

## **MINUTES**

Niles City Council held its regular meeting of October 2, 2013 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-A;Papalas-P;Giancola-P;McCormick-P;Stredney-P;Merlo-P;Wilkerson-P;Marino-P

It was moved by Papalas, seconded by Merlo to excuse the absence of Councilman Lastic. Motion carried.

It was moved by Wilkerson, seconded by Stredney to accept the Minutes of the regular meeting of September 18, 2013 and place them on file. Motion carried.

## **REPORTS AND COMMUNICATIONS**

From The Auditors Office

The Estimated Versus Actual Revenues thru September 2013

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

FROM The City Income Tax Office

The Monthly Receipt Totals thru September 2013

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

FROM The Office of the Building Inspector

The Housing Code Monthly Report for August 2013

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

## **MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL**

Jean Waris of 925 Youngstown Warren Road, Niles, Ohio invited council and the administration to the Mahoning Valley Organizing Collaborative (MVOC) Trumbull Standing Together on October 17, 2013 at 6:30p.m. Invitations were sent out and she hopes all will attend. Also the MVOC is sponsoring 101 training on October 21, 2013 at 6:00 p.m. until 8:00 p.m. if anyone is interested.

Mr. Charles Johnstone, 145 Sheridan Ave. Niles, Ohio: He came to council to find out what is being done to the house at 206 Sheridan Avenue. He has seen no progress in all the years he has been coming to council.

Mr. Vigorito told him that he met with the prosecutor today and filed all new charges under the health department ordinances and under the building inspection office there is no criminal element so it will go toward a civil action through Common Pleas Court and it will take a lot longer. It's all in procedure Tony told Mr. Johnstone.

President Marino asked Mr. Vigorito about the outcome of the meeting with Mr. Terry Swauger, the city's prosecutor. Mr. Vigorito, Mr. Burke and the Housing Inspector, Mr. Yovich met with the prosecutor and it's in procedure.

Mr. Johnstone: Mr. Papalas made the statement that some one came over and made his neighbor take his tent down. But we can't make him take his tent down and make him comply with any ordinances!

Mr. Vigorito: I can't twist his arm, all I can do is tell him what the ordinance says and he defies whatever is going on and he doesn't want to do it, so we are just going through the procedure to try and fix it.

President Marino asked Terry Dull to facilitate a meeting with the prosecutor and the residents of Sheridan Avenue attending the council meeting so that Mr. Swauger can explain to them exactly what is going to happen, when it's going to happen and what is going to happen. He wants to make sure they are fully informed regarding the civil action and how much longer they are going to have to wait before they can find some relief through the court.

Mr. Johnstone told Councilman McCormick that he should be over the court every day making sure that the resident of 206 Sheridan Avenue is in compliance. Mr. Johnstone hasn't seen Councilman McCormick in a long time.

Councilman McCormick: This man would rather go to jail than comply with the ordinances. No one is giving him a free ride out of jail, the jail might let him out if it is crowded. I don't know the answer why he gets out. It is the process of the courts, it is not something that I can go over there and knock this stuff down. I can't call someone and tell them to haul this stuff out. We have tried and you know the different things we have tried.

President Marino encouraged Mr. Johnstone and his neighbors to be in the court on October 8 when the case of 206 Sheridan Avenue will be heard.

Mr. John Williams, 474 N. Cleveland Avenue, Niles, Ohio asked council if they had heard back from the offices of Governor Kasich, State Representatives Sean O'Brien and Tom Letson and State Senator Capri Cafaro concerning Resolution No. 33-13 passed on council floor September 18, 2013.

President Marino told Mr. Williams that council had no communication from them.

### **COMMITTEE REPORTS**

None

### **ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. \_\_\_\_ (Draft No. 60-13)**

**AN ORDINANCE AMENDING CODIFIED ORDINANCE NO. 505.19 TO ADD DUCKS, GEESE AND OTHER WATERFOWL TO THE ANIMALS PROHIBITED FROM BEING KEPT WITHIN THE CITY; AND, DECLARING AN EMERGENCY**

It was moved by Stredney, seconded by Papalas to give this ordinance a second reading.

**YEAS: 6    NAYS: 0**

This Draft No. 60-13 has received a second reading.

**RESOLUTION NO.\_\_\_\_ (Draft No. 65-13)**

**A RESOLUTION AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR TWO YEARS OF SLUDGE HAULING AND CHEMICALS FOR THE WASTEWATER TREATMENT PLANT; AND DECLARING AN EMERGENCY**

Councilman McCormick: There was some discussion on whether we should go ahead and authorize the service director to enter into contract. Myself I don't see any problem with that. This isn't something that is paid out for the two years ahead of time. This is a service that is provided and paid as preformed. The chemicals are paid as used and delivered. It is not one big chunk that will come out right now. We are trying to keep a close eye on things, but these things down at the wastewater plant are the cost of doing business. In order to run the plant effectively and to meet EPA requirements we have to do these things. We would like to see what these numbers are Neil so we can get an idea if they are going up.

Councilman Stredney: Why can't we see the bids before we enter into contract? Is there a time issue?

Service Director Buccino: I don't know what the expiration date of the first contract is.

Councilman Papalas: In briefly talking to them I think there is a concern that if the chemicals run out, council is still here waiting to authorize the contract and then we have a problem.

Councilman McCormick felt it was to the city's advantage to enter into a two year contract because of the prices. If you enter into a one year contract the prices might go up for the following year. He said the last contract was a two year contract.

Councilman Stredney: If we had a contract for two years then we could have had this ordinance a month ago and we would have plenty of time.

Mayor Infante: We bid out every two years and if you want to come to the bid opening we will let you know when it is.

Councilman Papalas: Ed, if we check in later and see what the cost of the chemicals is then we will know without holding anyone up.

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

**YEAS: 6    NAYS: 0**

Rules are suspended.

It was moved by Stredney, seconded by McCormick to adopt this Draft No. 65-13.

**YEAS: 6    NAYS: 0**

This Draft No. 65-13 has been adopted on the 2<sup>nd</sup> day of October, 2013.

### **MISCELLANEOUS REMARKS**

Mayor Infante reminded everyone that this week is tire pickup week.

President Marino asked the mayor who cleaned the river bank along Dragon Drive. Mayor Infante told him the city cleaned it. President Marino remarked what a good job they did.

Councilman Stredney: Mayor, what are our options in planning for a fire truck for the future? Out of the five trucks we are down to four. I have been told that grants are based on age of fleet and finances. I don't know who writes them and can Mark Hess help the fire department write a grant. Can we start looking for a grant for the year 2014?

Mayor Infante: Every year the fire department applies for a grant. Last year we got a grant writer and we still didn't get one. We got a grant writer this year but we don't know the outcome yet.

Councilman Stredney: I feel that we need to take steps because sooner or later we are going to be caught with out a fourth fire truck and be down to three. I don't know what steps to take to get one but I am all for taking the steps we need to take.

Mayor Infante: We were waiting for the fire department to get a price for an axel for the one truck and then we can get the tank put in it. I guess now we don't need an axel just brake pads. We can get that truck fixed for three or four thousand instead of sixteen thousand.

Councilman Stredney: That still leaves us short one at the substation.

Mayor Infante: That has been out of commission for a long time. With an aging fleet we should be able to get a grant. I don't know how these other cities can get one and we don't.

Councilman Stredney: We are going to need another truck. It has been awhile since we have heard anything and I know there has been a lot of upkeep done on Garfield School. Who can we talk to or have the county put that in a land bank or the county tear it down?

Mayor Infante: The grants we get do not include commercial.

Councilman Stredney: Can the county do something? They have been able to demolish commercial property.

Law Director Dull: For the county to get involved it has to be tax delinquent.

Councilman Stredney: They are around \$70,000 delinquent on taxes and haven't paid them for four or five years. It is just a matter of the county coming in. I know the community over there and the city has done a lot of work in maintaining it. We are not getting reimbursed. Since they cut down the bushes there hasn't been any problems. I don't know who we talk to or send a letter to for help.

Mr. Dull: I will contact the treasurer in the county and explain to him and see if they can get involved.

President Marino asked council about Washington School. Councilman Stredney said right now they are going to leave it grass. At one point in time they are thinking about putting in a track for cross country and track. Possibly put a field in the middle of that, nothing is for sure. A year or so ago they told me they had no intention of selling the property or try to develop it. We had a meeting with the former superintendent. The soccer people stopped using that field because they went in and took all that black top out and it all has to be returned to natural.

Councilman Papalas: I think when the Stevens Family gave that property to the school system there was some stipulations. This is dating back to the 1920's that it can be used for health reasons or education purposes.

Councilman Stredney: Or maintained as a park, you are absolutely correct. I talked to an attorney out of New York who said the very same thing.

President Marino asked Law Director Dull to get the paper that states what the school land can be used for. We have to make sure we have that in writing.

Councilman Stredney: Would it be a project for city council to send the school board a letter saying that I for one would like to see that maintained as a park setting? I would be fine with a track up there.

President Marino: It's your pleasure, but I would be more comfortable with the deed in hand.

Police Chief Hinton went to a school board meeting and the hill at Washington School was discussed concerning sled riding.

Councilman Merlo: Since the arraignment is October 8 for the Sheridan Avenue case, did we get our minute with the judge?

Mr. Dull: I spoke to the judge about this and he is aware of the concern and he will continue to be sentenced according to the ordinances. For six months in jail the fine is increased to \$500 or up to \$1000 in fines. He is very much aware.

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

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Linda A. Yuhasz, Clerk of Council

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Robert Marino Jr., President of Council

