealed.

Catherine Moran: Well, I appreciate the work you have done. I felt bad coming here.

President Marino: Don't feel bad coming here. That's what we are here for. We appreciate the professionalism and the manner in which you handled it. That speaks volumes about you as well.

Catherine Moran: I was just concerned about it becoming permanent.

Mr. Papalas: No, we do welcome the comments and we have had comments from others among our friends and so forth and we know how people feel about it. But, we need to keep providing

the services for police protection and fire protection, which right now we are at the bare minimum. We need more policemen and more firemen.

Catherine Moran: My father is a retired police officer, so I do understand.

Mr. Papalas: We can't pave the roads like we want to, like we used to be able to, so it's things like that that we are looking at. We are still providing the services, but –

Catherine Moran: I just wanted to let you know, and I don't know how I missed it, I really don't, maybe this summer I was just too busy.

Mr. Papalas: That's okay. We are glad you are here.

Catherine Moran: Okay, well thank you very much for your explanation.

President Marino: Anyone else wish to address Niles City Council?

Barry Steffey, Jr., 511 West Third Street, Niles, Ohio. I just wanted to – couple of topics. First off I want to thank the councilmen who are attending the block watch meetings that we have going on in the city. On April 1st, we will start a third block watch in the 1st Ward. Frank Pezzano has been very helpful to help get this going. I was excited about joining these monthly meetings giving the residents and our representatives on council an opportunity to open up some dialogue. So I want to thank Mr. McCormick, Mr. Stredney, Mr. Merlo and Mr. Pezzano because they have all committed to standing up with these block watches and that's a very successful part of what we are doing with the Avenue and Main. The second part, on March 29th, a Saturday, at Ciminero's we will be holding one of our larger fundraisers as we kick off a very busy time and aggressive schedule for the Avenue and Main. At Ciminero's on March 29th from 6:00 to 9:00 p.m., we will be holding a wine tasting as well as gourmet beers that are going to be there. We would like to ask everyone to support us and come to this event, if possible. There are tickets available both online at the HarryStevensDay.com and through ourselves. But again, we appreciate your support and look forward to the next few months with a lot of activity here in the city. Thank you.

President Marino: Thank you. State your name and address for the record.

Robin Morris, 203 Sheridan, Niles, Ohio. I have a list of questions. I need to know what is going on with the house across the street. The day before Thanksgiving they had a court date and nothing ever really got done there. They said within 30 days something should start to be done. As far as I see, nothing is getting done and he was supposed to be in court last week, but he doesn't show up. I mean, the tent is still up, the truck still has two flat tires and full of garbage. The tent is full of garbage; the front porch is full of garbage. Pretty soon I will be getting possums and raccoons again. Does anybody here want to give me their phone number and I can call them to come and get them? I just think this is so ridiculous. The flea problem. I know we don't have a problem now because everything is covered in snow, but they are probably knee deep in the house. You know there are problems when people offer them free food, free services and they won't accept it. They don't want anybody in the house. They wait

for people on the front porch. They won't let anybody in. There are signs on the house, "No Trespassing." I don't know who would want to go into the house. I mean the stench, everything.

President Marino: I called the Law Director this afternoon and asked him where we were at with this. To see just what what's and as Terry explained to me, and correct me if I'm wrong Terry, but it's in the court's hands. They were here on the 24th and it's been continued until?

Terry Dull: March 10th.

Mr. Papalas: Did they show up?

Terry Dull: It is my understanding Mr. Pruski had the flu. That was the reason it was continued.

Mr. Papalas: Until when?

Terry Dull: Until next Monday, the 10th.

Robin Morris: Everybody had to take their tents down. Why don't you make them take theirs down? Plus his is full of garbage. They go through the garbage every night. She said she wants to save the world. Why does that have to happen across the street from me?

President Marino: She can take what she wants. The bottom line is that they need to follow our ordinance, and it is in the hands of the court.

Robin Morris: But it has been postponed. He never shows up.

Mr. Papalas: Can you try to get a meeting with the judge or prosecutor? We have done what we could and we sent it over to them and I think you need to see the prosecutor or the judge because we have done what we could. The system is supposed to work. We assume the court will act on it. Let's see what happens on Monday. If Mr. Pruski shows up and we don't have justice, then I think we all ought to go to court.

Robin Morris: I have lived here for 30 years and this has been going on for 30 years.

Mr. Papalas: Terry, I think we have an acting judge right now, so I think it's really important that the prosecutor inform the acting judge of the entire story here, so it's not postponed.

President Marino: I agree.

Mr. Papalas: Who is acting judge?

Terry Dull: Dan Thomas.

President Marino: Terry, do we keep filing charges or do we just have to keep waiting until the judge -- how does this work?

Terry Dull: I believe they are starting to file a lot on a continuing basis now because of – typically people react to having to go to court and being fined and being put in jail, and for whatever reason that's not happening.

President Marino: The issue is that if he just wants to go to jail, what else is there for us to do?

Mr. Lastic: What else happens after that? If he goes to jail?

Terry Dull: What's going to happen if we don't get something satisfactory out of this I am going to file something up in Common Pleas Court to try another angle on this. Common Pleas moves much more slowly than the municipal court does, but it will be one other avenue to use.

President Marino: Can we pursue that? Can you start that now?

Terry Dull: Yes.

President Marino: Can we just file in Common Pleas and get another trap going?

Terry Dull: Sure.

Mr. McCormick: Can someone answer the question, at one point we talked about the fire chief going in for an examination or whatever and that that may give us an avenue to pursue. Do you know if any of that was ever done? Did they ever get in to do that inspection?

Acting Chief Daniels: I'm not sure exactly if the chief went over or if he sent one of our inspectors over.

Mr. McCormick: That was another avenue we were going to pursue that we thought might get us in.

Mayor Infante: They won't let anybody in.

Mr. McCormick: I understand that.

Mayor Infante: Besides human services, they won't let anybody in.

Mr. Vigorito: They let Sonny in for deodorizing and that was about it.

Robin Morris: They have 9 dogs in there and they don't let them outside.

Mayor Infante: Also, as a member of the Nuisance Board, we declared a nuisance.

President Marino: So there is a court case Monday, our Law Director is going to file a case in Common Pleas Court and try to get them that way and see what we can do with – well, there is nothing we can do with the court. We can't tell the judge how to run his chambers.

Robin Morris: I want to be able to go outside in the spring and clean my yard up.

President Marino: I was out of town on business today and driving back I was thinking about you and it's not that we don't care. We enjoy people coming to council, but we feel your frustration too. We really do.

Robin Morris: It's like hitting my head against the wall. For 30 years. I've been doing this for 30 years. I've watched them take all the free on out of the refrigerators and freezer units, washer and dryers that are all stacked up in the back yard and the smell. They report the other neighbors for violations and the neighbors get in trouble, but nothing ever happens to them.

Mr. Vigorito: The one problem we have is they just don't cooperate. I really don't know if they will cooperation on Monday. If he goes to jail, the only recourse we have is to go to Common Pleas. In Common Pleas we will still be fighting this two years from now.

Robin Morris: In my heart, I feel if somebody got into that house, I know it would be condemned. I know it. I mean even the animals. Supposedly, they have 9 dogs.

Mr. Pezzano: Mrs. Morris, I worked for the Animal Welfare part-time as a humane officer. I myself and another officer were at that location 3 times. They never answered the door. I have only seen 1 dog because the neighbor next door allowed me to use his ladder so I didn't walk on the property, I walked on his property and I was able to stand on the ladder and see 1 dog. That's all I saw and the other officer –

Robin Morris: That came from the neighbor that there were 9 dogs.

Mr. Pezzano: I have only seen one and they never answered the door. We left our tags on there.

Mr. Papalas: It's going to Common Pleas Court so let's see what happens.

Robin Morris: Ok.

President Marino: Is there anyone else? Next is Committee Reports. Any Committee Reports?

COUNCIL COMMITTEE REPORTS

Mr. Merlo: IT Committee Report minutes provided to Clerk.

President Marino: Any other reports?

Mr. Papalas: Yes. I have one request. I would like to set up a meeting next week in the Mayor's office. Mayor, I will check with you for either Tuesday or Wednesday with Mr. Nader and our two IT people to see about progress, which is the issue. Do you know what I am talking about Chuck?

Chuck Nader: Yes.

Mr. Papalas: Okay. We need to move this along and I know there are always two sides to the story so I want to hear both sides or all three sides.

President Marino: Any other committee reports?

Mr. McCormick: I would like to set up a Safety Committee meeting Monday. Chief, Mr. Vigorito, what is a good time for you on Monday? Monday morning?

Mr. Vigorito: 10:00 a.m.

Mr. McCormick: This will be in the conference room at the city building.

Mr. Vigorito: Is it necessary that I be there because I will be in court.

Mr. McCormick: No, this has more to do with police officers.

Mr. Vigorito: All right.

President Marino: Would the clerk please present tonight's legislation.

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. ____ (Draft No. 16-14)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED GENERAL FUND TO THE FIRE DEPARTMENT'S GRANT FUND ACCOUNT; AND DECLARING AN EMERGENCY

It was moved by Papalas, seconded by Giancola for Suspension.

President Marino: Questions or comments?

Mr. Papalas: Mr. Chairman, I was approached by our fireman and I talked to Reggie about it because he's also on the Safety Committee to respond to this, but I was wondering if you could explain to the audience and to us about the equipment, what the two items are, the pulse oximeter and blood pressure cuff.

Acting Chief Daniels: The pulse oximeter and an automatic blood pressure cuff. As of right know, these are two separate pieces of equipment. The current one is all in one. The pulse oximeter gives the pulse and also gives the O2 content and the blood pressure. What's nice about the unit is we're trying to get a blood pressure out on an accident on the street or in the mall; we can't get it all the time. This one will give us everything.

Mr. Papalas: Good.

Acting Chief Daniels: We already have one of those pieces of equipment on one of the trucks down here and we are hoping to get this one and put it on the truck at the substation. We applied and received a grant from State of Ohio for \$1,500.00. We would pay the \$1,500.00 and then get reimbursed.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Papalas, seconded by Giancola to adopt Draft No. 16-14

YEAS: 7 NAYS: 0

Draft No. 16-14 has been adopted on the 5th day of March 2014.

ORDINANCE NO. ____ (Draft No. 17-14)

A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR TO INCREASE THE REVENUE OF THE VARIOUS UTILITY ACCOUNTS FOR THE CALENDAR YEAR 2012; AND DECLARING AN EMERGENCY

It was moved by Papalas, seconded by Pezzano for suspension.

President Marino: Questions or comments?

Mr. Papalas: Mr. Chairman, this is based on revenues derived from credit card payments and Auditor Nader has broken down the way it is to be dispensed among the three utility accounts. That is what is ordinance is for.

Mr. Merlo: I also have a question on this. So this is basically a surplus we had?

Mr. Nader: Yes.

Mr. Merlo: Okay. So how do we know how much goes to light, sewer and water? Is there something actual that we have that we can get an idea of how much was paid to?

Mr. Nader: I do not have that. What I did I went back to April 2012, took the amount of revenues, water, light and sewer received that month, take a percentage off of that and then applied the percentage to the \$5,612.00. To arrive at these numbers.

Mr. Merlo: Another question on that then. Is there anything in place now because this is 2012 and so here we are at 2014 and we just find this? What is in place now that will prevent this from happening again?

Mr. Nader: Well, the only thing I can say at this point is in reference to Eric Holesko, who is the managing state auditor in our region, he said that people from, like supervisors, should sign off on the bank reconciliation from now on. What's happened in the past, the accountant in my office and the treasurer clerk in the treasurer's office has done the reconciliations. It was just a given thing that was done and we moved forward. When this thing popped up now, he suggested that we make someone from either side of management sign off on these reconciliations and make sure there is not these hanging numbers out there or figures or amounts.

Mr. Merlo: Okay.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Papalas, seconded by Lastic to adopt this Draft 17-14.

YEAS: 7 NAYS: 0

Draft No. 17-14 has been adopted on the 5th day of March 2014.

ORDINANCE NO. ____ (Draft No. 18-14)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED COMPUTER FUND AND THE UNAPPROPRIATED PROBATION FUND TO THE EQUIPMENT PURCHASE ACCOUNT OF THE COURT; AND DECLARING AN EMERGENCY

It was moved by Papalas, seconded by Lastic for suspension.

President Marino: Questions or comments:

Mr. Papalas: Mr. Chairman, there are two accounts in the court's budget that we have appropriated money into. The judge has requested that we permit him this ordinance for the transfer of funds from those two categories within the court. That's what this is about and after this is spent, we are going to have to have a sit down because there is no more money. We have stripped the budget.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Papalas, seconded by Giancola to adopt this Draft 18-14.

YEAS: 7 NAYS: 0

Draft No. 18-14 has been adopted on the 5th day of March 2014.

ORDINANCE NO. ____ (Draft No. 19-14)

A RESOLUTION RETURNING ADDITIONAL APPROPRIATIONS PROVIDED FOR IN THE BUDGET FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2014 TO THE UNAPPROPRIATED SEWER FUND; AND DECLARING AN EMERGENCY

It was moved by Papalas, seconded by Lastic for suspension.

President Marino: Questions or comments?

Mr. Papalas: Mr. Chairman, I'll explain this and remind everyone in doing so that we have stripped the budgets in most categories so that we could more strongly control expenditures and as you recall, in doing this, we are going to be passing more ordinances this way or having more meetings as the department heads need funds. So we are drawing in funds from the unencumbered source to these accounts because they are needed.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Papalas, seconded by Giancola to adopt this Draft 19-14.

YEAS: 7 NAYS: 0

Draft No. 19-14 has been adopted on the 5th day of March 2014.

ORDINANCE NO. ____ (Draft No. 20-14)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF AMOUNTS FROM SEVERAL UNAPPROPRIATED FUNDS; AND DECLARING AN EMERGENCY

It was moved by Papalas, seconded by Lastic for suspension.

President Marino: Questions or comments?

Mr. Papalas: The same goes with the Ordinance dealing with the light department. I sat with the Mayor last week and we went over each of these and if you have questions, feel free to ask, but we thought these were all necessary at this point, so we are transferring these into the account. The highest was \$100,000.00 for operational supplies in the light department and then in the sewer department we have \$60,000.00 for equipment purchases. Those are the highest expenditures.

Mr. McCormick: That one for the light department was just one that was omitted when we went through the figures that day and upon discovery we decided it was vital that it be included at this time. So that's my understanding of that. The \$100,000.00 one.

Mr. Papalas: Well, you're right and I think we also acknowledge that we know they will be coming to us later for other expenditures, but this is part of keeping control of this thing. Instead of giving them \$500,000.00 or \$800,000.00 at a crack and then we wonder where the money went later on, we know. It will be giving it to them in increments.

President Marino: We were also advised by our performance auditors that we give careful consideration to this management practice in that council have more oversight over the expenditures so that we don't run into some of the issues that we're experiencing right now with spending. So I think you gentlemen are being very prudent with respect to the finances in taking this approach relative to controlling spending.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Papalas, seconded by Lastic to adopt this Draft 20-14.

YEAS: 7 NAYS: 0

Draft No. 20-14 has been adopted on the 5th day of March 2014.

MISCELLANEOUS REMARKS

President Marino: I have two comments. The first is the financial audit from 2012 should be wrapped up here relatively quick once the Auditor and the Treasurer confirm some things with the financial auditors. You will be getting our 2012 audit and they will then begin 2013.

Tony, these clothing boxes, they are everywhere. Are we able to control those things?

Mr. Vigorito: They don't have anything written on them. There are two different organizations. They are not there for charity, let's put it that way, a lot of those are sold. The clothes are gone through and made into rags; some are resold as used clothes. I've tried to stop some of them. I moved them out of visibility issues, on corners, put them in the back of the buildings, but we really don't have anything in our ordinances that control those.

President Marino: Reggie, I respectfully request that the Safety Committee maybe work with Tony and take to revisiting that. I mean, they are everywhere. There is one behind my building now. There was one in the park in front of the Wellness Center.

Mr. Vigorito: The only ones that I totally took out were in residential areas. I had to go up into apartment building complexes and take them out.

President Marino: They are everywhere. Mr. McCormick.

Mr. McCormick: There was something on the news about that. I think Youngstown was having a problem and I think what they were trying to do at that time was to at least make whose ever property they sat on was responsible for making sure they were cleaned up and that things weren't thrown all over the place around them. Because they starting being used as a drop off. Some people are just dumping garbage there. So maybe it is time to look into that.

President Marino: I ask respectfully. Whatever you can do, I would appreciate it.

Mr. McCormick: Would you like to set some time up at your convenience on this?

Mr. Giancola: Sure.

Mr. Vigorito: I am always better in the afternoons.

Mr. Giancola: Well, that's fine.

Mr. Vigorito: I would say any day but Wednesday. Wednesdays are always hard for me. Tuesday or Thursday might be best.

Mr. Giancola: Do you want to go Tuesday at 4:00 p.m.

Mr. Vigorito: Sure

Mr. Giancola: Is Mike Burke involved in that sort of thing?

President Marino: I don't know who that goes to.

Mr. Giancola: Tony, would you be able to get ahold of Mike Burke?

Mr. Vigorito: On what?

Mr. Giancola: The same issue. Should he attend this?

Mr. Vigorito: Sure. So it's March 11th at 4:00?

Mr. Giancola: Yes.

President Marino: Thank you very much for doing that. I appreciate that. Chief Hinton?

Chief Hinton: I gave you a few documents. Two of the documents were applying for grants. Federal cost grant. We did receive a grant on the last go around where we received about half a million dollars in grant money for the few officers we did hire. What we're competing with is when writing these grants and also the state wide grants, which we were not given because of the amount of grants that were submitted, the money is going down because of municipalities and departments needing money, the grants are going up. We are competing against professional grant writers such as Warren, who uses a professional grant writer. With the upcoming 2014

Cops Grant for hiring coming up, I would like to use the same professional grant writer that Warren uses to write our grant. Try to give us a better chance of acquiring grant money.

President Marino: What's the cost of that?

Chief Hinton: I am going to find out and get that back to you. Get your opinion on it and if you feel it is worth filing for.

Mr. Papalas: Well, I'd like to you to pursue that.

President Marino: Mr. Papalas.

Mr. Papalas: Mayor Infante, I want to thank you for having that tree taken off that house on N. Cedar. Now, what does the future hold for that place?

Mayor Infante: Tony went and filed a lien on the property. We have to wait until it pans out goes through all the processes.

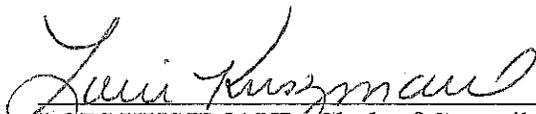
Mr. Papalas: It looks like it is probably ready to be torn down.

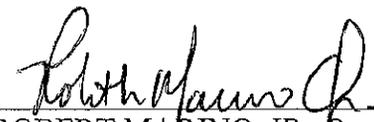
Mr. Vigorito: I think Steven has already gone over there to do his normal procedures on it. I know we tried to get a hold of the mortgage company too. I think Terry has been trying to work with trying to get our fee for taking the tree off of the house.

Mr. Papalas: This is so interesting. Every day we see this. I know you do. It's the people who screw up our neighborhoods who have more rights than we do. We are trying to protect our property values.

ADJOURN

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


LORI KUSZMAUL, Clerk of Council


ROBERT MARINO, JR., President of Council