

MINUTES

Niles City Council held its regular meeting of February 20, 2013 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 Pro tem; Sherry Rose called the roll:

Lastic-P;Papalas-P;Giancola-P;McCormick-P;Stredney-P;Merlo-P;Wilkerson-A;Marino-P

It was moved by Papalas, seconded by Stredney to excuse the absence of Councilman McCormick and Treasurer Swauger. Motion carried.

It was moved by Stredney, seconded by Lastic to accept the Minutes of the regular meeting of February 6, 2013 and place them on file. Motion carried.

REPORTS AND COMMUNICATIONS

FROM The Mayor's Office

2013 Appointments to Various Boards

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

Motion carried.

FROM The Housing Maintenance Code Enforcement Officer

Housing Code Monthly Report for January 2013

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

Pete Toto of 118 S. Rhodes Ave., Niles: I am the current president of the Niles Lions Club and we are holding a fundraiser Saturday night at Ciminero's and we are doing "A Night at the Races" and we are raffling off 14 gift baskets worth at least \$200.00. You don't have to be present to win but we would like you to be there to support us and raise funds. We do eye care for individuals who can't afford it, we pay eye exams, eye glasses, cataract surgery. We also purchased pilot dogs for two blind individuals in Trumbull and Mahoning County at \$8,200 a piece. Anyone that would like to attend, I have tickets with me, I will be here until the end of the meeting, please see me.

COMMITTEE REPORTS

None

ORDINANCES AND RESOLUTIONS

ORDINANCE NO.__(Draft No. 06-13)

AN ORDINANCE REPEALING NILES ORDINANCE NO. 26-07; CHANGING THE ZONING FOR PROPERTY KNOWN FOR STREET NUMBERING PURPOSES AS 101 THIRD STREET,

FROM B-2, COMMERCIAL DISTRICT TO R-A, RESIDENTIAL DISTRICT; AND, AMENDING THE ZONING MAP AS REQUIRED THEREIN

It was moved by Stredney, seconded by Papalas to give this Ordinance a first reading.

Councilman Stredney: I want to remind everyone that there is a public hearing scheduled for March 20th at 5:45.

YEAS: 6 NAYS: 0

This Draft No. 06-13 has received a first reading.

Councilman Papalas: Has the owner been notified and has there been a response from anybody?

Law Director Dull: No responses that we know of, the notices were sent out. We were required by law to do that. So far, no responses.

Councilman Papalas: Thank you.

ORDINANCE NO.__(Draft No. 07-13)

AN ORDINANCE APPROVING THE PLACEMENT OF FARMLAND IN AN AGRICULTURAL DISTRICT AND, DECLARING AN EMERGENCY

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

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No. 07-13 has been adopted on the 20th day of February, 2013.

RESOLUTION NO.__(Draft No. 08-13)

A RESOLUTION AUTHORIZING THE APPROPRIATIONS OF FUNDS FROM THE STREET, WATER, LIGHT AND SEWER DEPARTMENTS; AND, DECLARING AN EMERGENCY

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

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No. 08-13 has been adopted on the 20th day of February, 2013.

RESOLUTION NO.__(Draft No. 09-13)

A RESOLUTION AUTHORIZING THE QUARTERLY CASH TRANSFERS; AND, DECLARING AN EMERGENCY

It was moved by Papalás, seconded by Lastic to suspend the rule requiring three readings.

Councilman Stredney: Steve, are those just our regular transfers?

Councilman Papalás: Yes, these are routine.

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No. 09-13 has been adopted on the 20th day of February, 2013.

President Marino: I believe we have to entertain two motions for the purpose of executive session. We need a motion for the purpose of entering into executive session for contract negotiations and a fact-finder report.

It was moved by Papalás, seconded by Lastic to adjourn into executive session to discuss the fact-finder report and contract negotiations between the City and the FOP Patrol Officers.

Lastic-Yea; Papalás-Yea; Giancola-Yea; McCormick-Yea; Stredney-Yea; Merlo-Yea

YEAS: 6 NAYS: 0

President Marino: We also need a motion to adjourn into executive session for pending legal matters regarding the Ludt case.

It was moved by Papalás, seconded by Stredney to enter into executive session to discuss the law suit, Bobby V. Ludt v. The City of Niles, et al.

Lastic-Yea; Papalás-Yea; Giancola-Yea; McCormick-Yea; Stredney-Yea; Merlo-Yea

YEAS: 6 NAYS: 0

Council adjourned into executive session at 6:09 p.m. for the purpose of discussing the fact-finder report and contract negotiations between the City and the FOP Patrol Officers; and the Bobby V. Ludt v. The City of Niles, et al case.

At 6:36 Niles City Council reconvened from executive session.

The Clerk Pro tem called the roll:

Lastic-P; Papalás-P; Giancola-P; McCormick-P; Stredney-P; Merlo-P; Marino-P

President Marino: We need a motion to place Draft No. 10-13 on this evening's agenda.

It was moved by Papalás and seconded by Stredney to place Draft No. 10-13 on the agenda. Motion carried.

RESOLUTION NO.__(Draft No. 10-13)

A RESOLUTION ACCEPTING THE FACT-FINDING REPORT ISSUED FEBRUARY 15, 2013 FOR THE FOP, PATROLMEN'S UNIT

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

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Papalás, seconded by Stredney to adopt Draft No. 10-13.

YEAS: 6 NAYS: 0

This Draft No. 10-13 has been adopted on the 20th day of February, 2013.

MISCELLANEOUS REMARKS

Councilman Stredney: Last meeting we mentioned something about Garfield School, we are going to have our public hearing in March. I did talk to the Mayor recently about what our possible solutions might be in the future. I talked to a couple different non-profit groups who are not interested in the property at all as long it is standing. I know this summer we are going to have the same problems again Chief, with the drug mischief and everything else we had over there. I don't know what our solution is for the long term but I do know the City's going to get another earful of problems from over there. If we could start trying to figure something out, I don't know what the solution would be to see if the County or to force the property owner to do something or even where to start.

President Marino: Once the auction is complete, we will find out who the rightful owner is and all the property transfers take place, I would like to think that the chief, the building inspector will make a call upon them and inform the new property owner of the City's expectations and legal requirements and the attention that will be paid to the property for the residents over there.

Councilman Stredney: As we all know we have had a lot of police calls, we know that people have been attacked over there, there's been a lot of drug problems over there. When the building was unsecured, you can see that there has been fires inside the building, it's going to be another earful of problems.

Councilman McCormick: Tony have you ever heard any demolition costs for that building?

Mr. Vigorito: No, the only thing I was told was that the asbestos report showed that there was not asbestos but I have never actually seen the document that showed that. I could probably

come up with a pretty good guess on what it would take to take that building down if there was no asbestos.

Councilman McCormick: What's your best guess?

Mr. Vigorito: I would probably say between \$150,000 and \$200,000.

President Marino: And with asbestos, probably \$600,000 because that is what it cost for Edison which didn't have asbestos, then it did, then it didn't and then it did.

Mayor Infante: There has to be asbestos in there, you would assume on the pipes or the furnace, boilers. We've got asbestos in the old water department building that is going to cost us \$40,000 to remove.

Mr. Vigorito: This is an idea, Edison cost \$550,000 to remove the asbestos. That wasn't tearing it down, that was just removing the asbestos.

President Marino: That was free labor.

Fire Chief Brown: Let me add this, actually some of the older buildings have a lot less asbestos. Washington is probably our cheapest.

Councilman Stredney: I just know that we are going to have another whole year, 2013, all summer long of police calls, people down here saying what a danger it is. I am sure several of these guys are going to get calls about drug paraphernalia and everything else up there. I know we don't have money to tear it down but don't know where to start and I am hoping that someone else can.

Mr. Vigorito: I'm assuming the building is still secured. The last time I was there it was still secured.

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

Sherry Rose, Clerk of Council, Pro Tem

Robert Marino Jr., President of Council