

MINUTES

Niles City Council held its regular meeting, Wednesday, April 18, 2007 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; Linda A. Yuhasz called the roll:

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

There was a moment of silence to honor the victims who tragically lost their lives at the University of Virginia Tech.

It was moved by Stredney, seconded by Scarnecchia to accept the Minutes of the regular meeting of April 4, 2007 and place them on file. Motion carried.

REPORTS AND COMMUNICATIONS

From the City Income Tax Department
The Monthly Receipts thru March, 2007

It was moved by Stredney, seconded by Wilkerson to accept the report and place it on file. Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

None

COMMITTEE REPORTS

None

ORDINANCES AND RESOLUTIONS

RESOLUTION NO. ___ (Draft No. 23-07)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNENCUMBERED WATER FUND TO THE UTILITIES ACCOUNT IN THE WATER DEPARTMENT; AND, DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Stredney, seconded Wilkerson that this Draft be adopted.

YEAS: 7 NAYS: 0

This Draft No.23-07 has been adopted on this 18th day of April, 2007.

RESOLUTION NO.____ (Draft No. 24-07)

A RESOLUTION DECLARING THAT THE CITY OF NILES SUPPORTS THE DEVELOPMENT OF THE REAL PROPERTY TO BE KNOWN AS EDISON PLACE, TO BE LOCATED ON THE FORMER EDISON JUNIOR HIGH SCHOOL PROPERTY AT THE NORTHWEST CORNER OF W. CHURCH STREET AND N. ARLINGTON AVENUE, PARCEL NUMBER 25-003503, NILES, OHIO 44446 FOR THE PURPOSE OF APPLYING FOR LOW-INCOME HOUSING TAX CREDITS; AND, DECLARING AN EMERGENCY

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

Councilman Scarnecchia: I just want to say that we all have seen the architectural drawings of the area and the buildings and it is going to be a beautiful piece of work. I wish everything that we do would come in like this. It is everything.

Councilman Stredney: Mark Whipkey is here. We passed the same legislation last year unfortunately I don't think they got the grant so we are just reapplying again this year in support of them. He passed out some more drawings and I don't know if you guys had any more questions while he is here to answer them.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Stredney, seconded by Lastic that this Draft be adopted.

YEAS: 7 NAYS: 0

This Draft No. 24-07 has been adopted on this 18th day of April, 2007.

ORDINANCE NO.____ (Draft No. 25-07)

A RESOLUTION ADOPTING A PLAN FOR THE MANAGEMENT OF THE NILES WELLNESS CENTER; AND, DECLARING AN EMERGENCY

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

Councilman Scarnecchia had asked for a first reading of Draft No. 25-07 but the motion was on the floor for the suspension of rules.

Councilman Papalas: Why do you want a first reading?

Councilman Scarnecchia: There is no hurry; it is not even built yet.

President Marino: In speaking for the Mayor, I think the intent of the administration is to begin getting the plans, the procedures and the Board of Directors in place so that the operating rules and what is going to be permitted and what is not going to be permitted in the facility is in place before the facility is done.

Councilman Scarnecchia: Do we have an estimated date approximately when this should be completed and running?

Mayor Infante agreed with President Marino. The intent of this Draft is to have the Advisory Board approved and functioning at the earliest possible date.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Papalas, seconded by Lastic that this Draft be adopted.

YEAS: 7 NAYS: 0

This Draft No. 25-07 has been adopted on this 18th day of April, 2007.

ORDINANCE NO. ____ (Draft No. 26-07)

AN ORDINANCE AMENDING NILES ORDINANCE NO. 37-05; CHANGING THE ZONING FOR PROPERTY KNOWN AS NILES CITY LOTS 4825A AND 4827A AT THE CORNER OF N. RHODES AVE. AND CLARK STREET, OWNED BY MICHAEL AND JUSTINE NEOPOLITAN, FROM R-A RESIDENTIAL DISTRICT TO R-B, RESIDENTIAL DISTRICT; AND, AMENDING THE ZONING MAP AS REQUIRED THEREIN

Councilman Papalas: Mr. Chairman we put a lot of work into rezoning the city and we told other people that we would not rezone parcels that they were interested in a designation other than R-A which it was. So if we put this on the floor I want my colleagues to know that I am going to vote not to send this to the Planning Commission.

Councilman Scarnecchia: As chairman of the Safety Committee I didn't appreciate this. I checked with the Safety Committee and I don't know where this even came out of. It didn't go through our committee, but we are labeled for it and I just want to table it.

Mr. Anthony Vigorito: Normal procedure on zoning changes come to council first and then if so wishes council sends them off to the planning commission for their approval or disapproval. That recommendation goes back to council and council can do whatever they wish to do with it.

Councilman Scarnecchia: Perhaps on that you ought to put Council as a Whole because this did not come out of the Safety Committee.

Councilman Lastic: Because there has been some controversy on it perhaps it is better to let it go right now and perhaps come up with a new plan for later on to get this thing straighten out right now than going on with it to bring it to the next ordinance really solidifies what we have to do tonight.

It was moved by Papalas, seconded by Cox to refer the matter to the Planning Commission.

YEAS: 0 NAYS: 7

The Draft was not referred to the Planning Commission.

It was moved by Lastic, seconded by Scarnecchia to refund the one hundred dollar zone change fee. Motion carried.

ORDINANCE NO. __ (Draft NO. 27-07)

AN ORDINANCE AMENDING NILES ORDINANCE NO. 36-06; CHANGING THE ZONING FOR PROPERTY KNOWN FOR STREET NUMBERING PURPOSES AS 101 THIRD STREET, OWNED BY SADIA SINDHU, FROM R-A RESIDENTIAL DISTRICT TO B-2, COMMERCIAL DISTRICT; AND, AMENDING THE ZONING MAP AS REQUIRED THEREIN

It was moved by Cox, seconded by Stredney to refer the matter to the Planning Commission.

Councilman Scarnecchia: I would like to say why I am giving a no vote. That is a very large building which we are all familiar with but we really don't know what they are going to put in there. Have they told you what they want to do?

Mr. Anthony Vigorito: Yes, they said that they want to move their corporate office.

Councilman Scarnecchia: What corporate office?

Mr. Anthony Vigorito: They bought out McQuaids. I am not sure where they are at now I believe they are in Liberty or Girard some place. They want to move them that is why they bought the building. They thought they could just move into it. The building was sold to them as a commercial building. When I explained to them that it was a commercial building but it is in a residential zoning which a school is allowed to do.

Councilman Scarnecchia: When we have final say will they have to submit drawings of the whole place and what they are going to do to the exterior and you want a final say on what is permissible?

Mr. Vigorito: They have to submit regular plans because under OBC rules everything has to be architecturally designed and changed to meet new criteria in the usage.

Councilman Lastic: I will probably vote no because we just took a nice piece of property where they were going to improve the property on Clark Street and because of our zoning regulations now we are going to a office building we are not even sure about it (inaudible) I say no.

Councilman Scarnecchia: I think that something this size which is a very large building which will affect the whole side of town is it too much to ask the owners come to council before this with the drawing and show us what it is?

Mr. Vigorito: If we decide to send it on to the Planning Commission there would be hearing over exactly what they are doing there. Then you have to have your public hearing and at the public meeting I would think that they would come and present their case and if they didn't it would be wasting their time.

Councilman Cox: On the other hand also big buildings like that should be used for something it is going to sit empty all the time.

Councilman Papalas: How far is the nearest commercial district from that lot?

Mr. Vigorito: B-2 neighborhood commercial abuts up to that property (inaudible). That whole drive next to where the cafeteria used to be, up to that point those properties all on Main Street are B-2 neighborhood commercial. The school actually abuts across the street there. Surrounding around it is all residential.

Councilman Papalas: Ray, this is your ward how do you feel about it?

Councilman Cox: I am all for it. That building is going to sit there all empty and pretty soon they will be breaking out windows. People will be coming in there all hours of the night. An office building doesn't sound bad.

Councilman Papas: I think we are going to have those big trucks coming in around there and everything else in that residential area.

Councilman Scarnecchia: Mr. Cox I agree with you that a modern new office building would look nice over there but then again I want to see it before.

Councilman Cox: When it goes to the Planning Commission they are going to show it to you correct? It still comes back here correct?

Fire Chief Brown: Currently I would consider it a fire hazard. It has been even when it was a school; it was never brought up to standards. (Inaudible) malfunctions and the school board always said it didn't have enough money and we knew it was going to

close. With something new in there and with the change of occupancy it has to meet modern codes.

Councilman Papalas: Do you think that we could defer this until we talk to these people before the Planning Commission?

Councilman Cox: That would be great.

A motion was made by Papalas, seconded by Cox to table Draft No. 27-07 pending a Council as a Whole meeting with the owners of 101 Third Street. Motion carried.

It was moved by Papalas, seconded by Papas to place Drafts 28-07, 29-07 and 30-07 on the agenda. Motion carried.

RESOLUTION NO. __ (Draft No. 28-07)

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

It was moved by Papalas, seconded by Stredney to adjourn to executive session to discuss Drafts 28-07, 29-07 and 30-07.

YEAS: 7 NAYS: 0

Council adjourned at 6:24 p.m. into executive session to discuss Drafts 28,29, 30. Council reconvened at 6:42 p.m. from executive session. The Clerk called the roll: Lastic-P; Papalas-P; Scarnecchia-P; Cox-P; Stredney-P; Papas-P; Wilkerson-P

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

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

This Draft No. 28-07 has been adopted in this 18th day of April, 2007.

ORDINANCE NO. __ (Draft NO. 29-07)

AN ORDINANCE SETTING THE SALARIES OF THE MAYOR, AUDITOR AND THE LAW DIRECTOR FOR THE TERM COMMENCING JANUARY 1, 2008

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Scarnecchia, seconded by Papalas that this Draft be adopted.

YEAS: 7 NAYS: 0

This Draft No. 29-07 has been adopted in this 18th day of April, 2007.

ORDINANCE NO.____ (Draft No. 30-07)

AN ORDINANCE SETTING FORTH THE SALARY, WAGES AND FRINGE BENEFITS OF ALL NON-UNION, NON-ELECTED CITY EMPLOYEES; REPEALING AND RE-ENACTING CODIFIED ORDINANCE CHAPTER 163; REPEALING EXISTING ORDINANCES INCONSISTENT HEREWITH; AND DECLARING AN EMERGENCY

It was moved by Papas, seconded by Stredney 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 No. 30-07 has been adopted on this 18th day of April, 2007.

MISCELLANEOUS REMARKS

President Marino: Mr. Stredney congratulations on the addition to your family. I am quite certain that you will fill the shoes of fatherhood and sleepless nights quite well.

Councilman Stredney: Thank you.

Mayor Infante: Councilman Papalas was asking about Mr. Robertson. I think I have him down for May 2nd before the Council Meeting. It is either 5:15 or 5:30 p.m. I have to clarify that and I will send out a notice.

Mr. Vigorito: The meeting that you would like to set up with Mr. Sindhu for the Garfield School, how would you like me to set that up?

Councilman Cox and Councilman Papalas agreed that a round table would be fine.

President Marino told council members that the law director and President Marino were working on the process of sponsoring ordinances. They will have something for council in the fall.

Councilman Lastic: Yes I have a couple comments to these statements (inaudible). I apologize for the first vote (inaudible). I would like to state that I am disappointed in myself. I stated on record tonight that council spent long hours trying to get the zoning changed, which leads me to some serious thought, because I have another problem. I received two calls last night concerning Mt. Carmel School to see if we were entertaining thoughts of changing ordinances for different buildings and I told them that we stand firm in what the zoning laws are for. If Mt. Carmel closes, if the rumors out there are not true to form and we keep the regulations of the school in that area as they are.

Councilman Papalas: I want to respond to Mr. Lastic in agreeing with just about everything he said. The difference for me with this building in Ray's ward it abuts right up against property that is zoned commercial. The property in the Second Ward is surrounded by R-A and I feel uncomfortable in rezoning any property that we already rezoned to R-A recently. That is why I didn't make a motion to refer this to the Planning Commission. If we feel uncomfortable when we meet with these individuals who are interested in that building I will do the same with that ordinance as I did with this one and that would be voting against sending it to the Planning Commission. We did briefly discuss with Terry Dull, maybe you can respond to what can go into that other parcel where Mt. Carmel School is now just to make sure that people are aware that some of these rumors are false, unless we were to rezone. I certainly would be very much against rezoning any of that property. Those people around there are very concerned about this.

Law Director Dull: For the record that property is zoned R-A Residence. There are a number of sub categories of uses, the primary one is a (inaudible) dwelling for one family or (inaudible). There are allowances under R-A for churches and other places of worship, private clubs, lodges, social and community center buildings provided that none of them allow for the serving of alcohol. Institutions of an educational, religious or philanthropic character if a school wanted to move in there that would be allowable under R-A. There is an allowance for hospitals and sanitariums but then there is an exception to that. There are no allowances for hospitals for epileptic, drug or liquor patients or mental cases. There have been some rumors of drug abuse facilities being proposed and that would not be allowed under our existing zoning. Finally, publicly owned playgrounds and parks and there also are allowances for airports and cemeteries but I don't think we will have any call for that. It is the most restricted zoning that we have, to use it for something other than that is really going to take a change in zoning.

Councilman Papalas: Condos?

Mr. Terry Dull: With the change that we made last year for group residential developments in R-A zoned there would be an awful lot of restrictions and approvals that

would have to come before the Planning Commission and Council. All of them would have to be approved when one would try to go in there and get a permit for that type of use.

Councilman Scarnecchia: With the confusion we had on Draft No. 26-07 I would like to say that over the weekend I did talk to Mr. Neapolitan and that he has had this property for a while and he has been away at Ohio State and he is now a dentist. However he seemed to of gotten the misinformation that he was told that it goes to the Zoning Board first and then it comes to us. There is just a complete confusion on this. In defense I would like to say that he really was not aware of us changing the residence and so forth. Perhaps at a later date he will inform us of what happened and why he got in this position with this corner lot.

Councilman Cox: Getting back to Draft 27-07 I would hate to see this building sitting empty. I am sure the building inspector will see that it is kosher.

Councilman Stredney: I had a request for our street sweeper up on South Rhodes, South Cleveland and a little cul-de-sac at the end of South Rhodes. Will you pass that information on?

It was moved by Stredney, seconded by Papas to adjourn this meeting. Motion carried.

Linda A. Yuhasz, Clerk of Council

Robert Marino, President of Council

