

MINUTES
April 15, 2015

Niles City Council held its regular meeting on April 15, 2015 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 Merlo to accept the Minutes from April 1, 2015 and place them on file.

Motion carried.

REPORTS AND COMMUNICATIONS

FROM The Ohio Division of Liquor Control

Notice of Legislative Authority of Shevies Pub, Inc. dba Cheapshotz, 5840 ½ Youngstown Warren Road & Patio, Niles, Ohio 44446

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

Motion carried.

FROM The Ohio Division of Liquor Control

Notice of Legislative Authority of Sons of Italy 2884, 5458 Youngstown Road, Niles, Ohio 44446

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

Motion carried.

FROM Niles City Auditor's Office

2015 1st Quarter Status Report

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

Motion carried

FROM The Niles City Auditor's Office

Estimated versus Actual Revenues through end of March 2015

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

Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

President Marino: I believe we have representatives here from YDC that wanted to address council, so we will ask that you come up first and state your name and address for the record, and also know that at council's last meeting by voice vote they voted to support you and your endeavors and our law director on council's behalf sent letters to the Governor, the Speaker of the House, the Senate President and our elected representatives from this region.

Margaret Bury and I am the chapter president of Youngstown Developmental Center for the union and I am also a resident here in Niles and I live at 643 Dakota. Our request is we are fighting for the homes of the people that are being displaced. I have two family members with me. They don't want their families moved. They are supposed to have a choice, but their choice is not being observed. They are being forced out of their homes. We have a resolution that was written up in Huber Heights, a copy of theirs, that I would like to give to you.

President Marino: Give it to the Mayor or Law Director.

Margaret Bury: It kind of says everything that we need said because we were hoping that you would write a resolution for us.

President Marino: Any questions or comments?

Margaret Bury: Thank you very much.

President Marino: Does anyone else wish to address Niles City Council?

Carl Scott, 308 Smith Street, 4th Ward. I represent a group of property owners. It's a block from 308 to maybe 412 or so. We have a couple of duplexes there and they are owned by Doug Foythother (sp). We've tried to work with the police. The two duplexes on top – these are the police incident reports from the two duplexes. This one is 303 and this is this guy's ex-wife. We need help. This street is – I'm scared to bring my grandchild out and play in my yard. It's constant drug dealing, shootings, they get something like 6 nuisances calls a year. They had 6 calls to 324 culminating into 5 calls and culminating into 6 calls where they found a guy dead from a heroin overdose. There is way too much drug traffic. There's people coming up and down the street that have no idea – they go in, they come back out in 3 minutes.

Mr. Papalas: Mr. President, I haven't met this gentleman yet, but I have spoken with other people in the neighborhood who are saying the very same thing that you are and so the nuisance ordinance says 3 times in a year –

Mr. Scott: That they should get a warning.

Mr. Papalas: Yes, and that's what we are going to get at in a minute. That is why I asked a representative from the police department to be here this evening, Jim Villecco is here representing our department, but also the Safety Director. I guess he left.

Mayor Infante: He'll be back.

Mr. Papalas: Ok. Well, when he gets back, we'll review this discussion because we need to see where we are with declaring these residences a nuisance so that we can do something more about it. That's what I started to ask our Safety Director earlier and I had the impression that we were not on the same page. Mr. Villecco is here and our officer is more than capable of discussing this, if he's up on it.

President Marino: The only thing that I would say is if there are ongoing investigations that none of us are privy to, it would be my preference that you, Officer Villecco, Mr. Papalas and the Mayor and Safety Director meet in private because we don't want to disrupt anything that they may or may not be doing. I'm not privy to that.

Mr. Papalas: Mr. President, this isn't about what type of investigation. This is about what happens once we have far more than 3 calls per house. That's what I want to get down to.

President Marino: On our nuisance ordinance?

Mr. Papalas: Yes. And Mr. Villecco, short of revealing anything about any investigation, I just wanted him to be here so he could answer other general questions. Nothing will be discussed concerning individual investigations.

Mr. McCormick: I met with a couple neighbors on Smith Street last week who are concerned about the same thing that you are.

Mr. Scott: I'm representing them here tonight because of work schedules, they were unable to come so I said, "I'll do it." I'm probably not the best person to have up here, but --

Mr. Papalas: You're doing fine.

Mr. Scott: I come up and say my peace and anybody else can, but the problem that we're having, I realize that this is city life and I probably should care more about the whole city, but I'm particularly interested in this block.

President Marino: Well, you should be because you live there.

Mr. McCormick: And this is concentrated in that area. I agree with you.

Mr. Scott: This goes on 24/7.

Mr. McCormick: The ladies I talked to last week, they wanted to know what they could do to organize a block watch so I took them to a block watch meeting with the 1st Ward. Frank Pezzano was kind enough to have us go down so they could have an idea of what it takes to maybe get the block watch started. When it comes down to these nuisance laws, you might know the best way to handle this and call it in. I also went down and talked to the police who

were on duty who were handling some things down there at that time. Again, I know they're working on some things down, but I don't know --

Mr. Scott: It has become apparent that this is a practice, a common practice, of the landlord. Ok. If he screened his people and had stricter policies, you wouldn't have that rift raft. I know because I've rented. I've rented for a long time.

President Marino: Is it your preference, gentlemen, that we wait the return of our Safety Director?

Mr. Papalas: Well, can I ask Jim a question?

President Marino: Sure.

Mr. Papalas: Jim, do you know anything about the issue of being a nuisance?

Officer Villecco: I was made aware of it last week and I did pass on the information to the secretary downstairs. She is in the process of issuing a letter. We did make -- not an arrest -- but basically right now we are trying to address it through the nuisance ordinance.

Mr. Scott: Ok, so you're still going to have another gentleman that we're waiting on and we're going to discuss this with him this evening?

Mr. Papalas: If he comes back here.

Mr. McCormick: If he doesn't come back here tonight, we'll set up a time and invite you and I would like to be included in that too, since I've been over there and it's my ward. If he shows up tonight and you're willing to stick around, we'll talk about it.

Mr. Scott: What if I get the other homeowners to sign a petition to bring it in to show that I'm not just standing here by myself.

President Marino: Well, I don't think that with the stack of papers that you just showed us speaks volumes for everybody that lives in the neighborhood.

Mr. Scott: That's just four addresses.

President Marino: I don't think that -- by all means you can petition and that's your right, but I don't need to see a petition to realize that there's a problem. All I have to do is look at those stacks of papers and it speaks volumes.

Mr. McCormick: I've spoken to like three different households over there already. You and I haven't spoken yet.

Mr. Scott: I live right on the corner of Smith and Holford.

President Marino: Well, we will wait until Director Guarino returns. If he doesn't, Mr. Papalas and Mr. McCormick will coordinate with you and the administration on setting up a meeting.

Mr. Papalas: So that the chair knows and the rest of council knows, there are several of my friends from your neighborhood who are here also here this evening who are also concerned. You are not here by yourself. These are – especially the one lady who is a longtime friend of mine and I have been in discussions for quite a while, so he's not alone.

President Marino: Would anyone else wish to address Niles City Council?

Doug Dadisman: I live at 412 Russell Avenue. At the end of the street there was an accident back on November 15th when a car wrecked into a telephone pole. It's still broken as of today. I was wondering when it's going to be fixed? Does anyone know why it hasn't been fixed? It's on the main drag of Robbins Avenue.

President Marino: Yes, it happened on the Ohio State – Michigan game. I saw it. I was going home.

Mayor Infante: Is it on the corner of Russell and Robbins?

President Marino: Yes.

Doug Dadisman: It's right on the corner. It's been like that since November 15th.

Mayor Infante: The pole has been replaced, I think.

Doug Dadisman: No. I just drove by it tonight. It's still broken.

Mayor Infante: I think they have it on their schedule and the reason why they haven't repaired it is because it's a high line pole and they'll have to repair it during the night. Because they'll have to switch the power around and right now, the wires are holding that pole straight. That's what's holding it up. It's a big job.

Doug Dadisman: I just didn't know how many months it takes to replace a pole.

Mayor Infante: We've got the poles. It's just a matter of them scheduling it.

President Marino: Thank you, Mr. Dadisman. Anyone else wish to address Niles City Council? In the opinion of the chair, there being none, committee reports?

COUNCIL COMMITTEE REPORTS

None.

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. ____ (Draft No. 14-15)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED WASTEWATER TREATMENT PLANT DESIGN AND IMPROVEMENT FUND TO THE WASTEWATER TREATMENT PLANT'S DESIGN AND IMPROVE FUND'S CONSULTANT FEES ACCOUNT, AND DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Stredney, seconded by Lastic to adopt this Draft.

YEAS: 7 NAYS: 0

Draft No. 14-15 has been adopted on the 15th day of April 2015.

RESOLUTION NO. ____ (Draft No. 15-15)

A RESOLUTION IN SUPPORT OF LOCAL NURSING HOME OPERATORS AND THEIR EFFORTS IN URGING THE SATTE OF MOVE TRUMBULL COUNTY FROM PEER GROUP 3 (RURAL) TO PEER GOUP2 (URBAN) FOR NURSING HOME REIMBURSEMENT; AND DECLARING AN EMERGENCY

It was moved by Stredney, seconded by Papalas to adopt this Draft.

YEAS: 7 NAYS: 0

Draft No. 15-15 has been adopted on the 15th day of April 2015.

MISCELLANEOUS REMARKS

Mayor Infante: Just to inform council that the water department fixed 58 hydrants that had frozen caps over the last couple of weeks. They're keeping in touch with the fire department. I know there were a bunch of parts that needed replaced. That will continue.

Mr. Giancola: Do we have many more than require repairs?

Mayor Infante: No, most of them are stems now.

Chief Danielson: Some caps, some stems.

Mayor Infante: Two of them need moved because the guardrail is in the way so we have to figure out what to do with those.

Mr. McCormick: Mayor, I got a call on one too the other day. The corner of Chestnut and Neil Street, the hydrant has sunk down and half is below ground. I don't know if the ground has been building up because of things coming off the road or if it has sunk down or what, but I think if you were going to put a big hose on you'd have a hard time on that one. That cap is –

Mayor Infante: I'll look at our inventory.

Mr. McCormick: Chestnut and Neil.

Mr. Catanzarite: Just briefly. We had a 90% (inaudible) from the engineers. Things are going very well and I'm happy to report that the numbers have come quite down in favor of the City of Niles.

Mr. Lastic: Jim, do you know if Niles FOP are soliciting in the area? Telephone?

Officer Villecco: I'm not aware of that.

Mr. Lastic: My neighbor got a call and they said to write a check and tape it to the door. That didn't seem right.

Officer Villecco: No, that doesn't sound right. I'll talk to the girls at the department.

Mr. Merlo: There's a face book post from the police department saying that that is not our FOP soliciting. It's an outside agency.

Officer Villecco: We usually post it if it's our FOP, but I'll double check.

Mr. Papalas: Mayor, would you please check with the Safety Director about the issue of declaring those home nuisances. With a stack as big as that for each one, we have a big time problem. That means the situation is not being addressed like the ordinance states that it should

be, and I don't want to get on the police captains, they have their own duties to oversee. We need somebody to spearhead this.

Mayor Infante: We'll have Jimmy take care of it.

Mr. Papalas: Can you give us some sort of an update?

Officer Villecco: As soon as I see her again, I'll ask her.

Mr. Papalas: This absolutely has to be taken care of. There are people here this evening that want to know what we're doing with this. I don't want to disappoint them for the next meeting.

Mayor Infante: If it doesn't go that route, then we can go to the Building Department on the nuisance too. We've done that several times.

Mr. McCormick: I think we went after the one house already. I think Yovich condemned it, but they brought it up to code somehow and were able to stay in it. We've been there before.

President Marino: Lieutenant Villecco, I'm also interested in the process used by the clerk, because if I recall when we created that position, one of the reasons we created it was expressly for the monitoring and compiling of this. If that not right, Ralph?

Mayor Infante: Yes.

Mr. Papalas: Not only that, it would pay for her position.

President Marino: Right. So I'm curious as to why this fell through the cracks?

Lieutenant Villecco: I don't know that it did or didn't. I know she has been keeping up on it.

President Marino: Right. I mean her reports are excellent.

Lieutenant Villecco: I don't know what the process is beyond her as far as billing that.

Mr. Scott: Of course, you have to have someone willing to come down and complain.

President Marino: You're not permitted to speak anymore. I'm not trying to be rude, but you're not permitted.

Lieutenant Villecco: I can try to find out from her where it goes beyond her.

Mr. McCormick: I think I'm correct in saying that I think that domestic calls, that doesn't go on the nuisance form because I think it was the intention not to discourage somebody from calling if there was a problem. So if it's related to that –

President Marino: Thanks for clarifying that. You're right. Thank you for reminding me.

Mr. Merlo: A couple things. Mayor, a couple kudos. The street department, they have done a great job with doing some patch work. The calls that I've gotten that it's been done, so you can send that off. Also, the streets look great after a bad winter being cleaned up. All the slag that's been on the streets. I know I saw Joe cleaning them up this week, so a job well done.

Mayor Infante: Yes. He's got all of downtown done and Robbins Avenue down. The sidewalks are all done.

Mr. Merlo: They look really good. For the police department, a couple incidents recently that they did a real good job with the issue at Red Lobster as to getting it under control and just yesterday with the help of other communities to get the culprit that fired shots. That's it.

ADJOURN

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



LORI KUSZMAUL, Clerk of Council



ROBERT MARINO, JR., President of Council