

COUNCIL MEETING MINUTES
October 18, 2017

Niles City Council held its regular meeting on October 18, 2017 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, Nicole Bacak, called the roll:

Papalas- P, Lastic- P, McNaughton-P, Steffey-P, Marchese-NP, Mientkiewicz-P, Pezzano-P, Marino-P

Motion to excuse Ms. Marchese due to personal illness was made by Lastic, seconded by Steffey.

Motion carried.

It was moved by Papalas, seconded by McNaughton to accept the Minutes from the October 4th meeting and place them on file.

Motion carried.

REPORTS AND COMMUNICATIONS

FROM – Auditor’s Office

Statement of Cash from Revenue and Expense- September 2017

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

Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Maureen Lauer- Gatta: 407 Lincoln Way. So, I had sidewalks actually being pulled up and I think this has been an issue before and I have pictures and stuff too for whoever.

Mr. Steffey: We’ll pass them around.

Maureen Lauer- Gatta: Okay so here’s just information. Okay so the sidewalks were pulled up and actually the trees were taken down a couple of years ago by the city because they grew up

into the power lines. And so they took them down and I live on the corner of Morris and Lincoln Way. And so the stumps are huge and they uplifted the sidewalks so back in, I have a text when it was, let's see Sunday December 4th right around there. There was some gentlemen I noticed out on my sidewalk. They were marking up the sidewalk and I went out and asked them what was going on and they said they're there. They had a grant for doing different projects in the city and I was thinking...my husband told me... we were talking about it. I can't remember because it was so long ago that I think they were working on Gypsy on the sewer lines but then after calling the city. I didn't call the city right away because I just thought well let me just see who comes and says they're going to remove your sidewalk, you know. So I was just happy that they were going to do it. And then on January 18th, I have different texts of when this had happened that there were some younger guys that actually came and took out the sections of the sidewalk. And so since then they've been left, you can see in the pictures kinda just bad, both on Morris Place and Lincoln Way. So in the meantime at one point, I have documentation on when I called the city but I talked to Kevin over here and around July 26th, he called me back because I left a message. And they said it was their responsibility for whatever reasons. The sidewalks were in bad...I texted my friend, and that's how I just pulled this information up. City dug them up and Kevin believed that he had no idea why it was never finished but it was the city's responsibility. So and I... what was it... but prior to that I got a note from my neighbors saying please clean up your property and cut your grass. The grass was just a little bit longer but it was not I mean, the sidewalks are in disrepair. So some of the questions that I have, let me double check my notes. Yeah the sidewalks have been heaved up by the trees and the devil strip. Again, the city removed the trees, contractor returned to remove the slabs back on January 18th around there. Complaints from neighbors... so when I contacted Kevin, he said about more recently he believed it was from Charlie Brown... what was it... Charlie Brown Contracting and he couldn't really find more information about about that because it was back in December when the old gentleman, not the old gentleman but the previous person in his position was there. So is there a way to find out who would have come at that time? Around the beginning of December and done something? They never gave me a card so I didn't even think of it. And again it was like on a Sunday morning and it was a beautiful, we had a very beautiful winter so and I understand that contractors when there's ability to get work, you keep doing it. So my concerns are: Yes, it's unsightly. Yes, it's unsafe and inconvenient. Yes, it's a liability, especially with Halloween. We get numerous trick or treaters in that neighborhood. And when will it... how will it be completed? Yes how will it be fixed?

Mayor Scarnecchia: First of all, would we have a contractor pull up slabs and that's the end of his work?

Mr. Robertson: We would not.

Mayor Scarnecchia: Shouldn't they have been replaced by that contractor?

Mr. Robertson: They should have but I believe he never came back to complete the job.

Maureen Lauer- Gatta: And this.

Mayor Scarnecchia: The contractor is doing business with the city now, right?

Mr. Robertson: I think that was brought into council last council meeting through a piece of legislation and it got shot down for a number of different reasons.

Mr. Pezzano: Mrs. Gatta?

Maureen Lauer- Gatta: Yes.

Mr. Pezzano: I've been at your residence numerous times.

Maureen Lauer- Gatta: Yes.

Mr. Pezzano: Nobody was ever home.

Maureen Lauer- Gatta: Oh.

Mr. Pezzano: However, I've been to Mr. Stredney all the time about getting it replaced and the stumps taken out. That and another location right around the corner. With investigating with Mr. Stredney, we found out that Charlie Brown did take the sidewalks out.

Maureen Lauer- Gatta: Okay.

Mr. Pezzano: Okay so our intent is to get them replaced but as you heard, last council meeting that was tabled because there is an ordinance in the city that, and myself told other residents too along with my colleagues, that we don't take trees out or sidewalks out or replace them unless there's work to be done by our employees. What we found now, and I'm not sure why it was done, the trees were taken out you're saying because of power lines.

Maureen Lauer- Gatta: Yeah they were growing up into the power lines. But the stumps are still there and the stumps are huge.

Mr. Pezzano: Right and prior to Mr. Swauger, Mr. Dull, and now Mr. Swauger took over along with Mr. Stredney so we're trying to do the proper thing and get them replaced. Mr. Swauger, he's trying to you know, not to quote Mr. Swauger, but he stated that being that we took them out it's our responsibility to put them back in. So believe me, we've been trying over a year to get this done, Mrs. Gatta so.

Maureen Lauer- Gatta: That's fine. I mean I just.

Mr. Pezzano: I appreciate your patience.

Maureen Lauer- Gatta: You'll just probably hear from my neighbors.

Mr. Pezzano: I've spoke to many of your neighbors. And they're not mad at you.

Maureen Lauer- Gatta: Okay.

Mr. Pezzano: I explained everything to them.

Maureen Lauer- Gatta: So yeah, I just wanted to clarify and make sure, you know, everyone was basically on the same page just since you know what it looks like. And then through hearsay, I thought it was going to be my responsibility so I want, I made an effort to come here and be here tonight and just share my story.

Mr. Pezzano: I appreciate it. Yeah because I like I said I spoke to a few of your neighbors and explained to them what was going on.

Maureen Lauer- Gatta: Sure. Sure.

President Marino: Steve.

Mr. Papalas: I have a question. Kevin, is there a grant for this?

Mr. Robertson: There was no grant for this. I don't know where who told her that it was part of the Gypsy Lane storm sewer improvement. That definitely did not.

Mr. Papalas: I want to state this.

Maureen Lauer- Gatta: Sure.

Mr. Papalas: As clearly as I can. I've been here on council for 38 years. And over that period of time, I've had to tell countless residents we don't do. It's up to each.

Maureen Lauer- Gatta: I understand that.

Mr. Papalas: It's up to each property owner, including your stumps. We'll take the trees down, but when there's a stump there that's that's yours. The sidewalk is yours. And I'm sure you saw that you had a problem with your sidewalks with the stumps with the way they were for many years. For decades. How long have you lived there? I don't know but you've known from the beginning. That's your responsibility, just like I've had to tell many many other people, friends of mine and others "We don't do that work. It's yours." It's your responsibility. You're the property owner. You have to take care of your own property. So if we take care of your sidewalk right now, what do we tell all of those others? What do I tell all of those other people that I said no to in the past? But we're going to do it for you. Does that sound right?

Maureen Lauer- Gatta: Well did you go take out their sidewalks?

Mr. Papalas: I don't know how that sidewalk got out and why you were told?

Maureen Lauer- Gatta: I have no idea but someone said that there was a grant and I'm guessing.

Mr. Papalas: No.

Maureen Lauer- Gatta: That's what I was told. I would not just make this stuff up.

President Marino: Here's... Here's

Mr. Papalas: Somehow, there's something missing here and I don't know what it is. But somebody on your end had to know this sidewalk deal was coming through. I can't understand how you wouldn't know that.

Maureen Lauer- Gatta: I had no idea. We were trying to save up money to do this because I know it was our responsibility. I've looked that up. I've researched it.

Mr. Papalas: Okay.

Maureen Lauer- Gatta: So we've been trying to save it up. And then all of a sudden people come up and start marking up our sidewalks. I'm not going to argue with them, especially I have not paid out anything to anybody to do this. So there's no way that I would say you know...what am I trying to say...if someone did it, they should be responsible for it. So whoever that company is, they need to come and replace it.

Mr. Papalas: And you know what, that's where we left it. The individual, the public official who made the decision to do that, in my opinion, should be paying for that. So, that's the way we left it with the law director and later in the evening I'm going to ask him what we have found so far as far as the options are concerning that he was going to look into.

Maureen Lauer- Gatta: Sure. But now I have some more documentable dates once I pulled that up. I did some research today so.

Mr. Papalas: Okay.

Maureen Lauer- Gatta: To go back and see who that might been so.

Mr. Papalas: Well we know who it is.

Maureen Lauer- Gatta: Okay.

Mr. Papalas: I feel that that person should be held accountable for this.

Maureen Lauer- Gatta: Okay.

Mr. Papalas: Because he was using public funds in violation of state or city ordinances and it's just it just flies in the face of everything that we've told people for decades.

Maureen Lauer- Gatta: I understand that.

Mr. Papalas: I know you do and I'm sorry that you're in this position but.

Maureen Lauer- Gatta: Me too to be honest.

Mr. Papalas: You know here's where we are. It's what happens when somebody takes action without discussing it with his own boss, the Mayor, and City Council. We have people that are in serious serious trouble right now for the very same thing from another administration. Can't let that happen again.

President Marino: Thank you.

Maureen Lauer- Gatta: Alrighty.

COUNCIL COMMITTEE REPORTS

None

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. _____(Draft No. 148-17)

AN ORDINANCE CREATING A VACANT PROPERTY/BUILDING REGISTRATION CHAPTER

It was moved by Pezzano, seconded by Mientkiewicz to give a second reading to Draft No. 148-17.

YEAS: 6 NAYS: 0

This Draft No. 148-17 has received its 2nd reading on the 18th day of October 2017.

RESOLUTION NO. ____ (Draft No. 150-17)

A RESOLUTION AUTHORIZING THE SERVICE DIRECTOR TO ISSUE A REQUEST FOR QUALIFICATIONS TO PROVIDE ENGINEERING SERVICES FOR PROJECTS INVOLVING WATER AND SANITARY SEWER CONSTRUCTION AND/OR TREATMENT FOR 2018; AND DECLARING AN EMERGENCY

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

Mr. Stredney: Yeah Mr. President, in talking and dealing with the Trumbull County Engineer, we more or less hijacked some of the processes that they use to be able to get projects done. Sometimes they come up unexpectedly. So this is one of those options and along with draft number 151. These are some of the tools that some other government agencies use so we're just kind of duplicating it. I like the way they did it there so.

Mr. Mientkiewicz: These projects that are for next year as per Kevin.

Mr. Stredney: Yeah. One of the greatest examples, Mr. Mientkiewicz, is a prime example that's going on right now with one of the local businesses on the lower east end. We ran into a water problem there. Trying to jump through the hoops to satisfy the different requirements and fix this problem have been some times troubling. I know I probably make Giovanna pull his hair out. So have we had some of this legislation in place, we would not have to delay and wait. All that stuff could have been done and we would have already had people who could have done it, stepped in and taken charge.

Mr. Mientkiewicz: So, we're taking care of our RFQ's now for next year?

Mr. Stredney: Correct.

Mr. Mientkiewicz: In a nutshell.

Mr. Stredney: Yeah and we won't necessarily know what the project might be. Something may happen.

Mr. Mientkiewicz: Okay.

Mr. Stredney: We may never need these.

President Marino: It's almost like we're getting someone on retainer is what this is similar to.

Mr. Lastic: Yes.

President Marino: It's a retainage of an engineering firm but going through a bid process. Terry, if the project exceeds what dollar amount do we have to go back out to get?

Law Director Swauger: \$50,000.00 requires public bidding of all public works contracts.

President Marino: So if the project exceeds \$50,000.00, they would have to come back to council to seek a new RFQ for engineering services on that project? Or.

Law Director Swauger: Yes we have to bid that project separately.

President Marino: Okay so this would be.

Law Director Swauger: These are for lower level works. These are going to be for repairs, emergency type situations, day to day type repairs and projects.

Mr. Lastic: Is there a time line on that, Terry? A year? Two years?

Law Director Swauger: This ordinance you're passing is just for the year 2018.

Mr. Lastic: Okay.

Mr. Papalas: I have a question. The list that you want to compile is of private contractors?

Mr. Stredney: For 150 is engineering and for 151 is private contractors.

Mr. Papalas: Alright 150, are the engineering?

Mr. Stredney: Private engineering companies in case we have to go to do.

Mr. Papalas: Not public entities?

Mr. Stredney: Correct.

Mr. Papalas: Okay.

Mr. Stredney: Correct.

YEAS: 6 NAYS: 0

It was moved by Lastic, seconded by Steffey to adopt this Draft No. 150-17.

Mr. Papalas: One more time. I want to make sure. There's no public entity involved in this, that's going to be on this list.

Mr. Stredney: Not that I know of, Steve. The...when I talked to Gary Shaffer anyway, it was more or less to get people like MS Consultants and other engineering companies to so we have their request for qualifications so if we need to go out and get the current project we're doing, if

Ron Watson wasn't available and we had to get somebody in here to do it, we would have the authority to do so.

Mr. Papalas: What do you mean if Ron Watson wasn't available?

Mr. Stredney: We're doing a project and I don't know the Trumbull County is lending their expertise to us. And in order for us to get the job done, all of the ordering and stuff is going through us but Ron Watson is technically kinda running the job. But if he was doing a county job somewhere else and we needed this work to be done, I don't know who else would be doing it. Does that make? Am I explaining that correct?

Mr. Papalas: Mr. Chairman, I'm going to abstain from this just to make sure. Yes thank you.

President Marino: Okay.

YEAS: 5 NAYS: 0 ABSTAIN: 1

This Draft No. 150-17 has been adopted on the 18th day of October 2017.

RESOLUTION NO. ____ (Draft No. 151-17)

A RESOLUTION AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR BIDS FOR REPAIR WORK OF WATER AND SEWER LINES FOR 2018; AND, DECLARING AN EMERGENCY

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

Mr. Papalas: Mr. Service Director, is there a public entity involved with this at all?

Mr. Stredney: No, this is...let me rephrase that Mr. Papalas. This is not intended to. This would be, in my mind again just my mind, we had to bring in Lee's Excavating to do a project on Ohltown Raod and it took a little bit of time to get all of the legal ducks in a row. Had we had something like this done, in consulting again with Mr. Shaffer, we would have been able to expedite that process a little bit.

Law Director Swauger: I think from your perspective this is to get bids from private companies to do work for the city as needed when we needed work done.

(Audience comments)

Mr. Papalas: Hey, we're trying to conduct our conversation. Knock it off.

George Kuriatnyk: Oh shut up.

President Marino: Steve. George.

George Kuriatnyk: (Inaudible)

President Marino: One more word, you're going to have to leave George. One more word. I have a question on this. How is a private business going to provide you with a bid when they don't know what the projects are?

Mr. Stredney: They're providing bids of their labor, how much it would cost to rent the backhoe or the hours or the time.

President Marino: So we're going to have the bid spec that spells out with specificity what we're looking for. Their hourly rate, whether its union scale or prevailing wage. That's what we're doing with this?

Law Director Swauger: That's my understanding what we're looking for so we know if we have a project that needs done in an emergency, we have prices that we have.

President Marino: Okay.

Law Director Swauger: This provides us with... normally we go out and get three comparisons for the price. This gives us those comparisons in advance.

President Marino: Okay.

Mr. Mientkiewicz: We won't know an exact number until.

Law Director Swauger: Correct.

Mr. Mientkiewicz: Until a project arises?

Mr. Stredney: Correct.

Mr. Mientkiewicz: And at that time, you will have to come to council for an appropriation.

Mr. Stredney: Right. The only thing that I can say is if this happened.

Auditor Merlo: No.

Mr. Stredney: If this.

Auditor Merlo: You're not coming back to council for appropriation.

Mr. Mientkiewicz: If it's not part.

Auditor Merlo: It's emergency work.

Mr. Mientkiewicz: If it's not in the budget?

Auditor Merlo: If it's not in the budget but they have put money in the budget for emergency repairs in the past.

Mr. Mientkiewicz: Okay.

Auditor Merlo: What this does it allows... it allows the department head and the service director to do the emergency repair without having to go out quotes. We got the quotes in advance.

President Marino: Got it. Because our ordinances on our purchasing policies and what not have extreme restrictions that council has put in place.

Auditor Merlo: Correct.

President Marino: So this is making sense to me. Sorry I'm catching up to this. I get what you're going for. I would make sure that that bid spec and those RFQ's are clear on what the intent is with this.

Law Director Swauger: I think that the intent... I think the intent is for emergency type repairs not regular planned projects.

Mr. Lastic: Say we have two water line breaks December 24th, we got our crews out there and all of a sudden there's two more at the same time. Then we would go back to this and get someone else out there to start working on those while we're on the other ones. Is that correct? Is that what we're looking at?

Mr. Stredney: That's the scenario that I'm trying to, that I hope doesn't happen. I hope that we don't even need these. But if it does, I want to be prepared.

President Marino: This happened in Howland.

Mr. Stredney: Correct.

President Marino: The fellows came in. We had the fiber optics underground, who could fix it, who couldn't. We let the water run for how many weeks. So I'm assuming that this will ameliorate that and allow the administration with the CFO, the Auditor, overseeing because it falls on him too. So there's a lot of people going to be watching this. Alright, that makes sense now.

Mr. Mientkiewicz: And that's anything less than \$50,000.00?

Mr. Stredney: Correct.

Law Director Swauger: Correct.

President Marino: Well there... there could be... there could be circumstances where we get into an emergency repair that exceeds that \$50,000.00. I mean, you don't know what you don't know. The intent would be.

Mr. Mientkiewicz: Right.

President Marino: I mean I don't want somebody to go back and read these minutes some day and say we all said \$50,000.00 and we had something break under horrific circumstances and then it costs. Nothing is ever cheap for us.

Mr. Mientkiewicz: If that...if that would happen, if that were to occur, would there be council action that would need to take place?

President Marino: If you exceeded the appropriation in the line item, yes you would have to appropriate it. But I'm thinking that, or I'd like to think, that the department head, the service director, the mayor, the administration would be communicating with all of council. Keeping you fully informed. And should action be necessary at the following council meeting, you would be addressing whatever the emergency repair was.

Mr. Stredney: And to back up Mr. President a little bit more, we'd even be willing to call a special council meetings. I know in this last circumstance in talking with the President, the fix that the engineer came up with is a few thousands of dollars. We originally thought it could have been very expensive. We were prepared to call a special council meeting but after doing their testing, they discovered it was a few thousands of dollar fix. So, this is... I hope we never need this. I hope we never have the emergencies that we need this. But if we do, I just want to protect the city.

Mr. Mientkiewicz: You said that the county uses the same procedure. Trumbull County Engineers?

Mr. Stredney: That's where I requested a copy from Mr. Shaffer and Mr. Smith and they got these for me and then I gave them to the law department and they reworted them for the City of Niles.

Present Marino: Anything else?

YEAS: 5 NAYS: 0 ABSTAIN: 1

Rules are not suspended.

It was moved by McNaughton, seconded by Lastic to give a second reading to Draft No. 151-17.

President Marino: You need 6 votes.

Mr. Stredney: Just so I can clarify something. Draft number 150 would have to go back and do a first reading as well?

President Marino: Because they voted. There were 6 votes for suspension. He changed. He voted yes for the suspension. He voted abstain for adoption. After clarifying questions, that's why there's a difference.

Mr. Stredney: Okay.

President Marino: And you can't... once roll is taken, we cannot go and unwind the roll call vote. Once it's, once you voted yes and we move down the line, we can't go back and change a vote. I'm sorry who made ... Ryan, you made the motion and who seconded it? Mr. Lastic?

YEAS: 5 NAYS: 0 ABSTAIN: 1

This Draft No. 151-17 has received its 1st reading on the 18th day of October 2017.

RESOLUTION NO. _____(Draft No. 152-17)

A RESOLUTION APPOINTING THE SERVICE DIRECTOR AS DELEGATE AND THE NILES CITY COUNCIL PRESIDENT AS THE ALTERNATE TO THE REGIONAL INCOME TAX AGENCY'S COUNCIL OF GOVERNMENTS; AND, DECLARING AN EMERGENCY

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

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Papalas, seconded by Lastic to adopt this Draft No. 152-17.

YEAS: 6 NAYS: 0

This Draft No. 152-17 has been adopted on the 18th day of October 2017.

RESOLUTION NO. ____ (Draft No. 153-17)

A RESOLUTION APPROVING THE AGREEMENT BETWEEN THE CITY AND THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL (FOP/OLC); AND DECLARING AN EMERGENCY

It was moved by Pezzano, seconded by Steffey to suspend the rule requiring three readings.

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by McNaughton, seconded by Steffey to adopt this Draft No. 153-17.

YEAS: 6 NAYS: 0

This Draft No. 153-17 has been adopted on the 18th day of October 2017.

MISCELLANEOUS REMARKS

President Marino: Kevin have we, I noticed that Warren is using that machine that grinder machine to repair roads.

Mr. Robertson: I imagine they got it from the county unless they bought their own.

President Marino: Right. Have we ever given any thought to reaching out to them to use that machine, or maybe it's you Ed I don't know or both of you.

Mr. Robertson: I met with Mr. Papalas and me and Ed and Mr. Papalas went out to the county and actually got a little tour of that machine. But we haven't made a determination on whether we're going to use it or not.

President Marino: Well.

Mr. Robertson: That's more just patch repair. It's not going to give a full depth street repair.

President Marino: I get that but I'm fairly certain that we have streets in our community that are not to the point where they need to be completely removed and replaced. But if we go remove patches with this, that machine might extend the life of the road and save us money. So it would be my hope that next year, when you're up here Barry sitting and whoever else is here, that we

pursue suing that in conjunction with our street resurfacing program because it makes sense to try and extend the life of a road and.

Mr. Robertson: (inaudible)

President Marino: Whatever it is you guys come up with but I just saw that Warren uses it. I know, I go to church at St. Thomas in Vienna, they I see it out in Vienna. And I just wondered why we didn't. And the other thing, I was at a public records meeting or our record retention meeting and there was a discussion about rental fees and maybe a look at rental fees. Jeff, how many... what is the percentage of rentals in our town right now? Do you know?

Mr. Crowley: In 2016 when we did the survey, it was about 38%. I would say that's increasing probably over 20% now.

President Marino: So over 40%.

Mr. Crowley: We have a lot out of town investors on a day to day basis purchasing homes here. Not only our town but other surrounding areas.

President Marino: And how many complaints would you say you handle on rentals, because I think that is your 50% of your job and the other is zoning, right?

Mr. Crowley: Correct. Correct.

President Marino: So what would you say you spend on addressing rental issues? Or property issues in rentals?

Mr. Crowley: So if it's a complaint what percentage of that complaint is a rental versus a home owner?

President Marino: Well, I would assume yeah. I'm interested in.

Mr. Crowley: Or both?

President Marino: I'm interested in the rentals.

Mr. Crowley: I would say probably 60% would be, of the complaints, would be rental properties. 40% would be home owner complaints. Sometimes those home owner occupant complaints.

President Marino: Right that's a better way of saying it.

Mr. Crowley: Sometimes those become neighborhood disputes. So once you get there and figure out what somebody's complaint is, it's really a problem going on between the two, police have been there. So sometimes it's not really a housing complaint, they just use that to get back at the

neighbor. But I would say 60% of the housing complaints would be rental. 40% would be owner occupied.

President Marino: Okay and in those issues, how many of them are zoning issues?

Mr. Crowley: Well, they're never really zoning issues. I mean zoning overlaps.

President Marino: Right.

Mr. Crowley: Zoning has rules you can write up for cars and so do I. Zoning has rules you can put (inaudible) and so does the housing side. So they do overlap but zoning issues would be more permits.

President Marino: Right. You handle those as well?

Mr. Crowley: Anything that a zoning permit has to be issued for that department.

President Marino: Well, I know that there's some thought that increasing the fees for landlords and I have no problem with that. My concern rests with increasing those fees and using those dollars to hire people. If we're going to increase fees, it should go into a fund to tear homes down and to help clean the town up. I'm not going to be here for those decisions, I suspect. I suspect this will be parlayed into the next year but I wanted my voice on record explaining my position. Any fee increase, their money needs to go to tear homes down. Because we just don't have the revenue to do that. And I think that landlords should have a little skin in the game. Their operating a business in town and they're profiting from it. And to help clean the town up by removing the deplorable properties or hiring a contractor to go cut grass or whatever it is we need to do to help clean the town up. Any additional revenue should go toward that and not hiring people. That's just my two cents worth. And that's why I'm asking for data and trying to figure out, you know, just where this all carries out because I hear 50, 60, 70 you know and I want to know what the facts are.

Mr. Crowley: The proposal for increasing the fees and hiring someone was exclusively for to hire someone to do external or exterior evaluations on properties that are coming up for dwelling permit in two months. So, every rental property would have an exterior inspection two months before. (Inaudible)

President Marino: You're going to have to repeat that again.

Mr. Crowley: Absolutely Bob. The concept was to be able to increase fees to take that fee increase revenue to hire a part time inspector to do nothing but exterior inspections on rental properties approximately 2 months before their dwelling permit was due. That report would be given to them. If their exterior violations were not, were not corrected by the time their dwelling permit was due we could withhold issuing their dwelling permit therefore choking up the cash flow of that rental property, Therefore they're going to do those exterior repairs. It was directly towards increasing exterior inspections on rental properties.

President Marino: Well I think that and I don't necessarily disagree with that at first blush. I get the concept. But I also know we all drive around time, every one of us, and when see it, it's reported and it should be addressed. And everybody's driving around town and when you see something, you report it. When we hire people we get into legacy costs, and I know you're talking part time and this and that.

Mr. Crowley: Right.

President Marino: But there are expenses to hiring people. Initially I would like to see those dollars going to the demolition of condemned homes and neighborhood...addressing neighborhood blight. I think that, you know, if you can split the baby on that and figure out a way, God bless you.

Mr. Crowley: I do think there will be. Actually, we could almost afford two. So there will be an excess dollar amount probably to the tune of close to \$15,000-\$18,000 leftover. I did send a report from Trumbull Neighborhood Partners. We are going to look at 13 homes we're going to be tearing down this year which, since I've been around, that's the highest number.

President Marino: Right.

Mr. Crowley: I don't know what we've done in the past at no cost to the city. So, I think we're attempting to do removing blight, demolition through no cost to the city through the land bank, If I could just get help doing external inspections, external inspections on rental properties that would take away a lot of my (inaudible). It's easy to do the inspections. It's difficult to enforce all of that, take it to court, it's a pretty long process and you're figuring out if the get-go is coming into town today for a zoning permit, sometimes there's not enough time to do everything.

President Marino: Well I'm not so sure that those assignments from that office make sense to me but you know, Tony had mentioned that, you know, this is his busy season because there's a, I think his words were an explosion of activity, or something along that on the commercial side. Where that's at is beyond me because I drive all over around this town too and I would like to know where all of this activity is at. But nonetheless, I take him at what he says. So I think maybe the administration needs to reevaluate work assignments within that department since we have two full time people and look at ways at stating off hiring more employees. And look at what people do on a daily basis and figure out is there's a way to adjust work responsibilities. You know, Tony's going to inspect the get-go, handle the get-go. Why isn't he handling the zoning for the new construction? So that might be something you look at. I just offer these suggestions.

Mr. Crowley: I appreciate it.

President Marino: And I respect your opinion immensely. And I appreciate all you do.

Mr. Crowley: Thank you.

President Marino: I'm sure whatever you come up with will be in the best interest of the city.

Mayor Scarnecchia: Well I'm happy to be back as you know I've been off for a couple of weeks. I did receive one get well card while I was in the hospital. I want to thank that person for that one get well card. Secondly.

President Marino: That was mine Tom.

Mayor Scarnecchia: Secondly, the parade is October 29th starting at 1:00 P.M. Spread the word. Tell your families and friends to go. Third, next we got elections a week later and I just want to say good luck to everyone who's running. For us it's kinda a sad election because for years and years and years, we voted for Steve and for many years Bob. This will be the first time we won't be voting for them, unless you want to do a write in candidate I don't know whatever. But we wish the new candidates, whoever's running and however their running, luck and we want to say it's not an easy job. Believe us. Thank you. That's all.

President Marino: Mayor, it's good to see you.

Mayor Scarnecchia: Thank you.

President Marino: I did talk to him regularly while he was off.

Mr. Stredney: Just a little side note that trick or treating is going to be on Tuesday, 5:30 P.M. – 7:30 P.M.

Law Director Swauger: You mentioned blighted homes and I don't know how many of you saw but Michelle Lepore-Hagan introduced a bill targeting some of these out of town state investment people. One of them has been a problem here. Harbor.

Mr. Crowley: Portfolio.

Law Director Swauger: Harbor Portfolio. They bought a bunch of houses and they sell them on what they call land contract but they're not real land contract. And they've been a problem. So if you get a chance please, that's a bill that could help us, help the cities and everything like that. So if you follow through on that, please encourage your representative Holmes and Senator O'Brien to support that bill. Hopefully that gets passed. But it's certainly something that would work with these out of state investors who do nothing but sit on these properties.

President Marino: Well Terry, you could ask them to sponsor a resolution in support of that and we could send it to the chambers, the senate president and.

Mr. Lastic: Council as a whole.

Mr. Papalas: I'll make that motion that we do something.

President Marino: Moved by Papalas, seconded by McNaughton to draft a resolution in support of this, you'll have to get the bill number and draft number.

Mr. Papalas: Thanks.

President Marino: Motion carries. Thanks Terry. Anything else counselor?

Law Director Swauger: No that's all.

Mr. Crowley: Just in regards to that, my opinion on those, is once that I see that happen they don't get registered because they're really rental properties even though they call them land contracts. So I evict the tenants and condemn the homes so the next person who would buy it would have to go through both the zoning and building department to get their certificate of occupancy. So, that's how we've done it. We have, I think, four years. (inaudible)

Mr. Lastic: Tom, I wanted to send you a card.

Mr. Papalas: Mayor, it is good to see you back. I understand you've been jogging on the bike trails so don't overdo it over there. Mr. Swauger, what about our issue that we left off with at last meeting.

Law Director Swauger: There's no quick and easy answer or solution to that problem. The standard to hold a public official responsible for their action, personally responsible for their acts is a very high standard. Very difficult standard to meet. I can't tell you one way or another whether we would be successful in doing that. It's a fact but it's a fact basis on every case. In looking at our ordinance, our ordinance does authorize council to approve the repairs and then take whatever legal action it is necessary to collect for the payment of those repairs. So in reading our ordinance that way, I think the first step would be to repair the sidewalks and then we have the definite amount of the repair that we can then pursue collection from the appropriate person if we deem it's proper. But to do it, to try and force that payment before they've made the expenditure may be a little difficult based on the wording of our own ordinance which says you can authorize the repair then pursue collection.

Mr. Papalas: How about then, Mr. Chairmen, if I make a motion to have the law director draw up an ordinance allowing the expenditure of the repair of that sidewalk and then based on bids. And then we pursue repayment from the former public official who made the decision to that.

Law Director Swauger: I can prepare that legislation for you and then I will provide in writing what I think the appropriate legal decision would be.

Mr. Papalas: Okay. So, I have a motion on the floor.

President Marino: Is there a second?

Mr. McNaughton: Second.

President Marino: Seconded by McNaughton. Motion carries. Let the record reflect that was a unanimous vote. That ordinance will be sponsored council as a whole. Anything else Steve?

Mr. Papalas: I would suggest, if you would Mr. Law Director.

Law Director Swauger: Yes.

Mr. Papalas: For people looking at that ordinance in the future, that if you don't mind we put a clause in there siting the fact that we recognize through city ordinance that home owners and landlords are responsible for their own sidewalks.

Law Director Swauger: I will add that in there.

Mr. Papalas: Thank you.

President Marino: There will be a lot of whereas.

Law Director Swauger: There will be.

Mr. Papalas: I don't have any other comments.

Mr. Steffey: Mr Swauger.

Law Director Swauger: Yes.

Mr. Steffey: I wanted to inquiry about payment for the cell phone tower that was installed in the Niles city cemetery. It was my understanding that once the ground was broken, the city would receive \$170,000.00. And as far as I understand from this point, we haven't received anything.

Law Director Swauger: I don't believe so. When I read that contract from parts that I read, this was just brought to me late last week so I haven't read the whole contract but I thought that the lump sum payment was not due until a service, a cell phone provider is in use of that tower. I do believe we are entitled to monthly payments from the moment they started working on that tower based upon that contract. I believe it was a \$1000.00 a month and that should have commenced the day they started building that tower is my understanding of the wording of that contract. But the \$170,000.00 lump sum, I don't know. Mr. Merlo is looked at it. That's due when the tower goes into service.

Auditor Merlo: It's a \$1000.00 signing bonus is what the contract stated. So we get a \$1000.00 at signing and we get \$170,000.00 once the cell phone tower is operable. That means a cell phone service provider has tied to that tower and is using that tower to provide service to those people that have that service. So, as of yet I don't believe a provider has tied to that tower. So until someone does, we're waiting.

President Marino: Terry, are we allowed to send a letter of inquiry to the company that installed it?

Law Director Swauger: We can and I will follow up on that and see if they've got a service yet.

Mr. Steffey: Okay that's it. Thank you.

Law Director Swauger: You're welcome.

President Marino: Thanks Barry.

Mr. Mientkiewicz: I, too, echo your comments regarding the street preventative maintenance, Bob. This past week I actually spoke to Kevin about that issue and much of what you said I relayed to him. We spoke about different methods possibly use for next year for our streets and it's my expectation for next budget year, we look at not only a healthy budget for street resurfacing but also preventative maintenance. Because there are a lot of streets within this town that could be saved with a little bit of sprucing up, you know, so if that helps us extend the life 3, 4, 5 more years on certain streets around town, I think it's something we should look into eventually. Ed, a couple meetings ago you mentioned a clean-up day for Steven's Park, a clean-up day for Steven's Park is that on the books? What's going on with that?

Mr. Stredney: You know, some of the cub scouts were up there this past weekend. I think they're going to be doing it again for possibly the next two weekends. I know they're going to work their way back into where the bigger piles and what not are.

Mr. Mientkiewicz: Okay. I was up there today and it's getting...leaves are falling, branches are falling. It's getting bad. Hopefully we can get a jump on this before we can't handle it anymore. And then my last thing is Tony or Jeff, whoever is handling the zoning issues now, our corridors, are we continuing enforcement of our zoning ordinances on our corridors? 422, Robbins, 46. I know a few months ago we had issues with signs, banners and such. We wanted to clean that up. Clean those corridors up. We did that. Today, I'm seeing more and more things pop up left and right other than signs and banners so. Are we enforcing that or are we waiting until council whines and cries about it? Or what are we doing?

Mr. Crowley: Signs are in the building department so that would be Tony. Banners, signs, things of that nature are in coding codes, Steve.

Mr. Mientkiewicz: Are we continuing, Tony, to enforce those sorts of ordinances and zoning codes?

Mr. Vigorito: (inaudible)

Mr. Mientkiewicz: I'm talking about anything in general because I have seen things. I see things more and more. I see more than just signs and banners going up in our corridors. And to me, they're clearly violations of our city zoning ordinances.

Mr. Vigorito: I've seen...flags up went a couple days ago. A week ago I stopped and told them to take them all down. Actually, two places in the last week and a half. There was a difference of

opinion on one temporary sign that I was enforcing so now that is no longer listed as a temporary sign. So, those signs are now staying. And I stop when I see a violation.

Mr. Mientkiewicz: As long...as long as we, it's on our radar and we stop and address issues instead of having issues brought to us.

Mr. Vigorito: Yes.

Mr. Mientkiewicz: The enforcement is something that I think should be looked into very heavily. And you know we have to do something to maintain those corridors and make sure that those corridors, not just 46, Robbins and 422, are up to city standards. So, if we can keep an eye on those. That's it.

Mr. Pezzano: Yeah a few things. I want to thank my colleagues for understanding what Mrs. Gatta's going through. I know I've been meeting with Mr. Stredney for over a year. Second thing is representative from the Tribune, I wanted to say something public tonight but I would rather hold off and meet you after the meeting because I don't want to...it's probably not your fault but I want to give you my opinion on something. Third thing is Mr. Stredney, for years the Warren Tribune, the city of Warren puts this ad in the paper about leaves and grass clippings at this particular time people throw them out into the street. I mean I've asked every year but can we put something maybe in the billing or on our website letting people know they're not supposed to do it. I know they do but at least we can cover our butts that we. Because we have an ordinance for it.

Mr. Stredney: Can I steal that from you? Can I get that from you?

Mr. Pezzano: Yes. Thank you.

President Marino: Well Frank, I'm glad Niles City Council passed that as an emergency measure because that is an emergency. Because if someone were to build a business of that nature.

Mr. Pezzano: You knew what I was going to say. I didn't want to do that to him.

President Marino: We got an onion for passing that measure as an emergency. Well it's true.

Mr. Pezzano: I'll say it. I'll say it. Being that Mr. Marino.

President Marino: Get it in the record.

Mr. Pezzano: I know it wasn't you. For years as you quoted me that Thursday after our Wednesday meeting that we've been fighting for years to get. There was always a moratorium on the adult entertainment. We finally, with the help of my colleagues and Mr. Swauger, I asked my...you can blame me. I asked my colleagues to suspend the rules that night because it was going on too long. So if you have to blame anybody, blame me because I asked my colleagues to support me and they did. And we've been, for fifteen years, we've been trying to get this done and we did it. So, you can take that... because you gave us that and I know it's minor but it

wasn't minor to us because we need something positive for the city. And that was something positive that we did I believe. And the next day, that next Saturday your colleagues gave us an onion. I know it's minor but still it means a lot to us.

Warren Tribune: I think I reported it accurately.

Mr. Pezzano: You did.

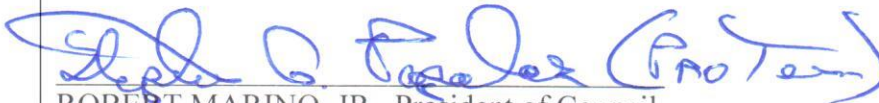
Law Director Swauger: You know I would point out they were actually incorrect in their onion too. The emergency has nothing to do with the one reading, that's under suspension of the rules so they would actually (inaudible). The emergency is making it immediately enforceable rather than waiting 30 days after the signing so their onion was actually wrong.

ADJOURN

It was moved by McNaughton, seconded by Lastic to adjourn the meeting.



Nicole Bacak, Clerk of Council



ROBERT MARINO, JR., President of Council