

MINUTES

Niles held its regular meeting of February 6, 2008 at 6:00 p.m. in Council Chambers, Safety-Service Complex in Niles, Ohio.

The meeting was called to order by President Marino, and the Clerk; Linda A. Yuhasz called the roll:

Lastic-P; Papalas-P; Scarnecchia-P; McCormick-P; Stredney-P; Papas-P; Smith-P; Marino-P

A motion was made by Papalas, seconded by Lastic to accept the Minutes of the regular meeting of January 16, 2008 and place them on file. Motion carried.

REPORTS AND COMMUNICATIONS

From The Cemetery Department
The January 2008 Sales Report

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

FROM The Office of the Building Inspector
The Housing Code Monthly Report for January 2008

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

FROM The City Income Tax Office
The Monthly Receipt Totals for January 2008

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

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Mr. Jim Cane of 125 Mistletoe, Niles, Ohio: I would like to thank the City of Niles for getting storm sewers down there and it did seem to make some difference on the streets. However, I and several neighbors have water in our basements and we have sewage coming into our basements. Thirty years ago we didn't have this problem. As we had more homes built in the area sewage started backing up and it hasn't stopped. Whenever we have a big rain I will see more water in my basement. I do have a backflow valve and gate valve. Last night the flapper didn't close all the way so I still got backup in my basement. I want to ask the people in Niles if there is any plan to look at the rehabilitation of our infrastructure. Is there anything we can do to find where the infiltration and inflow of water that does not belong in the sewers and where it is coming from and have it repaired? There are a lot of studies out there that talk about ways to do it and ways to detect it by smoke. There should be something in the works as an action plan for our infrastructure because this has gone on long enough. I appreciate the fact that they did put in the storm sewers but we have to solve the problem with the sewer back up. The waste coming in from other people's home to our home and other floaters and things that don't belong there shouldn't be there. I talked to my neighbors across the street and they all got water too. I was up until three o'clock and there was no water. After the rain had subsided, the initial rain, that is when we start getting the back up, it is from the sewers.

Councilman Papalas: I thought that several years ago we had studies made. Maybe Mark can remember that or have something on file.

Mr. Randy Fabrizio: I appreciate your patience and you bring up some excellent points but it is not the sanitary sewer in of itself that is backing up. It is the storm water that is co-mingling from infiltration inflow that is getting into the sanitary sewer and it is making that system work more than its capacity. Some ten or twelve years ago we had an engineering firm come in and their comment was if you want to solve a problem and not just relieve a symptom we would have to have a program. It would enforce the homeowners to upgrade their sewer laterals to the main sewer and also get their footer drains and root drains out of the sanitary sewer system. This is exactly what Mr. Cane said. That is what we did in 1988 when I first came here with the smoke detectors and the dye testing. We are ready to embark on a two million dollar program in two phases to upgrade the main interceptor sewers but Mr. Cane has a very valid point. Maybe we should sit down and revisit that program of enforcing the homeowners to upgrade their systems and also develop a five year strategic plan. It is not something that is going to be done overnight but you have to start at some point in time and maybe now is the time. If Utilities, Finance and all of Council would like to sit down and talk about the possibility of developing a five year plan.

President Marino: It would probably be the Improvements, Utilities and Finance.

Mr. Fabrizio: I would like to also point out to council that the sewer rates have not been raised for almost eighteen years. Our treatment plant is at the end of its use of life so this could be included into the five year plan.

Mr. Mark Hess: Just to add to that, Randy is right the infiltration inflow is our biggest problem. The thing you need to know is that the EPA now has laws that say that they would rather the sewage be in your basement than streams and rivers where we used to pump it, we are not allowed to do that any more. Those pump stations had to be taken down. We got a plant that only has so much capacity, we have sewers that only have so much capacity and then once those sewers reach capacity they are going into your basements.

Mr. Cane: Do you have an overflow system?

Mr. Hess: We are not allowed to have overflowed any more. The EPA does not allow you to have it. We have done two or three SSES programs since I have been here. The other problem is that Niles is an older city. Probably 70% of the homes have footer drains that go into the sanitary sewer and they are legal. Now you are not allowed to have footer drains, those clean water sources and sanitary sources have to be separated. Most of the city when their houses were built the footer drains went directly into the sanitary sewers. There is nothing that we can do to stop that.

Mr. Cane: Most of the houses in the area where I live are not that old. If they are putting them in they are illegal. If they are found they should be fined or

Mr. Hess: Most of the city drains into these interceptor sewers. You are talking about issues that go into the footer drains that go to the laterals. Obviously in order to replace them you are talking about millions and millions of dollars. The idea is to try to find these infiltration inflow areas and try to correct as many as we can so that we won't have these problems. Randy, your project is going to be started when?

Mr. Fabrizio: Well they are finishing up the specifications now and we are going to be out for bid the next month. This project is targeted for the interceptor system that is going to take out restrictions in the interceptor sewer system which is going to cause us more problems in the treatment plant. We got flooded today. We have significant issues at the plant, it's like your

problems magnified a hundred percent. Once we make these improvements to the collection system all the problems are going to move down stream, which means the treatment plant. The water has got to go somewhere. Of course we want to relieve your problem but we are going to have to solve our problem at the treatment plant also.

Mr. Cane: The home owners are really frustrated; we shouldn't have to put up with it every year. Every time you are cleaning this out of your house. Things are ruined. People that had aspirations of putting something in their basement, a family room or a play area for their kids, they just can't do it. They are growing frustrated. A lot of homeowners would be here today if they weren't cleaning their homes tonight.

Councilman McCormick: Mr. Cane you mentioned that you had a check valve down in the basement, when it is working properly does that keep the problem from occurring?

Mr. Cane: No because I think that several feet into the house has caused it to blow up behind the check valve so it is reaching up through the floor now. All I am doing is slowing it down and now I have another problem because I have that in there and it caused a break behind the pipe and caused it to come up through the floor. It is just one thing after another.

President Marino: Mr. Cane, I think that Mr. Fabrizio made an excellent suggestion. Might I add that Mr. Fabrizio and the Mayor come up with the frame work from which council can meet and operate from, rather than just be free willing to address this area and where ever else you feel are problem areas and look at it total. Council then can move accordingly.

Mr. Fabrizio: We have new faces on council would council possibly be interested listening to an engineering firm's perspective on the homeowner's responsibility and issues with their contribution to infiltration inflow also?

President Marino: That probably would be a good idea to provide a little education and background. Maybe after a Finance Meeting on an off Wednesday?

Mr. Cane: Something should be done. Each homeowner should be told that if they want to help the community to keep from getting water in their basement, they are contributing to it. I have a feeling it wouldn't be that much of a big deal for them to run a line out to the storm sewer instead of down into the sewage.

Mr. Fabrizio: Mr. Cane I am not going to sit here and disagree with you because you are (inaudible).

Mr. McCormick: Can we summarize that and say that I would not have a problem to try and organize this and get it together because I am on two of those three committees?

President Marino: Gentlemen if you don't object, let Mr. McCormick, Mr. Fabrizio and the Mayor come up with a timeline to set up meetings so that there is a point person on Council.

Brenda Claypool of 135 Lawnview Avenue, Niles, Ohio: A few of my neighbors know that I have been attending the meetings and on my way here I either get called or stopped with their concerns. On Fairlawn and Lawnview the city had Schimley's come out two years ago and put drains and new pipes in our yards. The drainage system has made swimming pools down in our front yards and the drain sits up too high. So our yards are here and the water can't get up to

the drains to go into the drains so the water is going around the perimeter of the drains and back flowing into our yards. One of the gentlemen stopped me on the street and said that he had been down to the creek where the big pipes run into the creek and we are going to have a big problem on Fairlawn and Lawnview. The creek has risen higher than what the drains are. All the water from the creek is going to start back flowing into the drains and back flowing into our yards, houses and basements all along Fairlawn and Lawnview. He said that he did notice that there was only one drain pumping, everything else was under water. I did not go down to the creek and look, I was on my way here, but he said that he has and when Schimley's excavated, he excavated too low and the water level has come up and covered a lot of the drains down at the bottoms of Fairlawn. The neighbors did want me to bring that up. My only other concern is that I do own a business in down town Niles in the National City Bank Building. I spoke to the Mayor about this; we did get two hour parking signs installed along Main Street between the NCB and the Dollar Store. However there are some cars from employees working in the bank or upstairs in the offices, but there has been a silver Altima that has been parked out there off and on for two weeks in different parking spots. There was a car parked from Pennsylvania out there and she works upstairs. I would like the police department to start giving these people tickets; it's only two hour parking. What they are doing is because they don't want to park in front of the library, they don't want to park behind the bank or they don't want to park in other places and it is hindering our businesses. I had another business person come to see me he couldn't find a parking place in front of the bank to park. He called me on his cell phone and said as soon as I find a parking space I will be upstairs to my office. The signs are there it is just that people aren't abiding by it. If the police department would start going past and start ticketing some of these cars that are there longer than two hours I think that it would put a stop to it right away. Word would fly through the offices and through the bank and the other businesses not to park there unless you are a customer.

COMMITTEE REPORTS

None

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. ____ (Draft No. 05-08)

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$3,800,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF CONSTRUCTING, FURNISHING AND EQUIPPING A MULTIUSE INDOOR MUNICIPAL RECREATION FACILITY AND THE SITE THEREOF, INCLUDING ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

This Draft No. 05-08 has been adopted on this 6th day of February, 2008.

RESOLUTION NO _____ (Draft No.06-08)

A RESOLUTION SUPPORTING THE CONSTRUCTION OF A COLUMBARIUM IN THE CITY CEMETERY

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

Councilman Scarnecchia: Mayor, I have had some questions since it has been in the paper, it seems like there is some excitement about this. People are asking me how long is it going to take, when can they start buying them or looking, do you have an idea?

Mayor Infante: As soon as you authorize your support, our intention is to put a sign out in front and we should start selling them. Once we get half of them sold then we can order it.

Councilman Scarnecchia: Will this be handled through the cemetery department or through your office?

Mayor Infante: The cemetery.

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. 06-08 has been adopted on the 6th day of February, 2008.

Councilman Stredney made a motion to add Draft No. 07-08 and 08-08 to tonight's agenda. Motion carried.

ORDINANCE NO ____ (Draft NO. 07-08)

AN ORDINANCE GRANTING AUTHORITY TO THE BUILDING INSPECTOR TO ISSUE A PERMIT FOR THE CONVERSION OF A BILLBOARD OWNED BY LAMAR OF YOUNGSTOWN LOCATED ON US ROUTE 422; AND, DECLARING AN EMERGENCY

It was moved by Stredney, seconded by Lastic to give Draft No. 07-08 a first reading.

President Marino: They are going to put one of those television boards up there, aren't they?

Councilman Stredney: Yes.

Councilman Scarnecchia: Mr. President you said television but in the letter that the Safety Committee got in regards to this they said that there will be strict regulations. They do not feature animation, flashing lights, scrolling or full motion video.

President Marino: Yes but if you look right below the one in front of the golf place and all the other ones they do flash.

YEAS: 7 NAYS: 0

Draft No. 07-08 has received a first reading.

It was moved by Stredney, seconded by Scarnecchia to refer Draft No. 07-08 to the Planning Commission for their report and recommendation. Motion carried.

ORDINANCE NO ____ (Draft No. 08-08)

AN ORDINANCE GRANTING AUTHORITY TO THE BUILDING INSPECTOR TO ISSUE A PERMIT FOR THE CONSTRUCTION OF AN ADDITION TO THE GIANT EAGLE MARKET AT 48 VIENNA NEARER THAN 50 FEET FROM THE RIGHT OF WAY WITHIN A B-3 GENERAL COMMERCIAL DISTRICT; AND, DECLARING AN EMERGENCY

A motion was made by Councilman Papalas, seconded by Smith to refer Draft No. 08-08 to the Planning Commission for their report and recommendation. Motion carried.

A motion was made by Papas, seconded by Lastic to place Draft No. 09-08 on tonight's agenda.

YEAS: 6 NAYS: 1

Councilman McCormick voted no. Motion carried.

Councilman Papalas: Who said nay?

Councilman McCormick: I did because I don't know anything about it Steve and I would like to hear about it.

Councilman Papalas: I agree and I told Mr. Marino earlier we have to get these things worked out in committees and then bring them out.

President Marino: Since Councilman Papalas brought it up your rules are clear gentlemen on the manner to which ordinances are brought to the floor. Obviously the Chair does not possess the power if you so elect to move, second and vote. You have all the power of the world to override me and they are your rules. However they are clear on when ordinances are to be prepared from the law director's office, to the clerk, to you. I certainly hope as Councilman Papalas intimated that this does not become a habit of whereby as Councilman McCormick mentioned that we show up in meetings and ordinances are here. If you would like me to refresh your memory on the rule I will do that.

RESOLUTION NO ____ (Draft No. 09-08)

A RESOLUTION OF SUPPORT FOR THE TRUMBULL COUNTY RENEWABLE ENERGY DISTRICT

President Marino: Who is the sponsor?

Councilman Papas: Improvements Committee.

Councilman Scarnecchia: Mr. President I would like to refer this to the Improvements Committee.

President Marino: It is sponsored by the Improvements Committee and authorized by Ted Papas.

Mayor Infante: You read in the newspaper where Trumbull County created a Renewable Energy District and they asked the City of Niles if we would be a part of it. They put me on the commission to see where in Trumbull County we could create some renewable energy. We looked at three different plans and one plan is in the works with Jim Newbrough and myself on bio energy. We would burn our sludge from our sewage plant, burn tires and wood. We are working on that type of plan. The second type of plan is that Tim Ryan brought in a contingency yesterday at a meeting where they are looking for areas to use windmill power in Trumbull County. They want to do a study on that. The third one is re-usable diesel. They create diesel made out of soybean and frying oil. We have three different sources. Trumbull County is telling the Planning Commission that there is a February 13th deadline to file any plans with Tim Ryan through the federal government to do studies. We are a little more advanced than the other communities in the county and the Trumbull County Commissioners wanted us to join up with them and get a resolution passed to adopt. That is why it was brought here tonight and we also called AMP Ohio and they are with us on this.

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

YEAS: 7 NAYS: 0

This Draft No. 09-08 has been adopted on this 6th day of February, 2008.

MISCELLANEOUS REMARKS

Fire Chief Brown: I need some direction as to what committee I need to talk to about putting on house numbers?

Councilman Stredney: Chief Brown I think that I am your guy. We could schedule a committee meeting for Wednesday, February 13, 2008 at 3:00 p.m. in the first floor conference room at City Hall.

Chief Brown: One other point and this may be major, the situation on South Main we can't go over the bridge we have to go around and this time it is clear up Fifth Street. I know that it is a problem for the police and it is a problem for the fire department. I don't know if there is a solution to that, it probably is a major thing. It is something that needs looked into.

Mr. Anthony Vigorito: I just wanted to bring you up to date on the demolitions. They are just about completed, the ones that we were allowed to demolish. We have about six or seven with injunctions. Little Mac's is about ninety percent down on North Road and we will get that place cleaned up and out of there also.

Councilman Papalas: On pole number seven on Hiram Avenue I turned that in about two weeks ago Mayor and I understand that it belongs to the telephone company. It is split in half and is still there. Has somebody made the phone call to move these people along?

Mayor Infante: We can try again, remember a couple of years ago we had that meeting with them. Terry, maybe there is something we can do to force them.

Law Director Dull: Yes, I will get with you later and I try to contact the (inaudible) county office and try to move them along.

Councilman Papalas: Do we have a time frame on when the software will be in place for our nuisance ordinance?

Mr. Tom Telego: We received all the report writing software about a week and a half ago and it should be installed this week. We can work on the reports starting next week. (Inaudible) probably in four to six weeks we will have it up.

Councilman Papalas: Chief, so far other than the software is everything moving along okay?

Police Chief Simeone: Yes that is all we are waiting for is just the software and the Mayor talked today about the other (inaudible) that goes along with the ordinance, so whenever that is in place we are ready to go.

Councilman Papalas: That is in place I understand, Mayor?

Mayor Infante: Well we just have to have Council adopt it; I'll get back for the next meeting.

Councilman McCormick: I got a call from ex-councilman Ray Cox and he asked me to convey His appreciation on a water problem that he had up near his house that was alleviated quickly and efficiently.

It was moved by Stredney, seconded by Papas to adjourn the meeting at 6:35 p.m. Motion carried.

Linda A. Yuhasz, Clerk of Council

Robert Marino, Jr., President of Council

