

MINUTES

Niles held its regular meeting of March 5, 2008 at 6:00p.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; McCormick-P; Stredney-P; Papas-P; Smith-P; Marino-P
A motion was made by Papalas, seconded by Stredney to excuse the absence of the Treasurer, Robert Swauger. Motion carried.

A motion was made by Stredney, seconded by Papas to accept the Minutes of the regular meeting of February 20, 2008 and place them on file. Motion carried.

REPORTS AND COMMUNICATIONS

FROM The Auditor's Office

The Estimated VS Actual Revenues through the year 2007

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

FROM The Auditor's Office

The 2007 Year End Status Reports

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

FROM The Cemetery Department

The February 2008 Sales Report

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

FROM The City Income Tax Office

The Monthly Receipt Totals through February 2008

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

FROM The Office of the Building Inspector

The Housing Code Monthly Report for February 2008

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

FROM Mayor Ralph Infante

The appointments to the Nuisance Board

It was moved by Papalas, seconded by Lastic to accept the appointments and place them on file. Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

None

COMMITTEE REPORTS

Councilman Stredney submitted to the Clerk the minutes from the February 27, 2008 Safety Committee Meeting. The Clerk will put them on file.

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 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. 07-08 has been adopted on this 5th day of March 2008.

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 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

His Draft No. 08-08 has been adopted on this 5th day of March, 2008.

RESOLUTION NO.____ (Draft NO. 10-08)

A RESOLUTION AUTHORIZING THE QUARTERLY CASH TRANSFERS; AND, DECLARING AN EMERGENCY

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

Councilman Lastic: These are routine expenditures and transfers concerning the Police Pension and Fire Pension quarterly.

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

This Draft No. 10-08 was adopted on this 5th day of March, 2008.

ORDINANCE NO.____ (Draft NO. 11-08)

AN ORDINANCE AUTHORIZING THE MAYOR AND OTHER OFFICIALS TO EXECUTE AN AGREEMENT FOR THE SALE AND PURCHASE OF WATER BETWEEN THE CITY OF NILES AND THE MAHONING VALLEY SANITARY DISTRICT FOR THE PERIOD FROM JULY 1, 2007 THROUGH JUNE 30, 2010; AND, DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

This Draft No. 11-08 has been adopted on this 5th day of March, 2008.

ORDINANCE NO.____ (Draft No. 12-08)

AN ORDINANCE ADOPTING ADMINISTRATIVE POLICIES FOR EMPLOYEE GASOLINE ALLOWANCES, INFORMATION SYSTEMS, TELEPHONE USAGE AND VEHICLE AND HAND TOOL USAGE; AND, DECLARING AN EMERGENCY

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

Councilman Papalás: This is a result of the Auditor informing our Law Director that we should have our policies established by the administration and adopted by City Council.

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

This Draft No. 12-08 has been adopted on this 5th day of March, 2008.

ORDINANCE NO.____ (Draft No. 13-08)

AN ORDINANCE REPEALING AND RE-ENACTING CODIFIED ORDINANCE NO. 901.01 REGARDING THE NUMBERING OF BUILDINGS WITHIN THE CITY; AND, DECLARING AN EMERGENCY

It was moved by Papalas, seconded by Stredney to give Draft No. 13-08 a first reading.

YEAS: 7 NAYS: 0

Draft No. 13-08 has received a first reading.

MISCELLANEOUS REMARKS

Councilman Lastic: I just wanted to congratulate Bob Swauger for the editorial in the paper the other day. (Inaudible) also Jim maybe it is me but on the north side of Robbins Avenue by the pizza (inaudible) there are two poles there and they are bent over onto Robbins Avenue.

Mr. Jim Newbrough: First of all they belong to the telephone company and we complained about those (inaudible). Their engineers have been out to see them and (inaudible).

Councilman Papalas: Terry what happened in court with the appeal that an individual made concerning our housing ordinances?

Law Director Dull: He has been given what is called a mediation conference for a better term. It is a new procedure that the court of appeals has now. It will explain the process of what is going on and how long it is going to take for each case, and they try to see if there is any possibility of settling it. There wasn't really anything of interest to us to get this thing resolved so the case will continue on as the briefing schedule and the clerk's official estimated the case probably will get a decision by the end of this year or the beginning of next year.

Councilman Papalas: Personally I don't think we should compromise on any way with this. I don't think we should compromise at all. Steve Yovich has worked very hard with this.

Councilman Scarnecchia: I know that we have heard this and asked this a hundred times but I guess we still have to, what is the status of our annexation of Waddell Park?

Law Director Dull: I went to file the petitions and they requested that the County Engineer's Office look over the petitions and the legal descriptions. They have a couple suggestions for some additions to the petitions, some changes in legal descriptions. I have got to get with Dave to go over those to see if they are feasible and then we have to submit back to the County Engineer's Office for review.

Councilman Scarnecchia: Secondly, the Wellness Center is that on Niles property right now? That is not property to be annexed, right that is Niles? Thank you.

Fire Chief Brown: I thought that pretty much Waddell was ours. I have firemen that have to protect a certain area.

President Marino: There is an agreement; I do believe concerning Wilder Field area, there is a memorandum of understanding. Maybe you could meet with the Law Director and get up to speed on that.

Councilman Scarnecchia: My third question, Mayor I see the Wellness Center is starting to take shape out there. Is it pretty well on schedule or ahead of schedule?

Mayor Infante: I think that it is pretty well on schedule.

Councilman McCormick: Just a brief account from the MVSD Board Meeting last week, as we see that the electricity is going to be deregulated so they are looking at some higher costs out there. They are looking at alternatives and other possible electric sources. Jim, maybe sometime I could sit down with you and talk to find out if it is all possible, I know that we have looked into this in the past for Niles to provide electricity to them. I just like to be able to answer some questions that they had. They also are looking at possible alternate sources, windmills, and turbine....

Mayor Infante: We have had some meetings with the MVSD on bio mass and to put a generator on the property and we offered it to them. If they take it fine if not we will take it ourselves.

Councilman McCormick: They are looking for that right now and I just wanted to update everybody. That deregulation they say could boost rates up to forty percent. I hope that doesn't happen.

Councilman Scarnecchia: Who are they getting their power from now?

Councilman McCormick: I believe it is directly from First Energy. They have two sources they bring in one overhead and one underground.

Councilman Scarnecchia: Is it at a high rate, a low rate, medium rate do you know?

Councilman McCormick: I don't know what the rate is right now Tom.

Councilman Scarnecchia: Do you know Mayor? Does it beat ours?

Mayor Infante: No way. It is higher than ours.

Councilman McCormick: It used to be about 1.2 million dollars a year that they are paying for electricity out there.

Mayor Infante: We were talking several times about running a line out there, but they needed a second feed just in case the first feed goes down because you have to keep pumping water constantly. It seems like every time we get to an agreement, right Jim First Energy comes over and wants to lower the rate for so long and then after the contract is done they boost it back up. If we can get them to agree to sign with us and make sure that the percentage you can't beat that, once we do an agreement than we can start selling.

It was moved by Stredney, seconded by Papas to adjourn the meeting at 6:20 p.m.

Linda A. Yuhasz, Clerk of Council

Robert Marino Jr., President of Council

