

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING THE VACATION OF A PORTION OF SOUTH BROADWAY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION ONE: This Council finds that a petition signed by the owner of property abutting a portion of South Broadway, being a 0.71 acre portion of South Broadway 25 feet in width, from the southwest corner of Niles City Lot 8383 to the northwest corner of Niles City Lot 8383, has been presented to Council, praying that said portion of South Broadway be vacated. A copy of the Petition and Map are attached hereto.

SECTION TWO: Council further finds that there is good cause for such vacation of that portion of South Broadway, as prayed for, and that such vacation will not be detrimental to the general public interest, and ought to be made.

SECTION THREE: The portion of South Broadway designated on the petition attached hereto is hereby vacated, subject to statutory conditions, and the reservation to the City of Niles of all mineral rights therein.

SECTION FOUR: The Clerk of Council is directed to notify the Auditor of Trumbull County of the vacation, by sending him a copy of this Ordinance.

SECTION FIVE: This ordinance shall take effect at the earliest time allowed by law.

Passed: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_

Clerk of Council

Filed with the Mayor of the City of Niles, Ohio on the \_\_\_\_\_ day of \_\_\_\_\_, 2017 and signed by me as such Mayor on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
MAYOR

STATE OF OHIO

)

PETITION TO VACATE

) SS

COUNTY OF TRUMBULL

)

)

(Part of South Broadway, Niles City  
Trumbull County, Ohio)  
O.R.C. Section 723.04

)

)

TO THE CITY COUNCIL, NILES, OHIO:

1. **NILES CONGREGATION OF JEHOVAH'S WITNESSES**, of 152 North Road, Niles, OH 44446, and says that it is the owner in fee simple of the following described premises which abuts the parcel herein sought to be vacated:

**See attached Exhibit A which is incorporated by reference as if fully rewritten herein.**

2. Petitioner further says that this Petition to Vacate is filed under and by virtue of the provisions of Sections 723.04 et. seq. of the Ohio Revised Code;

3. Petitioner further says that the portion of South Broadway requested to be vacated is bounded and described as follows:

**See attached Exhibit B which is incorporated by reference as if fully rewritten herein.**

4. A map of the portion of said street sought to be vacated is attached hereto as Exhibit C and is incorporated by reference as if fully rewritten herein.


5. Petitioner further says that there are, to his knowledge, no easements or other public right-of-way in, over or under said portion of South Broadway by any public utility or any other person or corporation, that said portion of South Broadway has long since been maintained by the City and does not appear to be part of the current Niles City street system and serves no useful purpose to the City, its citizens or to the general public, and that the vacation of the same will not be detrimental to the general interest.


7. Petitioners further state that a portion of South Broadway situated within the territorial


limits of Weathersfield Township has been simultaneously filed with the Board of County Commissioners of Trumbull County, Ohio.

**WHEREFORE**, the Petitioner prays that the City Council may inquire into the matter and that if it finds that the portion of South Broadway herein sought to be vacated is not detrimental to the general interest, that the necessary resolution declaring intention to vacate and/or thence vacating roadway be passed and enacted in accordance with law and that said vacated street shall pass in fee to the abutting landowners thereof, as provided by law.

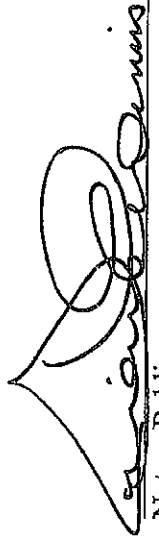
**NILES CONGREGATION OF JEHOVAH'S WITNESSES, by:**

  
\_\_\_\_\_  
Deborah A. Cole, its Director

  
\_\_\_\_\_  
Bryan Williams, its Director

  
\_\_\_\_\_  
Gilbert L. Rieger, Attorney for Petitioner  
Attorney Registration #0001561

Sworn to before me this 18th day of June, 2016.

  
\_\_\_\_\_  
Notary Public

**JUDITH E. DENNIS, NOTARY PUBLIC**  
**State of Ohio**  
My Commission Expires 9.3.2018

COLUMBUS AVENUE. 50'

R/W

36 P.P.M. 24-306700

35 P.P.M. 24-040700

Joshua A. Williams

N. 57'-35"-00" E.  
87.90'

W. 32'-25"-00" W.  
50.00'

51.46'

S. 57'-35"-00" W.  
123.78'

0.080 AC.

SOUTH BROADWAY  
50' NOT OPEN  
City of Niles  
Weatherfield Township

Corporation Line

61.87'

85'-20"-00" E

85'-20"-00" E

0.071 AC.  
S. 03'-40"-00" W. 123.78'

5/8" P. Pd.

5/8" P. Pd.

Portion Vacated By Trumbull County Commissioners  
Commissioners Journal Volume 117 Pages 9045-9047

NOTE:  
East half of South Broadway to be  
vacated by Niles City (inside Cr.).  
R/W

C.L. 8383

Niles Cong. of  
Joshua's Witnesses  
Vol. 978 Pg. 155  
P.P.M. 25-006527

C.L. 8384  
Parcel 1

Niles Congregation of Joshua's Witnesses  
Inst. No. 200207190027252  
P.P.M. 25-713610

REPLAT O.L. No. 216  
Vol. 34 Pg. 94

C.L. 8384  
Pd.

City Ordinance No. 8-03  
(Vacation Plat)  
Vol. 307

April 27, 2016

Description: LKN Map No. WE-267-F<sub>1</sub>

Proposed Vacation - Portion of South Broadway (50-foot right-of-way)  
(part in City of Niles)

Situated in the City of Niles, County of Trumbull, State of Ohio and known as being a part of the Heaton-Chute Addition No. 1, as recorded in Volume 10 at page 37 of the Trumbull County Records of Plats, which is part of Section 9 in the original survey of Weathersfield Township, and is further bounded and described as follows:

Beginning at a  $\frac{3}{4}$ " iron pin in the east line of South Broadway, 50' right-of-way, at the southwest corner of Niles City Lot 8383;

Thence N.  $86^{\circ}-20'-00''$  W., 25.00 feet to a point in the centerline of South Broadway, as aforesaid, which is also a west corporation line of the City of Niles;

Thence N.  $03^{\circ}-40'-00''$  E., along the centerline of South Broadway, as aforesaid, which is also a west corporation line of the City of Niles, 123.78 feet to a point;

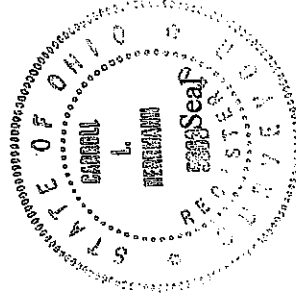
Thence S.  $86^{\circ}-20'-00''$  E., 25.00 feet to a point in the east line of South Broadway at the northwest corner of Niles City Lot 8383;

Thence S.  $03^{\circ}-40'-00''$  W., along the east line of South Broadway, as aforesaid, 123.78 feet to a  $\frac{3}{8}$ " iron pin and the place of beginning.

Containing within said bounds 0.071acre of land as described by Lynn, Kittinger & Noble, Inc., Professional Surveyors, Warren, Ohio, April, 2016 by Carroll L. Herrmann, P.S. Ohio No.5663.

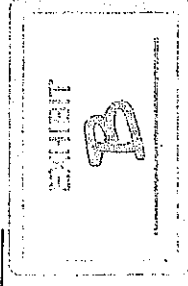
Basis for bearing is obtained from the Plat, as recorded in Volume 10 at page 37 in the Trumbull County Records of Plats.

LYNN, KITTINGER & NOBLE, INC.  
2900 Elm Road, NE  
Warren, Ohio 44483-2606  
[330]373-1244



By: Carroll L. Herrmann, P.S.  
Carroll L. Herrmann, P.S., Ohio #5663

A-28-16  
Date



4

SPONSORED BY: COUNCIL AS A WHOLE  
AUTHORIZED BY: ALL COUNCIL MEMBERS

DRAFT NO. 17-17

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION APPROVING THE PROPOSED DISCRIMINATORY  
HARASSMENT POLICY FOR ALL CITY EMPLOYEES; AND, DECLARING AN  
EMERGENCY

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NILES, STATE OF  
OHIO:

SECTION 1: That Council hereby approves the proposed "Discriminatory Harassment  
Policy" for all City employees, a copy of which is attached hereto.

SECTION 2: This Ordinance is hereby declared to be an emergency measure in the  
interests of the public health, safety and welfare, for the reason that it is imperative that a  
discriminatory harassment policy be established as soon as possible to give direction to  
City officials and employees for their proper guidance. As such an emergency measure,  
this ordinance shall take effect upon passage by Council and approval by the Mayor.

Passed: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_  
Clerk of Council

Received by the Mayor of the City of Niles this \_\_\_\_\_ day of \_\_\_\_\_, 2017,  
and approved by me as such Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor

SPONSORED BY: COUNCIL AS A WHOLE  
AUTHORIZED BY: ALL COUNCIL MEMBERS

DRAFT NO. 18-17

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION APPROVING THE PROPOSED HIRING POLICY FOR ALL CITY  
EMPLOYEES; AND, DECLARING AN EMERGENCY

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NILES, STATE OF  
OHIO:

SECTION 1: That Council hereby approves the proposed "Hiring Policy" for City employees, a copy of which is attached hereto.

SECTION 2: This Ordinance is hereby declared to be an emergency measure in the interests of the public health, safety and welfare, for the reason that it is imperative that a Hiring Policy be established as soon as possible to give direction to City officials and employees for their proper guidance. As such an emergency measure, this ordinance shall take effect upon passage by Council and approval by the Mayor.

Passed: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_  
Clerk of Council

Received by the Mayor of the City of Niles this \_\_\_\_\_ day of \_\_\_\_\_, 2017,  
and approved by me as such Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor

## **CITY OF NILES HIRING POLICY**

Step 1: Council shall evaluate and declare by resolution whether the position is still necessary in light of declining population, finances, attrition, legal environment, etc;

Step 2: Posting in compliance with union contracts where a union position is to be filled;

Step 3: If the position is not filled under union contract procedures, the City will solicit applications for the position online for a five-day period, indicating the deadline for applications to be submitted;

Step 4: Previously submitted applications that remain "on-file" should also be considered in this hiring process;

Step 5: No applications are to be reviewed or interviews given prior to the expiration of the application period;

Step 6: The administration shall select at least 3 candidates to interview for the position. Interviews shall be conducted in person, and shall be conducted by the Mayor, Safety-Service Director, and the Department Head. The Administration shall keep a written record of candidates interviewed, the date of interview, and retain the applications in the event Council inquires as to compliance with this Ordinance.

Step 7: The administration shall select the successful candidate to hire for the position. Prior to being hired, the successful applicant shall be required to pass a drug test and receive the approval of the Police Chief of a Police Department and BCI background check. The Applicant shall bear the cost of the background checks.

Step 8: The administration shall report the name of the successful applicant and his or her starting date to members of Council



SPONSORED BY: PUBLIC GROUNDS COMMITTEE  
AUTHORIZED BY: MARCHESE

DRAFT NO. 19-17

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION APPROVING THE POSITIONS THAT MAY TAKE HOME CITY VEHICLES; AND, DECLARING AN EMERGENCY

WHEREAS, the City's newly adopted Vehicle Use Policy calls for City Council to review and approve which employment positions will be authorized to take home City vehicles; and,

WHEREAS, applications have been submitted and reviewed for authorization for take home vehicles for the positions of Water & Sewer Superintendent, Water Foreman, Sewer Foreman, Mechanic, Light Superintendent, Assistant Light Superintendent, Light Foreman and the Assistant Light Foreman; and,

WHEREAS, in accordance with the Vehicle Use Policy, Council desires to express its approval of take home vehicles for these positions.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: That Council hereby approves take home vehicles for the following positions: Water & Sewer Superintendent, Water Foreman, Sewer Foreman, Mechanic, Light Superintendent, Assistant Light Superintendent, Light Foreman and Assistant Light Foreman.

SECTION 2: This Ordinance is hereby declared to be an emergency measure in the interests of the public health, safety and welfare, for the reason that it compliance with the Vehicle Use Policy with regard to these take home vehicles needs to occur at the earliest possible date. As such an emergency measure, this ordinance shall take effect upon passage by Council and approval by the Mayor.

Passed: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_  
Clerk of Council

Received by the Mayor of the City of Niles this \_\_\_\_\_ day of \_\_\_\_\_, 2017,  
and approved by me as such Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor

# City of Niles, Ohio

SPONSORED BY: IMPROVEMENTS COMMITTEE  
AUTHORIZED BY: LASTIC

DRAFT NO. 20-17

ORDINANCE NO. \_\_\_\_\_

PID No. 103678  
County/Route/Section D04 GR FY2018A

AN ORDINANCE GIVING CONSENT AND COOPERATION TO THE OHIO DIRECTOR OF TRANSPORTATION FOR THE REPLACEMENT OF TYPE A GUARDRAIL END TERMINALS ON STATE ROUTE 46; AND AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ENTER INTO CONTRACTS NECESSARY FOR THE PROJECT; AND DECLARING AN EMERGENCY

The following is an Ordinance enacted by the City of Niles, Trumbull County, Ohio, hereinafter referred to as the Local Public Agency (LPA), in the matter of the state described project.

## **SECTION I – Project Description**

WHEREAS, the LPA and/or STATE has identified the need for the described project:

Replacing Type A guardrail end terminals on SR 46 from 5.52 to 5.54 in the City of Niles..

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO.

## **SECTION II – Consent Statement**

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

## **SECTION III – Cooperation Statement**

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

The State shall assume and bear 100% of all of the costs of the improvement

The LPA further agrees to pay one hundred percent (100%) of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

## **SECTION IV – Utilities and Right-of-Way Statement**

The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

## **SECTION V – Maintenance**

Upon completion of the described Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described Project in accordance with all applicable state and federal law, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

**SECTION VI – Authority to Sign**

The Safety-Service Director of said City of Niles is hereby empowered on behalf of the City of Niles to enter into contracts with the Director of Transportation which is necessary to complete the above described project.

**SECTION VII – Emergency Measure**

This Ordinance is hereby declared to be an emergency measure to expedite the highway project(s) and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law

PASSED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_

CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the \_\_\_\_ day of \_\_\_\_\_, 2017 and signed by me as such Mayor on the \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
MAYOR

SPONSORED BY: SAFETY COMMITTEE  
AUTHORIZED BY: PEZZANO

DRAFT NO. 21-17

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION APPROPRIATING FUNDS FROM THE UNAPPROPRIATED  
GENERAL FUND TO THE POLICE AND FIRE 1% FUND FOR USE IN  
PURCHASING A USED VEHICLE FOR THE POLICE DEPARTMENT; AND,  
DECLARING AN EMERGENCY

WHEREAS, the Police Department has obtained a court order to take possession of funds  
totaling \$16,692.00; and,

WHEREAS, the Police Department desires to use these funds to purchase a used vehicle  
for special department operations.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF  
NILES, STATE OF OHIO:

SECTION 1: That Council hereby authorizes the appropriation of \$16,692.00 from the  
unappropriated General Fund to the General Fund Transfer Account, Account No. 101-  
1090-59000.

SECTION 2: That Council hereby authorizes the cash transfer of \$16,692.00 from the  
General Fund Transfer Account to the unappropriated Police & Fire 1% Fund, Fund No.  
217.

SECTION 3: That Council hereby authorizes the appropriation of \$16,692.00 from the  
unappropriated Police & Fire 1% Fund to the Police Department Equipment Purchase  
Account, Account No. 217-1710-56300.

SECTION 4: This Resolution is hereby declared to be an emergency measure in the  
interests of the public health, safety and welfare for the reason that these funds are needed  
at the earliest possible date for Police Department operations. As such an emergency  
measure, this Resolution shall be effective upon passage by Council and approval by the  
Mayor.

Passed: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_

Clerk of Council

Received by the Mayor of the City of Niles this \_\_\_\_\_ day of \_\_\_\_\_, 2017,  
and approved by me as such Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE AUTHORIZED WORK FORCE ORDINANCE TO IDENTIFY ELIGIBILITY FOR PREMIUM PAY FOR CERTAIN NON-UNION POSITIONS; ADJUSTING THE WAGE PAID TO THE POLICE DEPARTMENT SECRETARY; AND, DECLARING AN EMERGENCY

WHEREAS, Council recently passed Ordinance No. 7-17, which identified the non-union positions which would be eligible for overtime pay at the rate of 1 ½ times the position's hourly rate for hours worked in excess of 40 hours in a calendar week, and for no other reason; and,

WHEREAS, Council also desires to adjust the hourly wage paid to the part-time Police Department Secretary to match that wage paid to the City's part-time dispatchers after completion of their 100-hour training period.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: That the Authorized Work Force Ordinance (Ord. 38-15) is hereby amended to reflect the requirements of Ordinance No. 7-17 regarding overtime pay for the following non-union positions: Assistant Superintendent of Light, Light Foreman, Assistant Light Foreman, Water Foreman, Sewer Foreman and Street Superintendent. These positions shall be entitled to pay at the rate of one and one-half times the hourly rate for said position for hours worked in excess of 40 hours in a calendar week, and for no other reason. Callouts for these positions will not be compensated at the premium rate unless hours have been worked in excess of 40 hours in a calendar week.

SECTION 2: That the Authorized Work Force Ordinance is further amended to reflect the position of Police Department Secretary (part-time) to be paid at the rate of \$11.50 per hour.

SECTION 3: This Ordinance is hereby declared to be an emergency measure in the interest of the public health, safety and welfare for the reason that its immediate implementation will delete any differences in the Authorized Strength Ordinance and the new overtime ordinance. As such an emergency measure, this Ordinance shall take effect upon passage by Council and approval by the Mayor.

PASSED: \_\_\_\_\_

PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_

CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the \_\_\_\_ day of \_\_\_\_\_, 2017 and signed by me as such Mayor on this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
MAYOR