

MINUTES
APRIL 16, 2014

Niles City Council held its regular meeting on April 16, 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 April 2, 2014 and place them on file.

Motion carried.

REPORTS AND COMMUNICATIONS

FROM The Auditor's Office

The Revenue/Expenses thru March 2014.

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

President Marino: I discussed this briefly with the Auditor and there is a lot of red on this paper. We will have to continue to monitor our revenue and expenses.

Motion carried.

FROM The Income Tax Department

Monthly Receipt Totals – Income Tax thru March 2014.

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

Motion carried.

FROM The Auditor's Office

The 1st Quarter Disbursements 2014

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

Motion carried.

FROM Warren City Council

A Resolution pledging up to \$30,000 for the YNG Air Service Initiative

Mr. Papalas: Before I make the motion to accept this and place it on file, Mayor and Council, can we sit down and look at this and see if there is anything we can put toward the effort? I know that we're really thin. I know the county has also said that.

Mayor Infante: I don't think at this time we are in good enough shape to participate in this.

Mr. Papalas: Okay. Let's see what happens further on in the year.

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

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Chuck Johnstone, 145 Sheridan, Niles, Ohio. I would like an update of what is being done on the 206 property. If anything at all has changed.

Mr. Vigorito: The homeowner was sentenced to 180 days in jail and given until May 1st to either comply with the Health Department's request or report to the county jail.

Chuck Johnstone: Is there anything else that is going to happen to the property?

Mr. Dull: We are also going to file an action up in common pleas court. We are going to try to get a search warrant for the property as well as getting an order to possibly demo the property.

Chuck Johnstone: Is there anything else we can do? I know he didn't want them to try to force him to take down his tents because of the way the ordinance was written. It was a canvas tent and the tent that he has up isn't. Is there any way they can change the ordinance so that temporary tents can't be there?

Mr. Dull: I am going to draft a proposed change to that ordinance. I have to send the draft to Tony and if we are both in agreement, we can present it to council for their review and then possibly change it.

Chuck Johnstone: I know that there was a very negative article in the Tribune that my name was mentioned in. All of everything that was said to that person wasn't written in the article. I did praise the City of Niles for taking down blight in the city. I know that there have been over 100 homes destroyed. I know there have been some homes on Vine Court that has been recently condemned. Is there any way that those people are going to be able to fix that property or is that set for demolition?

Mr. Vigorito: I'm not sure what the housing inspector has on it. Just because it's condemned doesn't mean it can't be brought back up to a livable home again. It's been condemned for exterior maintenance only. I thought the real estate company had come in and trimmed it up or weeded it, one or the other. I'm not real sure.

Chuck Johnstone: They trimmed up the property, but according to what it says on the paperwork, it says it's inhabitable.

Mr. Vigorito: Right. It's inhabitable until it's brought back up again.

Chuck Johnston: How long do they have to do that?

Mr. Vigorito: I'll ask. The house is condemned. It cannot be occupied until it's brought back up to a standard. So that house can sit condemned for years. We don't have it on the demo list that I'm aware of. We have only 10 or 12 homes that are on the demo list as we speak. We have probably 30 or 40 homes that are condemned.

Mr. Marino: Tony, how long can they expect that house to sit on the demo list? Does it vary?

Mr. Vigorito: Unless it gets into a worsened condition that warrants going onto the demo list. The problem too is we are still trying to look for demo funds. That's the other problem we are having. We thought we would be getting money in the last allotment or grant, but we didn't get it, so we have very little money to work with for demo. All I'm doing is patching and boarding up and trying to make them safe.

Mr. Papalas: I just want to say to reinforce what you are saying and for the audience here. It used to cost about \$2,500 to tear a house down. Now it cost a lot more because of the EPA rulings, we have to have tests for asbestos and that cost a lot of money so the cost has gone up four or five times what it normally would have cost just a couple of years ago. That is eating up the funding that we have available so there is only so much money to go around, therefore, Mr. Vigorito has to apply that money to the homes that are in the worse condition. Unless this house deteriorates very quickly, it's not going to get put on that list. Once it does, the landlord, whoever owns that property is notified and they have the opportunity to take it before the Housing Board of Appeals. Sometimes they get a little more time to fix it up. Most often, the board just gives them notice that it is coming down in 30 days and that's the end of it. It comes down to finances and the EPA rulings.

Chuck Johnstone: I understand that. I know it probably cost in the neighborhood of \$10,000 to \$15,000 to tear down a house. I understand that. But I was just curious as to where it was at.

Mr. Lastic: Is there some type of time table that you have to show some type of improvement to the outside?

Mr. Vigorito: The Housing Department sends a letter out telling them what needs to be done. We get cooperative people and we get non-cooperative people. The ones that don't cooperate or if the house is in foreclosure, sometimes the banks don't cooperate, then we finally board them up, try to keep people from going in and out of them. Again, we are trying to make the property safe. We mow the lawn, trim the shrubs, that kind of thing. Again, my budget is limited so I can only do so much in a year's time. I try to make the worst ones safer and just try to clean up the ones that are down on the priority list. My budget is probably about less an a fifth of what it was five or six years ago.

Chuck Johnstone: Again, I want to compliment the Mayor and you and I want you to know I have appreciated everything that has happened so far. There have been some improvements in the landscaping to the property on my court. There really has. Again, the article in the paper didn't reflect everything that I said. I did praise the City of Niles for tearing down the blight and I think that it is an ongoing problem, but it's nice to see that they are trying to get it done. If there is anything else that happens with the 206 property on Sheridan, again the fence is

ridiculous to even look at it, but the pickup truck is still sitting in the driveway with flat tires and hasn't moved in six months, but I don't know what else can be done. I realize that it is still in the court system, but if something else can be done, I would appreciate it.

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

COUNCIL COMMITTEE REPORTS

Mr. Pezzano: I went down to the cemetery and talked to Lou because I think the question came up at last council meeting about the mausoleum. Lou stated that he talked to the Mayor and he is waiting on an estimate from Floyd Mackey and that's where it's at. Also, he took me up to the top of the cemetery. They added eight more trees up there to finish that line that was blown out by the tornado. That's where we're at right now. We are just waiting on Floyd Mackey's estimate.

President Marino: Thank you very much. Are there any other committee reports?

Mr. Papalas: Mr. Chairman, we do have some students here tonight because of their government class at TCTC.

President Marino: Welcome to all the students. Would the Clerk please read tonight's legislation.

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. ____ (Draft No. 25-14)

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

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

Mr. Papalas: Mr. Chairman, I would like Mark Hess to explain this because it's the result of some work he's been doing on a grant for us.

Mark Hess: This is actually the downtown lighting project. As you know, we have been doing the downtown lighting project. When we started that project, we established that the estimated cost for that project at \$356,000. That included construction engineering, which we have to have as part of this project. The way that it's funded we have to have that so we are allowed to get 80/20 money for that, so that's not that big of a deal. By the time the project went out for bid, the estimate for construction without the construction engineering went up to \$387,000. And then we contacted ODOT and we decided to just wait and see if ODOT made any changes in the agreements and waited until the bids came in. The low bid was actually \$409,000, so the low bid was a little bit higher than the estimate. The second bid was \$500,000. There weren't any other

bids, so in order for us to keep this moving, I need to award this project to the low bidder, which we can do even though it's a little bit higher we can do that. But I needed to get more money so we actually went to Eastgate Regional Council of Governments and they have actually put more federal money into the project. The way this is going to play out is we are going to pay for 20% construction and we are going to pay for 20% of construction engineering, which is about \$35,000. So all in all, the city is going to pay about \$189,000 in local funds. The construction grant for \$327,000 and, of course, the construction engineering. We actually thought we had \$71,000 put in the budget that was in my capital projects budget and we thought it was going to be taken out of my capital projects budget and put into the light department account and when we looked, it was never done. So we actually have to come up with all of the local match for this project. So that's what this is about.

Mr. Papalas: Thank you Mark.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Papalas, seconded by Giancola to adopt Draft No. 25-14.

YEAS: 7 NAYS: 0

Draft No. 25-14 has been adopted on the 16th day of April 2014.

ORDINANCE NO. _____ (Draft No. 26-14)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED POLICE AND FIRE 1/2 % TAX FUND TO THE POLICE DEPARTMENT'S VEHICLE MAINTENANCE ACCOUNT AND, DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Papalas, seconded by Pezzano to adopt Draft No. 26-14

YEAS: 7 NAYS: 0

Draft No. 26-14 has been adopted on this 16th day of April 2014.

ORDINANCE NO. _____(Draft No. 27-14)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED FOOD SERVICE FUND TO THE FOOD SERVICE STATE SHARE HEALTH ACCOUNT AND, DECLARING AN EMERGENCY

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

Mr. Papalas: Mike, is there anything you want to add to this?

Mike Burke: No. This is routine ordinance.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Papalas, seconded by Giancola to adopt Draft No. 27-14

YEAS: 7 NAYS: 0

Draft No. 27-14 has been adopted on the 16th day of April 2014

ORDINANCE NO. _____(Draft No. 28-14)

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

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

Mr. McCormick: I'm not familiar with what the refund account is. Could you explain that?

Mayor Infante: If somebody bought a couple of lots at the cemetery and changed their minds the next day because they weren't going to bury the person, the money was already deposited into the account.

Mr. McCormick: Okay.

Mayor Infante: Then we need to refund the money back.

Mr. McCormick: Okay. Thank you.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Papalas, seconded by Merlo to adopt Draft 28-14

YEAS: 7 NAYS: 0

Draft No. 28-14 has been adopted on this 16th day of April 2014.

MISCELLANEOUS REMARKS

Chief Hinton: We had an active shooter training exercise at the Eastwood Mall on Sunday after the mall closed. Some of you may have seen it on the media or in the newspaper. We received very good feedback. It was the largest training exercise they have had at any of the malls throughout the nation. At least 100 law enforcement, another 30 fire fighters and at least 20 EMS. We did large scale training for about 4 hours at the mall. So it went very well and very good feedback.

President Marino: Job well done.

Mr. Giancola: I had a phone call from a resident and I'm sure Mr. Lastic and Mr. Merlo did. I don't know who else concerning a house at 1916 Carrington. About windows broke, gutters hanging, siding all over the ground. The back windows broke. I pulled in the driveway. The wind was blowing so hard they had a sheet covering the broken windows.

Mr. Vigorito: I was out on it and the housing inspector was also given the information and I'm sure he is pulling up the title work on it.

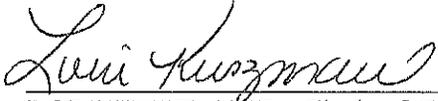
Mr. Giancola: Mr. Lastic said he notified you, but I just wanted to bring it up that we did have a call from one of the residents.

Mr. Pezzano: I wanted to thank all the heads of the departments because I went to pretty much everybody in my ward. Mark's here, Mike's here. They helped me out in certain situations in the 1st Ward, but went to other departments also and I wanted to thank everybody.

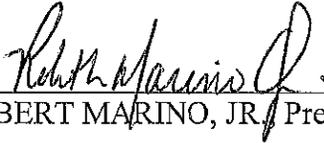
President Marino: Gentlemen, at the adjournment of council, we will excuse the audience because we have a meeting with our State Financial Auditor. Because it is a meeting with the auditor, that is a private meeting.

ADJOURN

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



LORI KUSZMAUL, Clerk of Council



ROBERT MARINO, JR., President of Council