

MINUTES

Niles City Council held its regular meeting Wednesday, May 17, 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; Fuda-P; Marino-P.

It was moved by Stredney, seconded by Papas to accept the Minutes of the regular meeting of May 3, 2006 and place them on file. Motion carried 7-0.

REPORTS AND COMMUNICATIONS

FROM: Niles Boy Scout Troop 31

A letter inviting Niles City Council to their 85th year reunion for Niles Boy Scout Troop 31 on July 15, 2006.

It was moved by Scarnecchia, seconded by Fuda to accept the letter and place it on file. Motion carried 7-0.

Councilman Scarnecchia: There were some good comments written. I think we should look into giving them space inside there to hang their pictures and so forth. We have other pictures in there dealing with our past.

President Marino: They are talking about the scout cabin at Waddell Park. I don't think there is anything hung up in there. They want to make it like the youth cabin in Stevens Park with their memorabilia, which I agree Councilman it would be very nice. With regard to renaming the scout cabin, Mr. Vivolo what is the legal ramifications if any?

Mr. Carmen Vivolo: I think it could be very easily done with the help of my Park Board and I have no problem with it at all so, I have not had the opportunity to talk to that gentleman yet, but I will.

It was moved by Scarnecchia, seconded by Papalas to support the measure to recommend to the Niles Park Board the renaming of the cabin at Waddell Park to Troop 31 Scout Cabin. Motion carried 7-0.

FROM: The Office of the Building Inspector

The Planning Commissions recommendation of the Phase I of the Park Place Villas.

It was moved by Scarnecchia, seconded by Lastic to accept this recommendation and place it on file. Motion carried 7-0.

FROM: Mayor Ralph A. Infante

A letter re-appointing Attorney Mathew Blair as Director at the Mahoning Valley Sanitary District representing the City of Niles.

It was moved by Papalas, seconded by Fuda to accept the letter and place it on file. Motion carried 7-0.

FROM: The Mahoning Valley Sanitary District

A letter confirming the payment of the City of Niles' portion of the first half installment of Assessment No. 8.

It was moved by Fuda, seconded by Papas to accept the letter and place it on file. Motion carried 7-0.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

None

COMMITTEE REPORTS

Councilman Fuda: I had a Utilities Meeting last week to discuss the agreement with AMP Ohio. We scheduled a meeting with them on the 23rd at 3:00 p.m. to discuss two pieces of legislation.

ORDINANCES AND RESOLUTIONS

ORDINANCE NO.____ (Draft No. 28-06)

Draft No. 28-06 to be brought to the floor for the second time:

AN ORDINANCE AMENDING CODIFIED ORDINANCE NO. 1157.11 REGARDING GROUP RESIDENTIAL DEVELOPMENTS IN R-B, R-C, B-2 AND B-3 ZONING DISTRICTS; AND, DECLARING AN EMERGENCY.

It was moved by Scarnecchia, seconded by Fuda to give this Draft a second reading.

YEAS 7 NAYS 0

This Draft No. 28-06 has been given a second reading.

ORDINANCE NO.____ (Draft No.29-06)

AN ORDINANCE AUTHORIZING AND DIRECTING THE EXECUTION OF A HYDRO MATRIX DEVELOPMENT COST SHARING AGREEMENT BY THE CITY OF NILES WITH AMERICAN MUNICIPAL POWER-OHIO, INC.

It was moved by Fuda, seconded by Papas to suspend the rule requiring three readings.

Councilman Fuda: This is just giving the administration the right to come to an agreement later when all the facts from AMP Ohio are given to us.

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

This Draft No. 29-06 has been adopted this 17th day of May, 2006.

ORDINANCE NO.____ (Draft No. 30-06)

AN ORDINANCE AUTHORIZING THE EXECUTION OF A MASTER SERVICES AGREEMENT

It was moved by Fuda, seconded by Papas to suspend the rule requiring three readings.

Councilman Fuda: This is to give the administration the right to act on this later so we can purchase power at the lowest possible price for the future.

Councilman Papalas: Mr. Chairman, may I ask Mr. Newbrough the Superintendent of the Light Department to comment on it for the record.

Mr. Jim Newbrough: For the last twenty years or so there has been a generic agreement with AMP -Ohio to sell power. We would like to personalize this with each city. The Law Director has reviewed a draft copy that gives the mayor, service director and me the authority to negotiate this agreement with AMP -Ohio

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

This Draft No. 30-06 has been adopted this 17th day of May, 2006.

RESOLUTION NO.____ (Draft No. 31-06)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED PERMISSIVE TAX FUND TO THE STREET RESURFACING ACCOUNT; AND DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

This Draft has been adopted this 17th day of May, 2006.

RESOLUTION NO. __ (Draft No. 32-06)

A RESOLUTION AUTHORIZING THE BUILDING AND ZONING INSPECTOR TO ISSUE A PERMIT TO CONSTRUCT FOR PHASE I OF THE PARK PLACE VILLAS PROJECT AND DECLARING AN EMERGENCY.

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

Councilman Scarnecchia: Mr. President, I know that the Safety Committee last year, the administration, the Zoning Inspector and everyone has worked diligently on this. The company that is going to do it has abided by all the suggestions and rules of departments and council. So, at this point we wish them the best of luck.

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

This Draft has been adopted this 17th day of May, 2006.

ORDINANCE NO. __ (Draft No. 33-06)

AN ORDINANCE REPEALING CODIFIED ORDINANCES 373.12, 373.13 AND 373.14 REGARDING BICYCLE REGISTRATIONS

It was moved by Scarnecchia, seconded by Fuda to give this Draft a first reading. Councilman Scarnecchia: Today I read in the Times a letter to the editor. There may be people out there that want to the opportunity to be heard about registering their bicycles. We have had the ordinance since 1939 so another couple of months is not going to matter.

YEAS: 7 NAYS: 0

This Draft No. 33-06 has been given a first reading.

ORDINANCE NO. ___ (Draft No. 34-06)

AN ORDINANCE AUTHORIZING THE MAYOR AND THE SERVICE DIRECTOR TO EXECUTE AGREEMENTS WITH WEATHERSFIELD TOWNSHIP AND PETITIONS TO THE TRUMBULL COUNTY COMMISSIONERS WITH REGARD TO ANNEXATION OF A PORTION OF WADDELL PARK AND DETACHMENT OF LANDS WITHIN KERR CEMETERY; AND, DECLARING AN EMERGENCY.

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

Councilman Scarnecchia: I would just like to say Amen. We only have been working on this for many years now. Thank you Terry for getting this done promptly.

Mr. Terry Dull: These are the documents that are going to move us forward with Weathersfield Township. They have approved it. They are waiting for us to approve our ordinance and they are going to have a resolution that the trustees are going to approve. We have got the language down.

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

This Draft has been adopted this 17th day of May, 2006.

MISCELLANEOUS REMARKS

Mr. Anthony Vigorito: I just want to remind everyone of the public hearing next Tuesday.

Mr. Terry Dull: I received a copy of the letter sent to Linda from the company that does our codification every year. They are ready for us to adopt a 2006 ordinance that we do annually. If it would be okay I could bring it in next meeting as council as a whole.

Mr. Jim Newbrough: At the Utilities Meeting last week several councilmen requested that I have AMP-Ohio come on May 23, 2006 at 3:00 p.m. to talk about the gas turbine project.

Mr. Mark Hess: Congratulations, Mr. Marino on your doctorate. With regard to the resurfacing program, I want to thank council for passing that ordinance. I have passed out a list today for everyone, for the newspaper you have permission to print it. The list will be posted on the City of Niles website if anybody asks you and wants to know if their street is going to be paved, you can direct them to the website. This project should get started some time between now and the next four weeks.

Mr. Carmen Vivolo: Bob congratulations. I have been here as long as Councilman Scarnecchia and I can remember when you sat there in your Boy Scout uniform. You are to be commended, young man. That is a lot of hard work, God bless you. Second of all, for the record, I would like to take a slight exception and offer a brief rebuttal to an editorial in our local newspaper, that I feel has some misconceptions and quite frankly lack of fact. I would like to point out for the record, because it does a great disservice to that Mayor and these Councilmen, because a lot of the facts regarding what we do for the youth of Niles are not presented in this editorial. The part that I take offense to is “and yet the youth of the community seem to be ignored.” Number one, we have the only swimming pool in the area that has been in operation for the last twenty years. The City of Niles received a \$500,000.00 grant to open and redo that swimming pool in 1985. Girard doesn’t have a swimming pool, Warren doesn’t have a swimming pool. We offer free lessons for the kids, youths. We have spent approximately twenty to thirty thousand dollars a year on the swimming pool for the City of Niles for the recreation, for the youths of Niles. Under this Mayor alone we spent approximately \$150,000.00 for new play ground equipment in this fair city of ours. That is a big number for the youths of Niles. I think and have been told that we have the best maintained soccer and baseball fields in the City of Niles for the youths, in Trumbull County. I don’t understand why we don’t have anything for the youths, but we have more lighted ball fields than any community in the area. We had a plane trying to land out there the other night that is how well it was lit up, because this Mayor and this Council approved lights so our kids can play at night. We have concession stands at every field, every field. Through my Park Board we give various organizations the opportunity to build, which we maintain and they run for the benefit of their programs which of course are for the youths, I am talking soccer, football and baseball. I have been involved with Youth day for the City of Niles, this has gone since I don’t know when but, I have been here for thirty three years. I was here last Wednesday and saw the reporter who did this story for thirty seconds in the hallway, who said would call me for an interview that Friday afternoon so that I could have input in that editorial

and or the article. No such call came. But, we had Youth Day for thirty three years. Wilder Field, ladies and gentlemen is the premier field in the county for the Niles McKinley Baseball Team Varsity and JV, youth. The Colt League plays there, fifteen and sixteen years old, youths. Little B Teams play there, sixteen, seventeen and eighteen year olds. I guess the eighteen year olds may not be considered youths but they can go to Iraq, but when they are playing baseball to me they are youths. Three hundred and fifty thousand dollars, that Mayor and this Council appropriated for that field to be renovated. Murphy Park, right down the street across from Dinesol, new playground equipment. We are putting in, thanks to the work of this young man right here, with the agreement from that Mayor, this guy got us a ten thousand dollar grant for Murphy Park to buy new playground equipment for the youths and to put in this practice soccer field, for the youths. We are working on with one of the fireman, Mr. Crish putting in another sledding field at Stevens Park, for the youths. We have various auxiliary programs, tennis programs; we have daycare three weeks out of the year out at Waddell Park in the cabin that we just spoke of and other programs. We have basketball courts in the City of Niles for the kids, lighted basketball courts out at Kennedy Park. Mr. Frank Fuda, Councilman Frank Fuda, Tom Nicastro, Paul Martin have been running a program down at Bonham School for kids, Frank, young kids, sixth grade, for years. Not a lot of people know that, but I know how much money those three dig out of their pockets to run that program, for the kids. \$2.1 million, is it Councilman Papalás that we are using for a bike trail? I know that some adults will be on that but I bet that some kids will be riding on that bike trail. I am going to repeat that figure, 2.1 million dollars. We have lighted tennis courts, high school kids teams, boys and girls play there. We have an instructional program for the kids, we don't make any money on it, and it all goes to the instructor. All those programs are for the kids. None of those were mentioned in the editorial. To say nothing of the support services that myself and my four guys offer. They pick up all the litter, empty the garbage cans, cleaning the restrooms, cutting the grass and lining the fields, just that kind of stuff, for the kids. Had I been contacted I certainly would of because I like to believe there is a certain kind of balance, okay. A balance of what is written, but this article gives a misconception of, that Mayor, this Council and me, it's offensive. Anything that I have ever done in my department for thirty three years has always been for the kids first. Not the men's softball or the women's volleyball, but the kids first. Yes, we have had those programs, but nothing is more important in this city than our kids. I know that you gentlemen appreciate that, because whenever I come to that Mayor or any Mayor and before you guys in particular with a viable project, I never got a no. I never got a no, not once did I get a no. I just wanted to correct that for your personal benefit. I want to say that government can't buy everything for everybody, can't do it. We no longer have marble tournaments; wonder why, because nobody is playing marbles any more! We don't have basket weaving, because nobody makes baskets anymore! We don't have baton twirling that we use to have, lessons in the summer months, because nobody twirls baton any more! So, you can't always provide everything, a lot of people look to the government for this, that, and the other thing. Well we try to do the best we can particularly for the seven hundred kids that play soccer, the seven

hundred kids that play baseball, the kids that play tennis, football, the numbers go on and on and on. At any rate, I hope that clarifies some of the misconceptions. There was not a misconception in the latter part of the letter because it was pointed out to me that there were some damages done to a vehicle over there. To me, and that was even quoted in the article, sounds like there was some personal motivation there for that kind of an article. Well, I don't police the downtown areas, okay. I feel bad that those kids may have damaged the car, but I would have certainly given my opinion on what I have heard from Council and the Mayor over the years when we have discussed skate parks. We have some serious reservations, okay. It's not to say that we are not going to do it. Councilman Fuda and I have met, Councilman Papalas and I have met and the Mayor, we have all talked about this through the years, but we have some serious reservations. Of course my reservations were not pointed out in the article. Having said that, I am going to shut up and sit down after I tell you that, today we received word from Lowe's Home Improvement for a seventy five hundred dollar grant to be put towards a fishing dock at Kennedy Park, which will hopefully be used by the youths of Niles as well as the clients at Fairhaven School. They have been cooperating with us. I filed for that grant six weeks ago and today we got notice that in three weeks we will have a seventy five hundred dollar check down there, which I know makes Councilman Fuda very happy and makes Dave very happy because they have worked their butts off down there to help us with that. We put a new pavilion down there; we put four new picnic tables down there, a brand new grill, twenty five thousand dollars worth of playground equipment at Kennedy Park and this seventy five hundred dollars specifically for a fishing dock to go right along side the boat dock that we have down there. So, I just wanted that for the record. I want to thank Frank and Dave for all your help down there. We are going to go with a bike.... what do we have down there, Dave? A motorcycle ride to try and raise some money, Sunday, May 21st. Thank you.

Councilman Papalas: I do want to voice my frustrations with those fellows who are doing the damage. I saw two of them today and I know them from the high school. I think that they need to spend a little more time on their studies. I have seen these fellows in the past, two of them. The principal knows them, the assistant principal knows them and I think other authorities in the area know them. I think that their parents need to be held accountable. The parents need to be responsible in a lot of ways here and they are not. I request the Safety Director to inform the Police Department that we would strongly like these fellows not just moved along but prosecuted for vandalizing these areas in our community. The police have seen them, they had a discussion with them and shooed them away. These kids show up someplace else and it's a joke. Then we have the issues that we are now discussing. There is no excuse for just continuing giving those warnings. Why aren't they arrested? Why aren't their parents brought in? Do you know, Maurice?

Mr. Maurice Guarino: No I don't, but I'll find out.

Councilman Papalas: They are right here next to the police department when I came here today. They were right there with their skateboards. We would like a report at the next council meeting, if you would. When I go for walks, I see them. It's not a violation of curfew at 9:30 at night. These kids aren't in high school they are younger than that. Robert, I'm sure you know these fellows. I bet elementary school principals know some of these kids. That is way too late, in my opinion, for those young kids to be outside. They not only should be studying, some of them should be in bed getting a good night's sleep for the next day at school.

Mr. Maurice Guarino: I'll have a report for you at the next council meeting, Mr. Papalas.

Councilman Stredney: Congratulations Bob.

Councilman Fuda: Congratulations. Tony, just some concerns about trucks parked behind Furniture land. People that have offices back there and they have to look at those trucks every day and they don't think it's fair. There are four or five trucks parked back there.

Mr. Tony Vigorito: I will look into it.

Councilman Fuda: I want to thank Carmen for the super job for getting the grant. Carmen and Dave have been working on this for a long time Dave is figuring that July we will be done or maybe quicker now that we have the money with the fishing dock. I know there are people from Fairhaven, some kids that work there have been approaching me pretty often to be able to get out there and fish. Dave, I commend you for the great job you are doing with that and all the other people. Sunday I think we had ten people weed whacking and cleaning that area up for the summer. Macali's Market is helping us with Bob could I have Dave talk a little bit about the motorcycle run?

President Marino: Go ahead Dave.

Mr. Dave Wilkerson: This Sunday we are going to have a motorcycle run to try to raise money for the fishing pier. Our goal was to put in a new dock. It has grown, grown, grown. The city has been a big help to us, the community has been a big help with volunteers, and businesses have been outstanding. We have twenty five door prizes. The community has been outstanding on this project. This motorcycle ride has been one difficult thing to plan for. We don't know if we are going to get five bikes or five hundred bikes. Macali's has been able to accommodate us saying if you get five or five thousand bikes we will be able to handle you. This motorcycle ride is going to be a nice thing to have. We will be able to start our hooked on fishing program and fishing derbies. If we keep cleaning up the creek we would like to have whacky race time things for the adults and kids. I think this project is a great project. I just can't say enough things about this community.

President Marino: You are to be commended for your civic mindedness and all your efforts to improve Niles. You are what makes our job all that much easier and makes Niles a great place to call home. You two are deserving of all the credit. Behind every great project is a great leader, Mr. Wilkerson. You and Mr. Fuda have demonstrated that and your efforts do not go unnoticed. I was remiss, I forgot something. Two weeks ago there was a serious incident that occurred at Wilder Field with bullets flying over the heads of our baseball players. There were a series of meetings and I wanted to commend Mr. Vivolo for attending, fighting and working to assure the safety of our youth, our top priority also. Chief Joe Consiglio just really impressed me with his professionalism and caring concern for our students as well as Officer Dave Smathers who was there the night of the incident and kept everybody informed. I think it is important that those fellows are recognized for their efforts in making sure that it never ever happens again. That was a very, very serious situation. The hand of God was watching over those boys out there that night because it's a miracle no one was shot. Carmen, thanks, you are a strong person and that strength was absolutely needed at that time. I just greatly appreciate you being there.

It was moved by Fuda, seconded by Papas to adjourn this meeting. Motion carried 7-0.

Linda A. Yuhasz, Clerk of Council

Robert Marino, President of Council

