

## MINUTES

Niles City Council held its regular meeting Wednesday, April 19<sup>th</sup>, 2006 at 6:00 p.m. in Council Chambers, Safety-Service Complex, Niles, Ohio. The meeting was called to order by the President, Robert Marino, and the Clerk; Linda A. Yuhasz called the roll:

Lastic-P; Papalas-P; Scarnecchia-P; Cox-P; Stredney-P; Papas-P; Fuda-A; Marino-P.

It was moved by Papas, seconded by Lastic to excuse Councilman Fuda. Motion carried 6-0. It was moved by Papalas, seconded by Papas to accept the Minutes of the regular meeting of April 5, 2006. Motion carried 6-0.

## REPORTS AND COMMUNICATION

FROM: Ohio Division of Liquor Control

A transfer from a C1 and C2 permit from Elwanni Enterprises Inc. to AMA LLC.

It was moved by Scarnecchia, seconded by Papas to refer this to the police chief and Safety Director. Motion carried 6-0.

FROM: The Office of the Building Inspector

A letter recommending accepting the changes of the Planning Commission of the Fourth Ward rezoning.

It was moved by Scarnecchia, seconded by Papalas to accept the letter and place it on file. Motion carried 6-0.

FROM: A letter from The Lane Funeral Homes.

It was moved by Papas, seconded by Stredney to accept the letter and place it on file. Motion carried 6-0.

## MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

None

## COMMITTEE REPORTS

None

## ORDINANCES AND RESOLUTIONS

**ORDINANCE NO. \_\_\_\_\_ (Draft No. 26-06)**

**AN ORDINANCE PLACING A MORATORIUM ON THE AUTHORITY OF THE BUILDING INSPECTOR TO ISSUE PERMITS FOR GROUP RESIDENTIAL**

**DEVELOPMENTS PURSUANT TO CODIFIED ORDINANCE NO. 1157.11; AND, DECLARING AN EMERGENCY.**

Councilman Scarnecchia: Mr. President I would like to make an amendment to this ordinance where it says ninety days I was wondering if we could make it for one hundred eighty days.

President Marino: Is there a motion on the floor to amend the ordinance from ninety to one hundred eighty days?

Councilman Scarnecchia made the motion.

President Marino: Is there a second?

Councilman Papalas: Let me explain why it says ninety. Terry and I talked about it and he thought that within ninety days we ought to have this taken care of. There is another development in the works and we are in the position where we don't want to hold them up and make it look like it was directed at them. I explained to the mayor that if this gentleman wants to sit down with us I'll be happy to try and work something out. I'm also worried about larger areas in our community especially along Route 422 and 46. The major reason I wanted to bring this in so we can address it as quickly as possible. I think we can get it done in ninety days.

Councilman Scarnecchia: I think that if it's longer these people will come in and address it.

Councilman Papalas: I don't think that anyone will have to come in to discuss this, we have to make sure that the new regulations we have concerning condos is also going to be covered in R-B and R-C zoning and it is not right now. That is our intent but it is not there.

Councilman Scarnecchia: If we feel that we are not ready we can extend it, right?

Mr. Terry Dull: Right.

Councilman Papalas: Do we need a public hearing?

Mr. Terry Dull: Yes, it is going to be an amendment to the zoning code so we would need a public hearing.

President Marino: Council is scheduling a Public Hearing for May twenty third at 5:30 p.m. in Council Chambers to amend codified Ordinance No.1157.11 through Draft No. 26-06. Council will not be taking any action that evening.

Councilman Scarnecchia: I would like to withdraw my request and hoping that if we feel we need it when this expires we can do it again.

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

**YEAS: 6    NAYS: 0**

Rules are suspended.

It was moved by Papalas, seconded by Stredney that this draft be adopted.

**YEAS: 6    NAYS: 0**

This Draft has been adopted this 19<sup>th</sup> day of April, 2006.

**RESOLUTION NO. \_\_\_\_\_ (Draft No. 27-06)**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LETTER OF AGREEMENT BETWEEN THE WESTERN RESERVE TRANSIT AUTHORITY, THE CITY OF NILES AND THE CITY OF SHARON, PENNSYLVANIA FOR THE DISTRIBUTION OF FEDERAL FISCAL YEAR 2006 FEDERAL TRANSIT ADMINISTRATION FUNDS FOR THE YOUNGSTOWN URBANIZED AREA; AND, DECLARING AN EMERGENCY.**

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

**YEAS: 6    NAYS: 0**

Rules are suspended.

It was moved by Papalas, seconded by Papas that this draft be adopted.

Mayor Infante: This is the agreement that Mark negotiated with WRTA and Shenango who is in our district for the 2.5 million urbanized money on the busing. Mark can elaborate more if he needs to. He thought it was best to come to council at this time, I think we had to do it now.

Mr. Mark Hess: This is the second year we negotiated with WRTA and Shenango Valley Shuttle. There is only so much money that comes to the area for 5307 funds for transit. That money has to be shared between three transit agencies and we are the three transit agencies. We have to agree to split that money before it becomes available to us so it is something that is going to happen every year. Every year we are going to have these discussions take place. This is for fiscal year 2006. The amount of money that we got for 2006 is \$300,200.00. Last year we got \$270,000.00. We got thirty thousand dollars more this year than we did last year. Our budget for this year is going to need that if we are going to do something's that we are expecting to do relating to the senior services money

that passed in Trumbull County. That is going to come up later but since you are our Board of Directors you have to authorize the mayor to sign this agreement. If you have any questions feel free to ask. There is a budget that is put together. We haven't been asked to approach the Senior Services Advisory Board yet with regards to what they are going to do with the money. We know that when that starts to take place we will provide information to you.

Councilman Scarnecchia: I read in the paper where there is a possibility of expanding to other municipalities our service.

Mayor Infante: Well we have to provide for all Trumbull County, that is a condition of the FTA grant.

Councilman Scarnecchia: However, when we provide don't we get a fee per person.

Mayor Infante: We do now. Hopefully there will be a time where it will all come out of the Senior Levy money.

Mr. Mark Hess: Right now the only thing that the communities that join the service get is discounted fares. As they become a participating community they get a fare discount. We have to provide the service whether anybody joins or not.

**YEAS: 6 NAYS: 0**

This Draft has been adopted this 19<sup>th</sup> day of April, 2006.

It was moved by Papalas, seconded by Scarnecchia to place Draft No. 17-06, Draft No. 22-06 and Draft No. 23-06 on the agenda. Motion carried 6-0.

It was moved by Papalas, seconded by Stredney to adjourn to executive session to discuss Draft No. 23-06.

**YEAS: 6 NAYS: 0**

Council adjourned to executive session for the purpose of contract negotiations with the firefighters at 6:22 p.m. Council reconvened at 6:32 p.m. from executive session. The Clerk called the roll:

Lastic-P; Papalas-P; Scarnecchia-P; Cox-P; Stredney-P; Papas-P; Marino-P.

**ORDINANCE NO. \_\_\_\_ (Draft No. 17-06)**

Draft No. 17-06 to be brought to the floor for the third time:

**AN ORDINANCE AMENDING THE ZONING DISTRICT CLASSIFICATION FOR MULTIPLE PARCELS OF REAL ESTATE WITHIN THE THIRD WARD**

**OF THE CITY; AMENDING THE ZONING MAP TO CONFORM TO THE NEW CLASSIFICATIONS; AND, DECLARING AN EMERGENCY.**

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

**YEAS: 6 NAYS: 0**

Rules are suspended.

It was moved by Stredney, seconded by Papas that this draft be adopted.

**YEAS: 6 NAYS: 0**

This Draft has been adopted this 19<sup>th</sup> day of April, 2006.

**ORDINANCE NO. \_\_\_\_ (Draft No. 22-06)**

**AN ORDINANCE ESTABLISHING NEW WAGE RATES FOR CERTAIN CITY EMPLOYEES; AND, DECLARING AN EMERGENCY.**

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

**YEAS: 6 NAYS: 0**

Rules are suspended.

It was moved by Stredney, seconded by Papas that this draft be adopted.

**YEAS: 6 NAYS: 0**

This Draft has been adopted this 19<sup>th</sup> day of April, 2006.

**RESOLUTION NO. \_\_\_\_ (Draft No. 23-06)**

**A RESOLUTION APPROVING THE AGREEMENT BETWEEN THE CITY AND THE FIREFIGHTERS BARGAINING UNIT REGARDING A NEW LABOR CONTRACT; AND, DECLARING AN EMERGENCY.**

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

**YEAS: 6 NAYS: 0**

Rules are suspended.

It was moved by Papalas, seconded by Stredney that this draft be adopted.

**YEAS: 6    NAYS: 0**

This Draft has been adopted this 19<sup>th</sup> day of April, 2006.

**MISCELLANEOUS REMARKS**

Mayor Infante: Thank you for passing the firefighters contract they ratified over the past few days so we have a contract agreement. Thank you for passing the salary employees ordinance.

Mr. Carmen Vivolo: I passed out a copy of three ordinances that we already have in relationship to pet owners. The Animal Control Officer and the Health Department have been receiving some complaints as well as my office, in particular from soccer and baseball people, managers and parents about people bringing their dogs to run in the enclosed soccer field or baseball field. They have asked me to have some signs posted indicating that there are ordinances prohibiting animals running at large. They must be on a leash that is ordinance 5-01. I passed that out to members of the press and hope that they will give me a little consideration on that. Codified ordinance 505.17 is the defecation, clean up and removal of defecation and 505.03 is the annual registration of dogs and dog license. These have been on the books for some time. There are one hundred dollar fines and court costs if they are cited by the Animal Control Officer. He is going to enforce these as it has gotten rather messy. We don't mind them running their dogs in the parks but they must clean up after them and they must have them on a leash. It has become a health hazard in the park. So, if the media would give us a little coverage on that and I'll have this notice posted on various fences in the park so that people will be aware that they will be cited. I passed out a memo about Youth Day this year. It is run by Mr. Papalas at the high school and myself. The reason I pointed out the agenda is traditionally for the last thirty two years we have it on the first Wednesday in May. But, since the high school will be closed on May 3<sup>rd</sup> we have moved it to May 10<sup>th</sup>. I invite members of Council and department heads to attend all or any of the activities on the agenda and have lunch at Café 422. We would like to have you there. For the record, I would like to thank Eric Hogan, the President of the Niles Youth Soccer League and his officials of that organization. They have placed a new roof at their cost on Stevens Pavilion. It cost them around seventeen hundred dollars. I would like to thank them for their continued support. They have helped us over the years. We really appreciate it.

Councilman Papalas: I am afraid that I am not going to make the safety director and the chief happy, but it is that time of the year where we start to get complaints and I know you have about the four wheelers and vehicles such as that going up and down the street through public places. I informed the gentleman who discussed it with me today, that we don't go chasing those folks because we don't want an accident. I did tell him that if he knew who these people were, he should turn in their names and location of where they lived. I just want to bring it forth to you that there have been complaints, I have seen them also.

Mr. Maurice Guarino: Steve, is that in any certain area?

Councilman Papalas: Summit Street. I have seen them going up Robbins Avenue going up towards McKinley Heights. We are getting two different areas at least. I haven't talked to Frank, he usually gets some complaints. Could we also have the mobile speed sign put on the hill going down Summit Street?

Mr. Maurice Guarino: We had it there before. I am sure the Chief will move it there.

Councilman Papalas: I know that it is probably used all over.

Chief Simeone: We have it in two locations right now. I also spoke to that person from Summit Street. We are getting overwhelmed with the number of four wheelers that are coming up out of the woods. They are getting transported in on trailers. People will not turn them in and give us some names in their neighborhood.

Councilman Papalas: I have seen the trailers loading and unloading. They are not in the city, that old Lawson's.

Chief Simeone: That is in the city but they go down the back, but the ones on Summit Street we are having a difficult time with them.

Mr. Vivolo: There have also been complaints about four wheelers in the parks, but that has been going on for forever.

Councilman Scarnecchia: Ditto on the four wheelers in the First Ward.

It was moved by Lastic, seconded by Stredney to adjourn this meeting. Motion carried 6-0.

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**Linda A. Yuhasz, Clerk of Council**

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**Robert Marino, President of Council**

