

MINUTES

Niles City Council held its regular meeting of May 1, 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; Papalas-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 regular meeting of April 17, 2013 and place them on file. Motion carried.

REPORTS AND COMMUNICATIONS

FROM The Auditor's Office

The Estimated versus Actual Revenues Report thru April 2013

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

FROM The City Income Tax Office

The Monthly Receipt Totals thru April 2013

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

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Mr. Ralph Stamp, 210 Sheridan Avenue, Niles, Ohio: I am here about 206 Sheridan, you put him in jail and nothing is getting done. He goes to jail because he wants to get away from his wife and daughter. He has a truck that you put a sticker on it and it's filling back up with garbage again. Nothing is getting done over there! Somebody has got to be able to go into that house! I am sorry but that house stinks so badly! Something has got to get done, this went on all last year and that house is reeking now. Something has got to happen; somebody has got to get into that house. I am just really frustrated.

Mayor Infante: Sonny Schulyer visited my office he is from the senior program out of the sheriffs department, he went to the Sheridan house and they wouldn't let him in, they denied him access. I asked Sonny if there is a way that he can go to the state to try to get the state health department or some agency to get us into the house. That is the last I heard on that.

Mr. Stamp: I am sure that everyone here wouldn't want a house next to them like that. That garage that he put up is an eyesore. Somebody has got to make him tear that down and I don't care if you make the whole city tear down their plastic. I thought you weren't allowed to have those.

Mr. Dull: I also had found out the fact that this gentleman was put in jail because he choose not to have Senior Services come in and perform a lot of services. He was offered the option and instead he took six months in jail.

Mr. Stamp: He is hiding something in that house. Why would the man go six months in jail? There is something that they are hiding.

Mr. Dull: I totally agree with you. I am also looking at what other options there are and I appreciate what Sonny is going to look into for us. I am looking at what other options we have in trying to get a search warrant. There is a lot of research I am doing to try to get things together. I am going to go down on Saturday and take a look around the neighborhood and get some factual information to try to help you put something together. In the end there has to be some kind of danger to the public that is what we have to prove to get the warrant. Mike Burke shared with me his file and I am going through that now. I am going to get Tony's file as well and we are working on it.

Councilman Wilkerson: Terry can't the judge with the Probate Court have their investigators go over there?

Mr. Dull: That is another option that I am looking at.

Councilman Wilkerson: They can demand to go in there and get in there because they are officers of the court.

At this time Mr. Dull, Mr. Stamp and Mr. Johnstone stepped out to exchange information.

Mr. David Brothers, 412 Wendell Place, Niles: I am here about the condition of the siding of the garage at the cemetery. I don't know how many of the councilmen are aware of the condition and have been up to the cemetery. For three years the siding has been coming off. I don't know how many funerals we do out of the cemetery in a week and people coming from out of town and when they leave that is the view of Niles they get. It is horrible and something has to be done! Tear it down or re-side it, I just saw where the cemetery is raising fees; is anybody looking into that?

Mayor Infante: Yes it is already scheduled to be torn down.

Mr. Brothers: Is this the first time that it has been brought up?

President Marino: No this is not the first time; it has been brought up many times by the director out there. He has met with a few of us and raised a whole host of issues and concerns that he has. He also met with the mayor and I believe they put together a plan which included the fee increases to address some other issues in the cemetery. That is the last I heard about Lou's plan, but they are working on it and I would assume that it would happen relatively quick, Mr. Lastic?

Councilman Lastic: Yes but not tomorrow.

President Marino: I certainly hope not October either.

Mayor Infante: We had somebody donate the siding for us but every time we get a windstorm it blows it right off. There is nothing holding that siding down.

Mr. Brothers: It should be a priority.

Mayor Infante: Well we are in the process of somebody tearing it down.

Mr. Barry Steffey, 511 West Third Street, Niles: Yesterday we lost a neighbor in the fire and I just wanted to thank Niles finest. It's one of those things you don't want to think about but when

you see these men responding to a fire and lose a life, it is unfortunate. Hats off to the safety services here in Niles both police and fire, especially the fire that had to deal with that yesterday. On a lighter note this Saturday we are having a community cleanup and we will meet at the trailhead at 9:00 a.m. Any one that you would like to invite or if you have free time yourself we are going to pull together as a community and clean up the downtown. When it is finished we are going to have some food, all the volunteers will get a free meal served on the patio at Stoneyard starting at noon.

President Marino: Barry you folks did a fine job on that community event on Saturday evening also. I know Steve was involved with that and that was a very enjoyable evening. I think it has a lot of potential in helping pull the community together in a social setting. Thanks to everyone involved.

President Marino informed council that when Mr. Johnstone returns he will be able to address council.

COMMITTEE REPORTS

Councilman Merlo submitted his minutes from the April 24, 2013 Improvements Meeting that was held at city hall. Drafts 23 and 24 that will be introduced to council tonight were discussed at the meeting along with the status of the GPS installments on city vehicles.

ORDINANCES AND RESOLUTIONS

ORDINANCE NO.__(Draft No.23-13)

AN ORDINANCE REPEALING AND RE-ENACTING NILES CODIFIED ORDINANCE CHAPTER 922, "STORM WATER MANAGEMENT CONTROL" TO ESTABLISH STANDARDS, PRINCIPLES AND PROCEDURES TO REGULATE THE QUALITY OF STORM WATER RUNOFF DURING AND AFTER SOIL DISTURBING ACTIVITIES; AND, DECLARING AN EMERGENCY

It was moved by Merlo, seconded by Wilkerson to give this Draft a first reading.

YEAS: 7 NAYS: 0

This Draft No. 23-13 has received its first reading.

ORDINANCE NO.__(Draft No. 24-13)

AN ORDINANCE ESTABLISHING NEW STANDARDS FOR EROSION AND SEDIMENT CONTROL DURING SOIL DISTURBING ACTIVITIES WITHIN THE CITY; REPEALING ORDINANCE NO. 24-06 AND CODIFIED ORDINANCE SUBSECTION 923.08(E); AND, DECLARING AN EMERGENCY

It was moved by Merlo, seconded by Wilkerson to give this Draft a first reading.

YEAS: 7 NAYS: 0

This Draft No. 24-13 has received its first reading.

RESOLUTION NO.__(Draft No. 25-13)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED GENERAL FUND TO THE WELLNESS CENTER'S OPERATIONAL SUPPLIES AND ATHLETIC FUND ACCOUNTS; AND, DECLARING AN EMERGENCY

Councilman Papalas: This is typically what we call these ordinances a wash. City council appropriates the money, once the program is implemented and the money is collected from the participants it comes back into the general fund from which we appropriated the money.

It was moved by Papalas, seconded by Giancola 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. 25-13 has been adopted on the 1st day of May, 2013.

(As stated in the "Audience Members to Address Council" section President Marino allowed Mr. Charles Johnstone to speak)

Mr. Charles Johnstone, 145 Sheridan Avenue, Niles:

Every time I come here (inaudible) but I am not I am just trying to get something done. I am going to address you Mr. Mayor because you are the boss of this. He has made statements to me about a fence that surrounds the property, but he has actually built two fences. He has a fence falling down and he has another fence over top of it. Tony said I guess I should go in and see about him taking the fence down.

He has got this portable garage that he put up to hide his trash and Tony says isn't it better if you can't see it? Well isn't it better if you get rid of it if you know it's against zoning laws that you aren't allowed to have it. Why does this continue (inaudible) but we won't take care of anything (inaudible). The whole thing that I am trying to get across to Tony is why aren't you doing it? If you know you can do this and you know that you say you can do this then why aren't you doing it?

You know the man is making money off of this and the one pickup truck still has a bunch of junk in the back of it, it's underneath a jack stand and doesn't seem operable. I know that he can start it but I don't know if he can drive it. I know that the police came over and tagged the vehicle. They came back (inaudible) and they took the tag off. I know that there is a jack stand underneath it. I don't know if that is actually supporting the front end of it. These are the things that Ralph Stamp was saying that doesn't seem to get done! They keep coming back and we understand that you are going through the legal part of it and that takes time but we are not seeing anything get done.

Mayor Infante: I will meet with Tony in the morning over the fence; he is at school tonight and also will meet with the police department over the vehicle.

Chief Hinton told Mr. Johnstone that Officer Crank the traffic officer went back to the house on March 31st and his position was that he complied with the order. He had him start and move the truck.

Mr. Stamp and Mr. Johnstone both said that the truck has never been out of the jack stand.

President Marino told the gentlemen that Chief Hinton will double check the report.

MISCELLANEOUS REMARKS

President Marino reminded council to submit their Ohio Ethics disclosure statements by May 15, 2013.

Chief Hinton gave a follow up report on junk vehicle week. During the week the officers issued warnings and stickers to fifty eight vehicles. They were all given ten day notices and starting May 2, 2013 Officer Crank will follow up on all the warnings issued.

Councilman Papalas: Terry did you make any progress on that ordinance concerning trucks parked in residential areas?

Mr. Dull: I have worked on it some and I am going to get together with Shawn Crank to talk about some terms that I wanted to be clear on. I will have a draft for everyone to take a look at prior to the next meeting so if we are ready to bring it in to the next meeting, fine. I am working on it.

Councilman Papalas and Treasurer Robert Swauger talked about paying the utility bills online. The test went well and it is all set up and ready to go.

Councilman Papalas: Chief Hinton sent this article to me that I find very interesting and it deals with community gardens. We have vacant lots in this town and a couple of which are in the land bank. They are sitting there and we have to spend money periodically to have these lots maintained. This program is active in Kansas and also Cleveland and Boston. I haven't looked that up yet but I will. This program in Lawrence, Kansas has been implemented and where ever there were vacant lots that were suitable, if they were tested and found asbestos because of a home that had been there they couldn't be used. Organizations and private people were allowed to use these lots and it is a very successful program. I think that we don't have to use this exactly with every detail as Lawrence, Kansas did, but it is certainly something that I would like to look into and research a little bit.

I would like to turn it over to Terry and the mayor in the near future to look at and if it is something that we think we can run with then lets have a roundtable and look at this.

One of the people who helped organize this had this advice that cities considering similar programs partner with organizations, monitor and evaluate their program and form solid partnerships with community groups.

The only immediate hang up I see is getting a waiver from people we might allow to use these so that we are not responsible for injuries and they would have to have proof of insurance. We would have to make sure they were not using agricultural chemicals that we would not want to use in the neighborhood. In Lawrence many of the people that took over the lots were neighbors and I think that we should look into it.

President Marino: Steve, I think that Warren city has these and Mel Milliron is with the Trumbull County Board of Health and he is someone you should get in touch with. I will email the information to you and maybe we can set something up with Mel or Mike Burke.

Councilman Papalas: If we think it is do-able I will let everybody know and have a roundtable and kick it around some more. Chief this is a good idea.

Councilman Stredney scheduled a Safety Committee Meeting for May 8, 2013 at 4:00 p.m. in the 1st floor conference room at city hall to discuss semi trucks parking in residential areas and towing.

Councilman Merlo thanked Chief Hinton and his officers for apprehending the thieves who burglarized a house on Taft.

President Marino reminded council about the summer schedule which includes the meetings of May 15, June 5 and August 21, 2013. If there is legislation that needs to be brought in council may consider adding a June 19 meeting if council can't meet the timeline to get the ordinances in place. If the June 19, 2013 meeting is needed it would be a special meeting with agenda items only.

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

Linda A. Yuhasz, Clerk of Council

Robert Marino Jr., President of Council