

## MINUTES

Niles City Council held its regular meeting of February 2, 2011 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: Linda A. Yuhasz called the roll:

Lastic-P; Papalas-P; Giancola-P; McCormick-P; Stredney-P; Papas-P; Wilkerson-P; Marino-P

It was moved by Stredney, seconded by Lastic to accept the Minutes of the January 19, 2011 meeting and place them on file. Motion carried.

## REPORTS AND COMMUNICATIONS

FROM The Auditors Office

The 4<sup>th</sup> Quarter Status Report 2010

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

FROM The City Income Tax Office

The Monthly Receipts thru January 2011

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

## MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Cindy Weddell, 884 Nancy Street, Niles: I wanted to bring up to council that our group the Niles Enhancement Committee is in the process of starting a neighborhood watch. We have met with Bard Copeland and Victoria Allen from Youngstown that started their neighborhood watch there. They were very informative, cooperative and very excited about helping us out. They have invited us to talk to their mayor, chief and 911 Center and anything they can do for us. They currently have twenty four neighborhood watches set up in their city. At this point in time they are successful. We have received a lot of negative comments, our group, when we go out and talk to people about starting up this program. We got "probably not going to work." But, we are very positive and we want this to work. We believe that our city has become very complacent as far as the police department, the mayor, city council and the residents. We all just seem to think that everything is being taken care of and that crime isn't becoming more popular in the neighborhood and more kids walking the streets. We all need to work together is what I am getting at. They have a lot of support from their mayor and city council. Actually their city council members for each ward show up at each neighborhood watch meeting that they have once a month. So what I am asking is and I talked to Bruce about this earlier, is getting the police on board with this and working with us in making this program a success for our community. So what we are asking of city council is to join us, meet with us and actually come to our meetings and sit and listen. Give us some ideas and give us some direction and maybe tell us things that failed in the past that we could steer away from. We are having a meeting on February 22, 2011 at 6:00 in the United Steel Workers Hall on Main Street. This will be published in the newspapers. This is for anyone interested in starting a neighborhood watch program in their neighborhood. If we get five residents that's great because maybe they will go out and tell five more people. We would really appreciate the presence of council at that meeting just so the public knows that we are willing to work together in an effort to get everything done.

President Marino: In speaking for myself, I don't believe that the mayor and council are apathetic. I would attend the meetings but on Tuesdays, my son is a senior and I am not making excuses, but he is a varsity basketball player and my commitment is to my family. I know how hard these fellows work and I know the committee meetings they attend that go under the radar screen. I want to reassure you that my time here has been one of hard work and effort to maintain city services and to maintain a high level of fiscal responsibility. I think that under the mayor's leadership we are a role model with regard to fiscal finance in providing service , we have the Wellness Center and it's a beginning point, I agree with you and there is a lot of work to be done. I don't want it to be diminished of all the good deeds that these seven folks sitting over here and this mayor and what you said could be taken out of context.

Cindy Weddell: I apologize with what I just said came out incorrectly because we are working with Ralph on a lot of things, he is on board and everybody seems to be on board with that and I think that its great. We are very appreciative of all of your work. I need to back track a little bit and I guess my request is if you can't make that meeting is there any way that we could possibly meet with a group on your time. I understand we have meetings every night also and you have (inaudible) as well.

President Marino: Generally, the committee meetings are held on Wednesdays of off council between three and five are when committee meetings are held , meetings in the mayor's office that is just the way it has been. I am sure they can adjust to a mutually convenient time.

Cindy Weddell: If you gentlemen can come to the meeting it would be greatly appreciated. You can contact me through our website and I apologize if I was disrespectful because everyone is working.

President Marino: No you aren't.

Councilman Papalas: I would like to respond also, in the past I helped set up two of those neighborhood watches, one of them on Oaknoll Avenue and another one on Clark Street area. I think others should have been involved in that sort of thing also we just don't announce it and carry on with it. We worked very hard on the landlord ordinances going back for years. We went to Shaker Heights, went with the chief and I don't know how much work you are doing with the chief in an effort to crack down on nuisances in our neighborhoods. In all these issues we need all the department heads involved also. We can give you all the support we want but if we don't have department heads helping in a positive way then we need to know more about that. As far as attending your meetings I would love to. Monday, Tuesday and Thursday I teach at Kent State. I am out of the loop on those nights, if you have something on the weekend or on a Wednesday let me know and I will be there.

## **COMMITTEE REPORTS**

NONE

## **ORDINANCES AND RESOLUTIONS**

**RESOLUTION NO.\_\_\_\_(Draft No. 03-11)**

**A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED GENERAL FUND TO BUILDING AND ZONING'S REFUND ACCOUNT; AND, DECLARING AN EMERGENCY.**

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

**YEAS: 7 NAYS: 0**

Rules are suspended.

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

**YEAS: 7 NAYS: 0**

This Draft No. 3-11 has been adopted on the 2<sup>nd</sup> day of February, 2011.

**RESOLUTION NO.\_\_(Draft No. 04-11)**

**A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED LAW ENFORCEMENT FUND TO THE LAW ENFORCEMENT 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 Papas that this Draft be adopted.

**YEAS: 7 NAYS: 0**

This Draft No. 04-11 has been adopted on the 2<sup>nd</sup> day of February, 2011.

It was moved by Councilman Papalas, seconded by Councilman Wilkerson to place Draft No. 65-10 on the agenda. Motion carried.

**ORDINANCE NO.\_\_(Draft No. 65-10)**

**AN ORDINANCE AUTHORIZING THE VACATION OF A PORTION OF LIBERTY STREET**

It was moved by Wilkerson, seconded by Papas 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. 65-10 has been adopted on the 2<sup>nd</sup> day of February, 2011.

**MISCELLANEOUS REMARKS**

Councilman Papalas: I wanted to ask a couple of questions, one deals with the income tax. Mr. Swauger I noticed that in January we were at \$515,000 the difference from last year is \$27,000. Does that reflect improvements for the coming year or is that just a one month?

Mr. Swauger: That is hard to say because January is when we get our quarterlies from last year. We got a lot of them in on the end of January, we will know more after next month. Thank you. A question came up from somebody and I told them that I would find the answer ,in communities where the building inspector is involved as a landlord, who inspects those houses?.

Mayor Infante: Rentals?

Councilman Papalas: Yes.

Mayor Infante: Housing.

Councilman Papalas: Is that what happens here?

Mayor Infante: Yes to my knowledge. Anthony does Yovich inspect all the rentals?

Mr. Anthony Vigorito: Yes.

Councilman Papalas: Yours as well?

Mr. Vigorito: Yes.

Councilman Papalas: That is not a conflict at all?

Mr. Vigorito: No.

Councilman Papalas: Ok, good. Also, I have this question a couple of years ago it came up that after we had passed the ordinances concerning housing in the city, not just landlord but housing we were going to start working on commercial properties as well. For example that when you come into town as this committee has cited in recent past rightfully so, we might be able to make some improvements. A couple years ago you told me you were going to start working on that, where are we with that?

Mr. Vigorito: Well we passed the ordinance last year on the commercial zoning.

Councilman Papalas: That was city wide for housing also.

Mr. Vigorito: Right the housing part of it passed in 2009 and the commercial passed in July of 2010. As I get complaints on the property I send out letters to get them addressed. I had a couple of them torn down by the owners.

Councilman Papalas: When are we going to have a stricter policy concerning all these buildings like what we have with our housing? Don't we need to build on the building codes and improve on those?

Mr. Vigorito: If they want to sit down and go over those, yes.

Councilman Papalas: Who is they?

Mr. Vigorito: That would all have to be brought before the Planning Commission I would think.

Councilman Papalas: You start that don't you? When are you going to start that?

Mr. Vigorito: Well I actually have been starting that with the Planning Commission but after we finished the zoning everything kind of come to a quick halt. We have been working on the zoning for years on the commercial trying to make some of the new rules but not make it so harsh that we don't want businesses to locate here. As far as commercial and addressing them I send them out letters to address their buildings if they need to be addressed. Like the organization here sent me a letter addressing three buildings so far. One I have been sending letters and trying to work with the owners since 2009. We just recently sent them another letter and he has ninety days to correct the situation or at least have it under contract to correct it or I am going to have to take them to court.

Councilman Papalas: How many people have you taken to court?

Mr. Vigorito: Only three.

Councilman Papalas: Since you have been building inspector?

Mr. Vigorito: Yes.

Councilman Papalas: How many has Yovich taken to court?

Mr. Vigorito: Oh I am not sure probably three hundred. Most of our issues are in the residential area.

Councilman Papalas: He only does the rental property.

Mr. Vigorito: No he does all the city homeowners also if it is exterior, by complaint.

Councilman Papalas: When are you going to have this improvement made to our ordinances so that we can have a more systematic effort in place for enforcing in situations?

Mr. Vigorito: Again, I would be glad to sit down and discuss that with you on what exactly you are looking for. Basically the only thing I do is when a building has been run down .....

Councilman Papalas: I know know maybe we can sit in the mayor's office you and me and the mayor and talk about that because just as we build up our building codes using the state codes, you said that we could do the same thing with commercial interests. That is what I am going towards right now, we haven't done that.

Mr. Vigorito: No not really.

Councilman Papalas: I would like to set that meeting up with you, me and the mayor pretty soon, so maybe we can get that moving. Then maybe we can help people in the community as they try to make improvements. We are only as good or as effective as you are.

Mr. Vigorito: Right.

Councilman Papalas: Sure and we will be meeting very soon.

Mr. Vigorito: Alright let me know when you want to meet.

Councilman McCormick: I got a call from Randy today; we have an agreement to approve with the Village of McDonald for sewer waste water services. We might need a Utility Committee Meeting to get that through so we can present it for the next meeting.

Mr. Randy Fabrizio: Our agreement for sewer uses with the Village of McDonald has expired. Since the expiration we have been working to upgrade and working with their legal counsel, Terry Dull and the village administrator, Tom Domitrovich. We are in the latest stages of the drafts (inaudible) in the next couple of weeks we can meet and share that with the Utilities Committee and council. I have already talked to the administration about it (inaudible) and present it to council in its final form and get it passed.

Councilman McCormick scheduled a Utilities Committee Meeting on February 9, 2011 at 3:30pm in City Hall Conference Room 1.

A motion was made by Giancola, seconded by Stredney to adjourn the meeting.

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Linda A. Yuhasz, Clerk of Council

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Robert Marino Jr., President of Council