

# City of Niles, Ohio

SPONSORED BY: IMPROVEMENTS COMMITTEE      DRAFT NO. 125-19  
AUTHORIZED BY: LASTIC

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

TO APPROVE THE FORM AND APPROVE CONSENT TO AUTHORIZE THE DIRECTOR OF TRANSPORTATION FOR THE BRIDGE INSPECTION PROGRAM SERVICES; AND, DECLARING AN EMERGENCY

## PRELIMINARY LEGISLATION

Consent

Rev. 6/26/00

Ordinance/Resolution #: \_\_\_\_\_

PID No.: **109334**

County/Route/Section: \_\_\_\_\_

The following is an Ordinance enacted by the Niles City Council, Trumbull County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

### SECTION I - Project Description

WHEREAS, the (LPA) has determined the need for the described project:

*Bridge Inspection Program Services, including, but not limited to routine inspections, element level inspections, critical-findings reports, fracture critical member inspections, load rating calculations and reports, weight limits posting sign recommendations, scour assessments, scour plan of actions, development of fracture critical plans, and underwater dive inspection reports if needed*

NOW THEREFORE, be it ordained by the Council of the City of Niles of Trumbull County, 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 cost for Bridge Inspection Program Services requested by the City and agreed to by the State. Eligible Bridge Inspection Services are described in the Consultant's Scope of Services Task Order Contract (Exhibit A).*

*The LPA agrees to pay 100% of the cost of those features which are not included in Exhibit A. Those features may include but not limited to the purchasing and erecting the recommended weight limits postings signs, the implementation of critical findings reports such as partial or total bridge closures, the implementation of the scour plan of actions. When recommendations affect public safety, ODOT expects full implementation by the LPA. Starting in October 2019, FHWA requires installing weight limits posting signs within 30 days from the official date of the approved recommendations. Timely implementation is essential to the success of this program.*

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

The LPA agrees that all right-of-way required for the described project will be made available in accordance with current State and Federal regulations.

**SECTION V Authority to Sign**

I, \_\_\_\_\_ of said \_\_\_\_\_ is hereby empowered on behalf of the  
(Contractual Agent) (LPA)

\_\_\_\_\_ To enter into contracts with the Director of Transportation  
which is necessary to complete the above described project.

Passed: \_\_\_\_\_, 2019

Attested: \_\_\_\_\_  
(Clerk)

\_\_\_\_\_ Contractual Agent of LPA – Title

Attested: \_\_\_\_\_  
(Title)

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

The Ordinance is hereby declared to be an emergency measure to expedite the highway project 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  
\_\_\_\_\_, 2019 and signed by me as such Mayor on the \_\_\_\_\_ day of  
\_\_\_\_\_, 2019.

\_\_\_\_\_ MAYOR

CERTIFICATE OF COPY  
STATE OF OHIO

City of Niles of Trumbull County, Ohio  
(LPA)

I, \_\_\_\_\_, as Clerk of the \_\_\_\_\_  
(LPA)  
County, Ohio, do hereby certify that the foregoing is a true and correct  
copy of \_\_\_\_\_  
Ordinance adopted by the legislative Authority of the said \_\_\_\_\_ on the  
\_\_\_\_\_ day of \_\_\_\_\_, 2019.

That the publication of such Ordinance has been made and certified of record according to Law;  
that no proceedings looking to a referendum upon such Ordinance have been taken; and that such  
Ordinance and certificate of publication thereof are of record in \_\_\_\_\_, Page  
\_\_\_\_\_.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable,  
this \_\_\_\_\_ day of \_\_\_\_\_ 2 \_\_\_\_\_.

\_\_\_\_\_  
(Clerk)  
(CITY SEAL) \_\_\_\_\_ of \_\_\_\_\_ County, Ohio  
(LPA)

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No Seal is required to accompany the  
executed legislation.)

The foregoing is accepted as a basis for proceeding with the project herein described.  
For the \_\_\_\_\_ of \_\_\_\_\_ County, Ohio.

Attested: \_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_\_\_  
(Contractual Agent)

For the State of Ohio  
Attested: \_\_\_\_\_ Date \_\_\_\_\_  
(Director, Ohio Department of Transportation)

# City of Niles, Ohio

SPONSORED BY FINANCE and UTILITIES COMMITTEES  
AUTHORIZED BY: SMITH and McNAUGHTON

DRAFT NO. 126-19

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

AN ORDINANCE APPROVING A THEN AND NOW PAYMENT REQUEST AUTHORIZING THE AUDITOR TO MAKE PAYMENT TO JACK DOHENY COMPANIES FOR EMERGENCY REPAIRS TO THE CITY OF NILES VAC TRUCK (vehicle repairs); AND, DECLARING AN EMERGENCY

WHEREAS, Jack Doheny Companies submitted invoices for emergency services provided to the City of Niles Sewer Department repairs to a Vac truck (vehicle repairs).

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

SECTION 1: Council hereby authorizes the Auditor to submit payment to Jack Doheny Companies in the total amount of Four Thousand Three Hundred Eighty Seven and 36/100 Dollars (\$4,387.36) for the emergency repairs to the Vac truck (vehicle repairs) for the Sewer Department.

SECTION 2: This Ordinance is declared to be an emergency measure in the interest of the public health, safety and welfare. 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 \_\_\_\_\_, 2019 and signed by me as such Mayor on this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
MAYOR

# City of Niles, Ohio

SPONSORED BY: FINANCE COMMITTEE  
AUTHORIZED BY: SMITH

DRAFT NO. 127-19

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

A RESOLUTION AUTHORIZING THE SALE BY INTERNET AUCTION OF CERTAIN OBSOLETE ITEMS NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE BY THE CITY; AND, DECLARING AN EMERGENCY

WHEREAS, the City has obsolete tools and equipment in the Water Department; and

WHEREAS, these items are not needed for any purpose by the City; and

WHEREAS, the City has chosen GovDeals, 5907 Carmicheal Place, Montgomery, Alabama, as the vendor to implement an internet auction, to dispose of the vehicles.

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

SECTION 1: That this Council finds that the Water Department is in possession of certain items, namely a **1999 Chevrolet C/K 3500 Series Truck, VIN: 1GBHC34J6XF081970**, which is obsolete, surplus, has little monetary value, and is no longer needed for any municipal purpose. Council further finds that it will be in the best interest of the City that such property be sold by public internet auction through GovDeals.

SECTION 2: That pursuant to Ohio Revised Code Section 721.15, the City is authorized to sell or dispose of such property by internet auction.

SECTION 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council; and, that all deliberations of this Council, and any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 4: That this Resolution is hereby declared to be an emergency measure in the interests of the public health, safety and welfare for the reason that the immediate sale of such obsolete municipal property is necessary in order to assist in purchasing replacement tools or other equipment. As such an emergency measure, this Resolution 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 \_\_\_\_\_, 2019,  
and approved by me as such Mayor this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
MAYOR

# City of Niles, Ohio

SPONSORED BY: SAFETY COMMITTEE  
AUTHORIZED BY: MARCHESE

DRAFT NO. 128-19

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

## AN ORDINANCE CREATING THE NILES-GREENWAY BIKE TRAIL RULES ORDINANCE, ORDINANCE NUMBER 160.01

WHEREAS, Council has heard from residents of the City concerning the rules of the  
Niles-Greenway Bike Trail; and

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

SECTION 1: There is hereby created a new chapter within the Codified Ordinances of  
Niles to regulate the rules of the Niles-Greenway Bike Trail.

### SECTION 160.01 NILES-GREENWAY BIKE TRAIL

1. Niles-Greenway bike trail hours: Dawn to Dusk
2. Keep to the right; pass on the left. Let others know when you are passing. Avoid blocking the Greenway trail for other users.
3. Yield to traffic intersections.
4. No motor vehicles.
5. Alcoholic beverages and controlled substances are prohibited.
6. Obey posted signs.
7. Do not litter; Deposit trash in receptacles at Niles-Greenway trail head.
8. Use designated parking areas; illegally parked vehicles can be cited.
9. Do not trespass on private property adjoining the Greenway trail.
10. No hunting or fishing on, from, or across the Greenway trail.
11. Leash pets; cleanup after their droppings.
12. Do not disturb or feed wildlife along the Greenway trail.
13. No disorderly conduct on or around the Greenway trail or Niles-Greenway trail head.

(a) Whoever violates this section is guilty of a minor misdemeanor on the first offense, a misdemeanor of the fourth degree on the second offense, and a misdemeanor of the third degree on the third of any subsequent offense. If a violation of this section creates a risk of physical harm to any person, then the penalty is a misdemeanor of the first degree.

SECTION 2: This Ordinance shall take effect at the earliest time allowed by law.

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

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the \_\_\_\_\_ day of  
\_\_\_\_\_, 2019 and signed by me as such Mayor on the \_\_\_\_\_ day of  
\_\_\_\_\_, 2019.

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

\_\_\_\_\_  
MAYOR

# City of Niles, Ohio

SPONSORED BY: FINANCE COMMITTEE  
AUTHORIZED BY: SMITH

DRAFT NO. 129-19

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

AN ORDINANCE AMENDING ORDINANCE NO. 11-15, DIRECTING THE  
TREASURER TO ISSUE A MONTHLY BANK TO BOOK RECONCILIATION  
REPORT; AND, DECLARING AN EMERGENCY

WHEREAS, the State Auditor's office, through its Performance Audit recommendations, and the City's Financial Planning and Recovery Commission, have both urged the City to take steps necessary to make financial information available for review as quickly as possible to assist in determining the financial position of the City; and,

WHEREAS, towards this goal, one of the items in the City's Financial Plan calls for the monthly submission by the Treasurer of a Bank to Book Reconciliation to City Council, the Mayor and the City Auditor by the 15<sup>th</sup> day of the month following the month for which the report is submitted; and,

WHEREAS, Council wishes to take action to formally direct the Treasurer to submit the Report to City Council as outlined in the Financial Plan.

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

SECTION 1: That in addition to any requirements of State law or existing City ordinances, Council hereby directs the Treasurer to submit to City Council, the Mayor and the City Auditor a monthly Bank to Book Reconciliation Report by the 15<sup>th</sup> day of the month following the month for which the report is issued. This requirement shall commence with the month of September, 2019.

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 the requirements of this Ordinance are part of the Financial Plan for the City, and must be implemented on a timely basis. 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 \_\_\_\_\_, 2019,  
and approved by me as such Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Mayor

# City of Niles, Ohio

SPONSORED BY: FINANCE COMMITTEE  
AUTHORIZED BY: SMITH

DRAFT NO. 130-19

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

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED FIRE LOSS CLAIMS FUND 664 TO THE FIRE LOSS CLAIMS REFUND ACCOUNT; AND DECLARING AN EMERGENCY

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

SECTION 1: Council hereby authorizes the appropriation of Twenty One Thousand Dollars and zero cents (\$21,000.00) from the Unappropriated Fire Loss Claims Fund to the Fire Loss Claims Refund Account, Account No. 664-6464-46450

SECTION 2: This Resolution is hereby declared to be an emergency measure in the interest of the public health, safety and welfare and for the reason that the funds are needed in the recipient account at the earliest possible date for the proceeds of a fire loss insurance claim. As such an emergency measure, this Resolution shall take effect upon passage by Council and approval by the Mayor.

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

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

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the \_\_\_\_\_ day of \_\_\_\_\_, 2019 and signed by me as such Mayor on this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
MAYOR



# City of Niles, Ohio

SPONSORED BY: FINANCE and SAFETY COMMITTEES DRAFT NO. 131-19  
AUTHORIZED BY: SMITH and MARCHESE

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

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED POLICE AND FIRE 1% FUND 217 TO THE FIRE EQUIPMENT PURCHASE ACCOUNT; AND DECLARING AN EMERGENCY

WHEREAS, the City of Niles Fire Department's Thermal Imaging Camera was damaged and is unusable in a structure fire in May, 2019.

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

SECTION 1: Council hereby authorizes the appropriation of Seven Thousand Four Hundred Ninety Five and no/100 dollars (\$7,495.00) from the Unappropriated Police and Fire 1% Fund 217 to the Fire Equipment Purchase Account, Account No. 217-1715-56300.

SECTION 2: This Resolution is hereby declared to be an emergency measure in the interest of the public health, safety and welfare and for the reason that the funds are needed in the recipient account at the earliest possible date to provide funds for purchase of a Thermal Imaging Camera for the Niles Fire Department. As such an emergency measure, this Resolution 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 \_\_\_\_\_, 2019 and signed by me as such Mayor on this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
MAYOR



# Price Quotation

Prepared for Niles Fire Department

Expires on 12/31/19

5255 N. St. Rt. 60 NW  
McConnelsville, OH 43756

Sales Representative  
Brandon Beeson  
(330)271-1477 Cell  
bbeeson@finleyfire.com



Qty.	Vendor	Item #	Description	Unit Price	Price
1	Bullard	T4X	T4X Thermal Imager with Desk Charger and 2 Batteries	\$7,400.00	\$7,400.00
1	Bullard	T3HANDLE	Handle for T4X	\$95.00	\$95.00
			Total		\$7,495.00
			<b>Shipping Included in Price</b>		

\*Prices subject to change due to manufacturer increases or typographical errors

# City of Niles, Ohio

SPONSORED BY: IMPROVEMENTS COMMITTEE  
AUTHORIZED BY: LASTIC

DRAFT NO. 132-19

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

A RESOLUTION AUTHORIZING THE SERVICE DIRECTOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED; AND DECLARING AN EMERGENCY

WHEREAS, the State Capital Improvement Program and Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure; and

WHEREAS, the City of Niles is planning to make capital improvements to Beaver Avenue; and

WHEREAS, the infrastructure improvement herein above described is considered to be a priority need for the community and is a qualified project under the OPWC programs.

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

SECTION 1: That Council authorizes the Service Director as the official of the City of Niles to apply to the OPWC for funds for the capital improvements.

SECTION 2: That the Service Director is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

SECTION 3: This Resolution is declared to be an emergency measure necessary for the preservation of public peace, health and safety of the inhabitants of the City of Niles, Ohio. Said emergency exists by reason of the fact that the City is required to meet the schedule as established in the application and, as such, this Resolution shall take effect immediately upon its 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 \_\_\_\_\_, 2019 and signed by me as such Mayor on this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
MAYOR

# City of Niles, Ohio

SPONSORED BY: IMPROVEMENTS COMMITTEE  
AUTHORIZED BY: LASTIC

DRAFT NO. 133-19

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

A RESOLUTION AUTHORIZING THE SERVICE DIRECTOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED; AND DECLARING AN EMERGENCY

WHEREAS, the State Capital Improvement Program and Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure; and

WHEREAS, the City of Niles is planning to make capital improvements to **TRU West Park / East State Street**; and

WHEREAS, the infrastructure improvement herein above described is considered to be a priority need for the community and is a qualified project under the OPWC programs.

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

SECTION 1: That Council authorizes the Service Director as the official of the City of Niles to apply to the OPWC for funds for the capital improvements.

SECTION 2: That the Service Director is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

SECTION 3: This Resolution is declared to be an emergency measure necessary for the preservation of public peace, health and safety of the inhabitants of the City of Niles, Ohio. Said emergency exists by reason of the fact that the City is required to meet the schedule as established in the application and, as such, this Resolution shall take effect immediately upon its 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 \_\_\_\_\_, 2019 and signed by me as such Mayor on this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
MAYOR

# City of Niles, Ohio

SPONSORED BY: SAFETY COMMITTEE  
AUTHORIZED BY: MARCHESE

DRAFT NO. 134-19

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

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE NILES BOARD OF EDUCATION AND THE CITY TO UTILIZE CITY POLICE OFFICER(S) AS SCHOOL RESOURCE OFFICERS; AND, DECLARING AN EMERGENCY

WHEREAS, the Niles Board of Education and the Police Department have agreed that it would be in the best interests of the City Schools and the public safety that a police officer be made available to the schools; and,

WHEREAS, the Board of Education and the Police Department have arrived at an agreement concerning this police officer, who would be designated a School Resource Officer; and,

WHEREAS, Council desires to authorize the Safety and/or Service Director to execute the proposed Agreement.

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

SECTION 1: That the Safety Director and/or Service Director is hereby authorized to execute the proposed School Resource Officer Agreement. (See attached Agreement)

SECTION 2: That this Ordinance is hereby declared to be an emergency measure in the interest of the public health, safety and welfare for the reason that the preparation for the work of the School Resource Officer needs to commence at the earliest possible date. As such an emergency measure, this Ordinance shall take effect upon passage by Council and approval by the Mayor. If not so passed as an emergency measure, it shall become effective at the earliest date allowed by law.

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

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the \_\_\_\_\_ day of \_\_\_\_\_, 2019 and signed by me as such Mayor on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
MAYOR

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

# City of Niles, Ohio

SPONSORED BY: FINANCE and IMPROVEMENT COMMITTEES  
DRAFT NO. 135-19

AUTHORIZED BY: SMITH and LASTIC

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

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED WATER FUND 501 TO THE WATER GRANTS ACCOUNT FOR THE DIFFORD DRIVE WATERLINE REPLACEMENT PROJECT; AND DECLARING AN EMERGENCY

WHEREAS, The Niles City Council desires to undertake a repair project within the City of Niles; and

WHEREAS, funds are needed to complete the project.

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

SECTION 1: Council hereby authorizes the appropriation of Fifty Thousand and no/100 dollars (\$50,000.00) from the Unappropriated Water Fund 501 to the Water Grants Account, Account No. 501-5151-56560 for the Difford Drive Waterline Replacement project.

SECTION 2: This Resolution is hereby declared to be an emergency measure in the interest of the public health, safety and welfare and for the reason that the funds are needed in the recipient account at the earliest possible date to provide funds for the Difford Drive Waterline Replacement project. As such an emergency measure, this Resolution 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 \_\_\_\_\_, 2019 and signed by me as such Mayor on this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
MAYOR

# City of Niles, Ohio

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

DRAFT NO. 136-19

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

A RESOLUTION ADOPTING THE TREE TRIMMING / REMOVAL POLICY FOR  
THE CITY; AND, DECLARING AN EMERGENCY

WHEREAS, the City is in need of a Tree Trimming / Removal Policy (attached hereto).

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

SECTION 1: That Council hereby approves the Tree Trimming / Removal Policy, 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 Tree Trimming / Removal Policy be established as soon as possible to give proper guidance to City officials and employees at the earliest possible time. 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 \_\_\_\_\_, 2019,  
and approved by me as such Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Mayor

## The City of Niles

### Tree Trimming/Removal Policy

Responsible Division- Office of the Service Director  
Responsible Officer- Director of Public Service

July 31, 2019

Next Review- 2022

#### Policy Statement:

The City of Niles Tree Department will properly trim tree branches, at minimum clearances necessary, that obstruct electric utility lines/poles in an effort to safely maintain the electric infrastructure and reduce city-wide power outages. Standards of personal and professional ethics, applicable laws and regulations, appropriate utilization of resources, and the best interest of the City of Niles govern such participation. This Policy is not all-inclusive. If in doubt or a question arises, please consult with the City Law Director.

#### Procedure:

The City of Niles Tree Department will be responsible for trimming overgrown foliage away from the electric infrastructure, which may cause a hazard to the electric supply system. The department will allow sufficient clearance to ensure that distribution wires, street lights, and traffic signals are not displaced.

The City of Niles Tree Department will be responsible for trimming overgrown foliage to provide a clearance, with a minimum radius of ten (10) feet and maximum radius of fifteen (15) feet on all primary distribution lines.

The City of Niles Tree Department will NOT remove any tree on private property. Trees that pose a safety concern must be brought to the attention of the Tree Department Foreman and the Director of Public Service.

The City of Niles is NOT responsible for the removal of tree stumps on private property. This is the sole responsibility of the property owner.

The City of Niles Tree Department or designee will trim overgrown foliage around stop signs and other caution street signage at the discretion of the Director of Public Service, in consultation of the Tree Department Foreman and or Police Traffic Officer. In an emergency situation, in which a tree, limb, and/or branch has disrupted the electric supply system or traffic signal, the City of Niles Tree Department will be responsible for removing the obstruction so that electric can be restored.

The City of Niles Tree Department is responsible for trimming and removing trees on city-owned property, at the discretion of the Director of Public Service, in consultation with the Tree Department Foreman. This includes clearing pedestrian walkways, traffic signals/signage, and street lighting along city owned property.

In the event of new construction, relating to electric utility infrastructure, trees may be trimmed or removed under the discretion of the Director of Public Service, in consultation with the Tree Department Foreman. All parties must sign and date the "Tree Removal Acknowledgement" form, prior to the removal of the tree.



Any tree related issue that becomes a nuisance or hazard to any person or property shall be brought to the attention of the Building/Zoning Officer, for the consideration of contracted removal at the expense of the homeowner (Niles City Ordinance 901.06).

After all notification has been exhausted by the Building/Zoning Officer, the administration shall provide quotes to City Council, to provide funding for contracted tree removal at the homeowner's expense. The expense will be charged to the property tax as a lien through the office of the Law Director.

Approved:

Amended:

THE CITY OF NILES

TREE REMOVAL ACKNOWLEDGEMENT

I / We, \_\_\_\_\_ hereby understand and acknowledge that if a determination is made by the Service Director of the City of Niles that your tree is a hazard including but not limited to, at and/or near the power lines and/or in the path needed for implementation of electric poles, etc., the City will trim the tree down to a safe height, or if needed, remove the tree.

DATE:

\_\_\_\_\_ Property Owner

\_\_\_\_\_ Property Owner

\_\_\_\_\_ City of Niles Tree Department Foreman

\_\_\_\_\_ City of Niles Director of Public Service

# City of Niles, Ohio

SPONSORED BY: FINANCE COMMITTEE  
AUTHORIZED BY: SMITH

DRAFT NO. 137-19

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

**AN ORDINANCE AMENDING CHAPTER 163, "EMPLOYEES GENERALLY" OF THE CODIFIED ORDINANCE OF THE CITY OF NILES, IN PART, TO UPDATE VARIOUS SECTIONS FOR THE NON-UNION, NON-ELECTED EMPLOYEES; AND DECLARING AN EMERGENCY**

SECTION 1: The various Sections of Chapter 163 are hereby amended and enacted to read as follows:

**" 163.03 VACATIONS.**

- (a) All full time, non-union, non-elected employees of the City HIRED PRIOR TO JANUARY 1, 2018, excepting hereinafter enumerated, shall be entitled to vacation in accordance with the following schedule:
- (1) Upon completion of six months service through three years: one week (forty hours)
  - (2) Upon completion of 3 years of service through 6 years: THREE weeks (one hundred twenty hours)
  - (3) Upon completion of six years of service through ten years: FOUR weeks (one hundred SIXTY hours)
  - (4) Upon completion of ten years of service through fifteen years: FIVE weeks (TWO HUNDRED hours)
  - (5) Upon completion of fifteen years of service through twenty years: SIX weeks (two hundred FORTY hours)
  - (6) Upon completion of twenty years through of twenty-five years: SEVEN weeks (two hundred EIGHTY hours)
  - (7) Upon completion of twenty-five years of service or more: EIGHT weeks (THREE HUNDRED TWENTY hours)

ALL FULL TIME, NON-UNION, NON-ELECTED EMPLOYEES OF THE CITY HIRED ON OR AFTER JANUARY 1, 2018:

- (1) AFTER SIX (6) MONTHS FROM HIRE DATE, 40 HOURS PER YEAR
- (2) AFTER TWO (2) YEARS OF SERVICE, 80 HOURS PER YEAR
- (3) AFTER FIVE (5) YEARS OF SERVICE 100 HOURS PER YEAR
- (4) AFTER TEN (10) YEARS OF SERVICE 120 HOURS PER YEAR
- (5) AFTER FIFTEEN (15) YEARS OF SERVICE 140 HOURS PER YEAR
- (6) AFTER TWENTY (20) YEARS OF SERVICE 160 HOURS PER YEAR
- (7) AFTER TWENTY-FIVE (25) YEARS OF SERVICE 200 HOURS PER YEAR

Total credit for years of service, whether continuous or not, shall be given present employees for determination of their vacation.

All casual, part-time and summer employees shall not be entitled to a vacation as set forth herein and shall not be entitled to the benefits of this section.

No full time, non-union, non-elected employee hired prior to November 1, 1995, shall suffer a loss of a vacation allowance given under the previous "vacation ordinance" as a result of the passage of this subsection.

(b) As used in this section, six months of service shall accrue to a full time, non-union, non-elected employee upon completion of 750 hours of work for the benefit of the City.

(c) Upon termination of service of an employee of the City, entitled to receive vacation pay (with the exception of the Police Chief and the Fire Chief), such payment shall be made to the employee, or if such employee is deceased, to his surviving spouse, next of kin, or legal personal representative. Such earned vacation pay shall be determined by Council to be personal earnings to the extent earned and due.

- (1) An employee eligible to receive vacation pursuant to this chapter who is separated or terminated from the City will be entitled to prorated vacation time.

(2) The Auditor is hereby authorized upon determination of vacation pay due, to draw an Auditor's warrant, and the Treasurer is authorized to make such payment as hereinbefore provided.

(d) (1) Upon the termination of service to the City by the Police Chief or Fire Chief, such terminating Chief shall be entitled to receive vacation pay which he has earned, but not yet taken.

(2) Upon the death of an incumbent Chief, compensation at the Chief's hourly rate of pay at the time of his death shall be paid to the Chief's widow, children, and/or estate for all unused vacation at the time of his death. His hourly rate shall be determined by dividing his annual salary by 2,080 hours.

(e) Employees shall be permitted to accumulate one week vacation leave from one year to the following year.

(F) ANY EMPLOYEE ENTITLED TO THREE WEEKS (120 HOURS) OR MORE OF VACATION MAY BE PAID AT HIS/HER REGULAR HOURLY RATE OF PAY FOR UP TO TWO WEEKS (80 HOURS) OF VACATION IN LIEU OF TIME OFF. ANY EMPLOYEE ENTITLED TO FIVE WEEKS (200 HOURS) OR MORE OF VACATION MAY BE PAID AT HIS/HER REGULAR RATE OF PAY FOR UP TO THREE WEEKS (120 HOURS) OF VACATION (IN 40 HOUR INCREMENTS ONLY) IN LIEU OF TIME OFF.

(G) The preceding shall not apply to the position of the Service Director. The position of the Service Director shall begin with three weeks (120 hours) of vacation and thereafter, will follow the schedule in paragraph (a).

SECTION 2: Existing Sections 163.03 is hereby repealed.

SECTION 3: This Ordinance is hereby declared to be an emergency measure in the interest of the public health, safety and welfare, and for the reason that these changes may be made prior to the end of the year. As such an emergency measure, this Ordinance shall take effect upon passage by Council and approval by the Mayor.

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

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

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the \_\_\_\_\_ day of \_\_\_\_\_, 2019 and signed by me as such Mayor on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
MAYOR