

MINUTES

Niles held its regular meeting of February 20, 2008 at 6:00 p.m. in Council Chambers, Safety-Service Complex in Niles, Ohio.

The meeting was called to order by President Pro-Tem Stephen Papalas, and the Clerk; Linda A. Yuhasz called the roll:

Lastic-P; Papalas-P; Scarnecchia-A; McCormick-P; Stredney-P; Papas-P; Smith-A; Marino-A
A motion was made by Lastic, seconded by Stredney to excuse the absences of Councilmen Scarnecchia and Smith and President Marino. Motion carried.

A motion was made by Stredney, seconded by Papas to accept the Minutes of the regular meeting of February 6, 2008 and place them on file. Motion carried.

REPORTS AND COMMUNICATIONS

FROM Marc Dann, Attorney General

The February 29, 2008 registration for House Bill 9 Certified Training

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

FROM The Ohio Division of Liquor Control

An Application for Change of Corp. Stock Ownership

A motion was made by Stredney, seconded by Papas to refer the letter to the Safety Director and Chief of Police. Motion carried.

FROM: Common Wealth, Inc.

A letter apprising council of the status of the Niles Senior Apartment Corporation

A motion was made by Lastic, seconded by Stredney to accept the letter and place it on file. Motion carried.

FROM: The Planning Commission

Two letters recommending a variance for the Lamar Billboard and Macali's Giant Eagle.

A motion was made by Stredney, seconded by Papas to accept the letters and place them on file. Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Mr. Leslie Monos of 1742 Old Forge, Niles: My property is located behind the old Tops Grocery Store, Big Lots and Pet Smart. The other day I received a telephone call from a gentleman and said that he was from (inaudible) Associates and they were going to drill a well on Cafaro's property. The well would be located next to Tops Grocery Store and in front of that retention pond, out towards 422. He said that he has to talk with people in the area and he wanted to talk with me about signing on for a lease or a contract. I let him know that I really was not in favor of gas wells because of the noise they make for the six or seven days that they a drilling twenty four hours a day. In most cases they don't properly take care of the well once that they are in place, they rust and look terrible. He said that he would still like to meet with me to discuss this

proposal and he agreed to come to my house at three o'clock yesterday. He didn't show and he didn't show me the courtesy of a telephone call to let me know that he wasn't coming. I have some questions, does the City of Niles issue permits for wells that are drilled in the city limits? Is there a public meeting before wells are drilled?

Councilman Papas: No the state took everything over from us.

Mr. Monos: Then there is really nothing we can do as far as the public making certain that the map that they submit doesn't over lap other areas. In other words that they can't play games.

Law Director Dull: Part of the review process on the state level involves checking that very thing, to make sure that the forty acres isn't already committed to some other acreage, the state have now taken over all of that.

Mr. Monos: I talked to my neighbors who live behind the old Tops Grocery Store and the area above me. Years ago they have all signed on to a well where the old Chi Chi's and O'Charley's are and they receive royalties from that well. The one party lives right behind that retention pond and they are receiving royalties from the well at O'Charley's. That means that this area was included in that well. Now if they are going to drill a well next to Tops are they over lapping those forty acres?

Law Director Dull: Some times they drill directional wells they are coming in what appears on the surface of one location they are actually by state regulations authorized and taken out from another area. That would be something that someone could question the state as to make sure they are aware of it.

Mr. Monos: Do you know who I could contact on the state level?

Law Director Dull: I have some information back at my office and I could give you a call and let you know.

Mr. Monos: Sure, I would appreciate a call. Thank you.

President Pro-Tem Papalas: Les would you keep us posted on that and I am sure the fire chief would like to know about that. I told you what happened on Hartzell Avenue and the key is if you are against, ask your neighbors not to sign that lease.

Mr. Charles Johnstone of 145 Sheridan Ave., Niles: We have a well that sits over behind Jackson Elementary School. Now they want to drill a well down by the railroad tracks at the top of Park Avenue. One of our questions was that we were allowed to go to the state and the state held a meeting for us to voice our opinion for the people that didn't sign off on this. Unfortunately I didn't make it but I know some people that did and they put it on hold for now. They are not going to let the people drill the well right away and they are going to investigate a little bit more because there is a issue of safety. Is there a way that the city can put up safety regulations? Does any body know how many wells are being drilled in the City of Niles?

Fire Chief: There could be eighty.

Mr. Johstone: I believe that there are sixty five. That is just in Niles, Weathersfield I am told has more. There is no safety for these kids at the school, all there is a chain link fence. What happens if a kid gets in there? What happens if it is close to a highway? The last one they want

to drill is next to a railroad track. What happens if a train comes down there and gets into the well? Nobody says anything about the safety in this issue. Nobody has anything other than a chain link fence to keep these kids out.

President Pro-Tem Papalas: We had one of the best ordinances in the whole area concerning gas wells and how they were regulated, what the companies were supposed to do as far as maintaining and their upkeep was concerned. That has all been removed from us because there were so many communities in the state that did the same thing, so the gas well industry the oil industry went to the state with quite a lobby. That responsibility has been taken away from us.

Mr. Johnstone: Even on a safety issue for the city?

President Pro-Tem Papalas: We can go to our state representatives and our state senator which we have done in the past. It is very frustrating; it has been taken out of our hands.

Mr. Johnstone: Again our situation is the same as his (Mr. Monos) I was in that forty acre zone and now here comes another one the guy says he wants to drill again. Some people don't realize is when they sign on to get that one hundred, two hundred dollar signing bonus or the twenty dollar a year that they get for royalties you lose all hope if something happens to your property. If your property starts to sink because they are taking that gas out and you start having foundation problems with your house you have nothing to go back on.

President Pro-Tem Papalas: Charlie, I am curious where was the meeting at?

Mr. Johnstone: It was in Columbus, I have all the paper work at home and I forgot to bring it.

President Pro-Tem Papalas: So to oppose this you have to drive all the way to Columbus? That is absurd. That is terrible.

Councilman Papas: Was it in Franklin County?

Mr. Johnstone: Yes.

President Pro-Tem Papalas: You think that they would have a regional area here, a regional place to meet. It should be broken down in regions or districts or something. To make people go all the way to Columbus is just another way of taking it out of our hands.

COMMITTEE REPORTS

Councilman Stredney placed the Safety Committee Report from the February 13th meeting on file with the clerk.

On February 27th, 2008 the Finance Committee, the Safety Committee and the Utilities Committee will meet at 3:10p.m. in the floor conference room at City Hall.

ORDINANCES AND RESOLUTIONS

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 Papas to give Draft No. 07-08 a second reading.
YEAS: 5 NAYS: 0

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

A motion was made by Councilman Stredney, seconded by Papas to add Draft No. 08-08 to tonight's agenda. 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 AVENUE NEARER THAN 50 FEET FROM THE RIGHT OF WAY WITHIN A B-3 GENERAL COMMERCIAL DISTRICT; AND, DECLARING AN EMERGENCY

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

YEAS: 5 NAYS: 0

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

MISCELLANEOUS REMARKS

Mayor Infante asked Council if he had their permission to bring in an ordinance regarding the city's policy on telephones, gasoline, vehicles and computers. The sponsor will be Council as a Whole and will be sent to the councilmen prior to the next council meeting.

Fire Chief Brown: I want to give a commendation to Ken Heinselman and Trevor Bonacci. They had a call a little over a week ago; a medical call there was no heart beat, no pulse. They worked on him with CPR and they brought this man back to life. The city made an investment in the First Responders and a lot of time you don't get to see the results well this is one of the results. I want to thank the city for supporting us.

President Pro-Tem Papalaz: Good thank you Chief and thank them for us.

It was moved by Stredney, seconded by Lastic to adjourn the meeting at 6:28 p.m.

Linda A. Yuhasz, Clerk of Council

Robert Marino Jr., President of Council

