

MINUTES

Niles City Council held its regular meeting of March 6, 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: Linda A. Yuhasz called the roll:

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

It was moved by Stredney, seconded by Lastic to accept the Minutes of the public hearing and the regular meeting of February 20, 2013 and place them on file. Motion carried.

REPORTS AND COMMUNICATIONS

FROM The City Income Tax Office

The Monthly Receipt Totals thru February 28, 2013

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

FROM Mr. Jim Sylvester

A letter asking for reappointment to the MVSD Board

Councilman McCormick: I have talked to Jim on this subject and he has done a great job for us out at MVSD and I would like to bring up a resolution in our procedures here to reappoint him to that position. He is doing a great job and I appreciate his efforts.

President Marino: Terry do they need a formal resolution or can they do it through voice vote?

Law Director Terry Dull: They can do it through voice vote as long as it is recorded in the minutes.

It was moved by Councilman McCormick, seconded by Councilman Papalás to reappoint Mr. Jim Sylvester to the MVSD Board of Directors.

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

YEAS: 7 NAYS: 0

Motion carried.

President Marino instructed the clerk to send a letter to Mr. Sylvester and Mr. Tom Holloway of the reappointment of Mr. Sylvester to the Board of Directors of the MVSD.

It was moved by McCormick, seconded by Lastic to accept the letter and place it on file. Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Jean Waris of 925 Youngstown Warren Road, Niles: I wanted to thank the mayor for getting a meeting together with Chief Hinton and Law Director Dull. It was a very good meeting and we have a good working relationship.

Anthony Beltz of 530 Sodom Hutchings Road, Vienna: I would like to ask council to get a resolution to send a letter to Omaha; we have been on strike since September 13 at Phillips Manufacturing. Currently we were in negotiations the first week of December and we haven't heard a word. We would like to ask council to send a letter out there so they can get us back to the bargaining table.

Councilman Papalás: We would be happy to. We discussed this last Saturday. I would like to make that motion that we send a resolution to the owners of this company urging them to please resume the bargaining process so that we can get this strike ended.

It was moved by Papalás, seconded by Giancola that council send a letter to Phillips Manufacturing to return to the bargaining table to negotiate in good faith. Motion carried.

Councilman Papalás: Mayor, we have been talking about that last Saturday and do you think it would help if you called them as the mayor of the city so you can discuss some issues with them and bring them back?

Mayor Infante: I can try. I have called a couple times for them and didn't get any return calls.

Mr. Beltz: We had a meeting with Congressman Tim Ryan and they never even acknowledged Tim Ryan after that. They never even called him back. In light of your conversation with finances certainly with us if we were back there working the city income tax would be gaining more. Our incomes were higher I think they are only paying \$10 per hour to the temps that they hired. It would be to the city's advantage to get us back to work.

Councilman Giancola: How many replacement workers do they have in there?

Mr. Beltz: I think between thirty and thirty-two and there were forty four of us. That would be a win-win for the city.

Councilman Giancola: I understand that it is still in court mayor and we are waiting on the judge, but isn't there anything we can do to stop them from going in? Just to stand up to our ordinance until they say it is illegal?

Mayor Infante: It's in court now.

Law Director Dull: There may have been a decision but I haven't seen it yet.

Councilman Giancola: But is there a way as a city to stop them from going in there, to stand by our ordinance while we are waiting for a decision?

Law Director Dull: I think there was some kind of agreement or action brought up in Common Pleas Court sometime around when the strike started. There was a letter of agreement between the parties adopted by the court where everything was supposed to be (inaudible) with regards to the picket lines. If there are issues about that I think the Common Pleas Court has control up to this point.

Councilman Giancola: But until that ordinance is declared not legal I think a judge should stand by it and also tell the company to hold the replacement workers from going into the plant.

Law Director Dull: Let me determine whether that is an issue or not and then I can report back to you in the next few days.

President Marino asked for the law director's assistance in the letter to Phillips. He asked the law director to draft the letter with all the councilmen's names and also the mayor's name and signature and the clerk can mail it out.

Mr. Beltz thanked the city and the police department for their patience with the strikers.

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 SREET, 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 Merlo to give this Ordinance a seconding reading.

Councilman Papalas: Did anyone hear from the owner yet?

The clerk informed council that the notice sent to the owner was sent back as undeliverable. Mr. Vigorito gave the clerk another address for the owner and a second notice was mailed out. Also Mr. Vigorito posted the notice to the building.

YEAS: 7 NAYS: 0

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

Councilman Papalas: One question where does the owner of the old Garfield School live?

Clerk of Council: In Howland.

Councilman Papalas: They are in Howland? I thought they were in Chicago?

Clerk of Council: That is the last address Mr. Vigorito gave me. I sent a notice to Illinois and it was mailed back as undeliverable. I asked Mr. Vigorito for another address and he gave me the Howland one.

Councilman Papalas: Well that is the last address you have but that doesn't sound right.

RESOLUTION NO.__(Draft No. 11-13)

A RESOLUTION BY THE COUNCIL OF NILES, OHIO IN SUPPORT OF THE VILLAGE OF LOWELLVILLE'S OHIO WATER POLLUTION CONTROL LOAN FUND- WATER RESOURCE RESTORATION SPONSOR PROGRAM, NAMELY THE VILLAGE OF LOWELLVILLE MAHONING RIVER DAM REMOVAL PROJECT

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

YEAS: 7 NAYS: 0

This Draft No. 07-13 has been adopted on the 6th day of March, 2013.
It was moved by Papalas, seconded by Stredney to add Draft 12-13 to the agenda. Motion carried.

RESOLUTION NO.__(Draft No. 12-13)

A RESOLUTION AUTHORIZING THE ENGAGEMENT OF THE AUDITOR OF STATE TO CONDUCT A PERFORMANCE AUDIT; AUTHORIZING THE MAYOR AND AUDITOR TO EXECUTE A LETTER OF ARRANGEMENT WITH THE STATE AUDITOR; 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 Stredney that this Draft be adopted.

YEAS: 7 NAYS: 0

This Draft No. 12-13 has been adopted on the 6th day of March, 2013.

MISCELLANEOUS REMARKS

Chief Hinton circulated an Apartment Calls of Service report, January 1 thru March 4, 2013 to council. In reference to the Nuisance Abatement Ordinance the chief's assistant came up with these numbers and he wanted to share the status report with council.

Chief Hinton: We have had conversation on making some changes to the nuisance ordinance and I hope they will be brought to you by the next meeting.

Law Director Dull: Along that line I have a draft that you can look at between now and the next meeting.

Councilman Stredney: Steve Papalas and I have asked Terry Dull to put this on the next meetings agenda.

Chief Hinton: When we created the ordinance it was structured by the number of units. The maximum allowable offense for a large unit is 28 in a 12 month period. We are looking at sending a warning out when they hit the fifty percent mark in the allowable offenses. One complex will be getting a warning letter because you can see they already hit the fifty percent mark.

Councilman Papalas: When you see what the fines are, this part -time position can pay for itself at least through this year, unless these people get their tenants under control. I made an appointment and when in to see the chief and the employee was doing this work, it is tedious. I

was very impressed. I was impressed with the person that is doing this and I was impressed with the computer software that she was using. If you have time make an appointment with the chief and check this out because I think its going to go a long way in helping us out in some problems.

Councilman Stredney: We did sit down and went over our old ordinance and these are just some modifications as we said we would make modifications as need be. The chief and Terry Dull had a couple suggestions to move this process along.

Councilman Papalas: Last year we passed an ordinance loaning a baseball league some money and I was wondering if that money has come back because it was a loan?

Treasurer Swauger: Not yet it's in an account right now.

Councilman Papalas: Isn't it supposed to be paid by now?

Treasurer Swauger: There are some individuals that donated money but never donated the money. It will be taken care of.

Councilman Papalas: Do you know when?

Treasurer Swauger: This year, shortly.

Councilman Papalas: What are we going to do with those guys if they don't.....?

Treasurer Swauger: There is nothing we can do it's a donation and we can't do nothing. It's just the Youth League has to give you the money back.

Councilman Papalas: We are out there for this, they know that right? Especially in light of our finances.

Treasurer Swauger: Yes.

Councilman Papalas: Will you be able to give us an update next meeting?

Treasurer Swauger: Yes.

Councilman Papalas: Alright. Also, when are we going to have a board meeting over at the wellness center?

Mayor Infante: By the end of March.

Councilman Papalas: Here are my concerns, I go there almost every day now and these are my observations and I want to know who is responsible and what we are going to do about it. In the one room where they have soccer practice the ceiling and the siding has been punctured, dry wall because there is no netting across the ceiling. I asked about it and we have the netting but we need a cable to be attached from one wall to the other so that we can hang the netting and prevent this damage from occurring. There is also exposure from lights being broken and falling down on a player.

The lights over the big soccer area are on all the time that the wellness center is open, it's like broad day light. We don't need those lights on in the middle if the day.

Mayor Infante: Did you bring it to the director's attention?

President Marino: We talked about that at a wellness center meeting. About adjusting the lights depending on usage.

Mayor Infante: You can only turn them off in two sections, one on one end and one on the other end.

Councilman Papalas: We need a switch that would shut just those off.

Mayor Infante: You can't it's not wired that way.

Councilman Papalas: Well why don't we wire it?

Mayor Infante: Well who is going to wire it?

Councilman Papalas: How about the light department.

Mayor Infante: I don't think they can do that.

Councilman Papalas: Well an electrician should be able to take care of that. It will pay for itself.

Mayor Infante: Probably at a big cost.

Councilman Papalas: You draw it out over the years. How much money are we losing in electricity that we don't need? It is a lot of lighting. It needs addressed we are wasting electricity.

Mayor Infante: Again, that is the way the plans were drawn and that is the way it was designed. I don't know anything about electric.

Councilman Giancola: Just shut down one half of the lights.

Councilman Papalas: We need a switch! We need a wire.

Mayor Infante: It's more than that, you have to take the breaker boxes apart and redesign the whole light fixture.

Councilman Papalas: In the restrooms the hand dryers don't work.

Mayor Infante: That is something you should have told the director right then. Was he there? I don't know when something goes out or when a roll of toilet paper is empty, a hand dryer doesn't work or soap is not put in.

Councilman Papalas: I will be in touch with him in the morning to get a hold of you, this stuff needs addressed. We will have that meeting then in March?

Mayor Infante: By the end of March 1st quarter.

Councilman McCormick: I am speaking for myself on this, I had three break-ins on my street in a short period here not too long ago. I hope maybe a few more cars can drive there at night and check it out. I can give you the addresses after the meeting, chief.

Councilman Stredney: At our next meeting we are going to have the public hearing for Garfield School to change it back to residential. Will this building if we have to deal with police calls there this summer fall under the residential nuisance ordinance?

Councilman McCormick: Wouldn't it go back to the same as the schools like it was before and be treated just like any other school?

President Marino: It is not considered a school.

Mr. Vigorito: I am not sure on that question how it would be treated. It would just be re-zoned R-A, but if anybody buys the building they would have to come back in for a variance or a zone change to refurbish the building or put anything into it. As far as treating it on a nuisance level Terry would have to answer that. The building is pretty wide open right now. I made a suggestion to cut all the shrubbery down around it to open the property up right to the building. That would stop any loitering on the steps where they were having problems.

Councilman McCormick: If there is going to be a new owner can we force them to board up where the pillars are, where they walk up the steps because that is where they gather the most by the old front door? There is a little porch up there and they hang out. Can we just board that whole thing up so they can't even go up the steps?

Mr. Vigorito: I can get an estimate to board it up so they can't go up to that little cubbyhole up there.

Councilman McCormick: While it is for sale I am sure that access needs to be available so that people can go in and out if they are looking at the building.

Mr. Vigorito: There are other doors too that don't have that little entrance. I know that the last time I walked around the building it was secure and we had secured that front door after it had been broken into a couple of times. I believe since the last time I walked into it I haven't seen any breach. Usually I will get a call from the police department telling me that something has been open.

Councilman Stredney: My big concern is now that the weather is starting to get warm again, we are going to have the same problems. I know that last year someone got attacked in or near the property.

President Marino: When is the auction?

Councilman Stredney: April 13.

President Marino: I see you taking notes over there Terry and I imagine you will be able to issue a ruling to Rob on the nuisance ordinance straight away. I would like to see us pursue that venue. Whoever the owner is maybe the chief and Mr. Vigorito can meet with them and explain to them exactly what is going to happen to them if they don't take care of it properly because the (inaudible) of the people are speaking here. On April 14 after the auction I am thinking that is what needs to happen. God willing we get a property owner that is respectful of his or her neighbors and I am certain they will be mindful of what the building inspector, chief of police and the law director has to say. Hopefully that will take place on the 14th. Terry will you get those guys the exact ruling so you are prepared?

Councilman McCormick asked if the interior was in danger of being condemned.

Mr. Vigorito: There was a fire in the one section on the first floor that burned up through the second floor. I have pictures of the fire in my file. The structure of the building is not bad in anyway, it needs interior work in order to put it back in some kind of usefulness. I don't see anybody buying this building and spending the kind of money it would take to do that. We are going to get stuck with the building and I said that right along when it sold off the first time.

Councilman McCormick: Is this building for sale by the owner or is the tax office selling it?

Councilman Stredney: It is not the tax office; I don't know who is selling it. I am only harping on it because we have sat here and listened to residents for years come in and I know they are going to come in this year. If I lived right next door to it I would have a big problem with it to.

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

Linda A. Yuhasz, Clerk of Council

Robert Marino Jr., President of Council

