

## MINUTES

Niles held its regular meeting of March 19, 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-A; McCormick-P; Stredney-P; Papas-P; Smith-P; Marino-P  
A motion was made by Stredney, seconded by Lastic to excuse the absence of Councilman Scarnecchia due to an illness in the family. Motion carried.

A motion was made by Stredney, seconded by Lastic to accept the Minutes of the regular meeting of March 5, 2008 and place them on file. Motion carried.

## REPORTS AND COMMUNICATIONS

From The Ohio Division of Liquor Control

A transfer of a liquor permit to Webster Corp

It was moved by Stredney, seconded by Papas to refer the permit to the Police Chief and Safety Director for their report and recommendation. Motion carried.

## MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Mrs. Audrey John of 545 Orchard Ct. of Niles, Ohio: I came here this evening to invite all of you to come to the dinner we are having on April 30<sup>th</sup> at Ciminero's. This is for the Niles Historical Society and we are having a speaker by the name of Dave Fleming. He is the one who wrote the book The Breaker Boys which is on sale now at your book store but we also have copies over at the Thomas House. The Breaker Boys was a story of the Pottsville Maroons. There were two fellows that played on the Pottsville Maroon Team and they happen to be the Stein boys. You should be familiar with that name. The Pottsville Maroons in 1925 played a game it was at the start of the NFL. It is a very interesting story of the history of how football used to be played. That was when they used the leather caps with no protection; they didn't have anything like the kids have today. They even used the magazines stuffed down in their shirts and hats to protect themselves. It is a wonderful story. Dave came here earlier about two years ago and he interviewed us and asked The Historical Society if there was anything that we had in our files that would help him to write the book. We tried to do anything that we could for him. He also told me that he has the movie rights to this book so this is going to be another big thing for Niles. We felt that it was very important to bring him to Niles now that the book is written so that you could hear him talk. This is going to be quite an expense to us. It has been estimated at about fifteen hundred dollars to bring him here. We have to pay for his transportation and accommodations, he doesn't charge for his talk. Still that is a lot of money that we have to ante up. This is why I came tonight because I know that all of you who are politicians would be very glad to help us in our program book. We are going to have a souvenir program book with not only the stories about Niles and the Stein boys but also some pictures in there also. It will cost one hundred dollars for half of a page. President Marino told Mrs. John that Niles City Council would buy a whole page in the program.

Mrs. Violet Bradbury of 114 Lawnview, Niles, Ohio: I would like to thank you for coming down to 114 Lawnview Avenue after fifty years of waiting for you to come with the drains that you did put in about two years ago. The system is not working. Mr. Frank Pietrangeli came down to survey the area and took pictures. I intend to take pictures, I am not just saying me I am saying

everybody on Fairlawn and Lawnview Avenue. I was instrumental in addressing the committee years ago with my three children walking down the middle of North Road. I addressed city council and they were instrumental in getting side walks. I was also instrumental in getting four drug dealers off of our street at Lawnview and Fairlawn. I want to know why we do not have the proper drainage. I was outside today; I have two sump pumps in my basement. There is absolutely no drainage on the land what so ever. Now you have come and fixed this home up, Mr. Bradbury passed away January 28, 2008. My three children are all within the Niles system and graduated college and military. I do believe that we can understand that in our dilemma what do we do? What can I do to eliminate this problem? Mr. Pietrangeli was so gracious and kind to each and every one of us on Lawnview and Fairlawn, but no longer can I stand by and allow this to (inaudible) go on. You as engineers you came down our streets and you put in drains but you did not put a drain system in to drain off the land. I have to go two hundred feet with a hose to the drain on the other property of Sonny (inaudible), Bill Miller and (inaudible). He can verify that his back land was taken (inaudible) take a backhoe, pay for somebody and Jim Scott he isn't present. They were to be here this evening but they did not show up. I want you to know that as a citizen of Niles and the United States of America, which my children were and we are all military family. I don't want to be over bearing nor in a sense of saying what do we do?

President Marino: Mrs. Bradbury you did a fine job and our goal is to try and get you some answers now. I happen to be in the Mayor's office earlier today and we were discussing this, Mr. Hess could you help?

Mr. Mark Hess: The Frank Pietrangeli that she is talking about works for me. This is the storm sewer project that we did. This project was finished in 2005. This was another one of those projects that we had to install a storm sewer system and we had to retrofit a storm sewer system on an un-approved street. If you drive down Lawnview right now the storm system is working, it's a functioning working system, but there are areas outside of that system that ponding is occurring. Backyards, our system did not go into backyards and it was never designed to do that it is within the right of way of the road. Our approach was that those property owners if they wanted to drain their backyards they would have a system that they could drain it to. That system is there, if there are people that thought that our storm sewer system was going to solve every problem including ponding in backyards then they were mistaken. That was never something that we were out there trying to solve. We were there to again provide a storm sewer system in an area that did not have storm sewers prior to us being there. The system is there and working, but I drove it today and there are a number of areas where ponding is occurring. Again, a lot of those areas are areas outside the limits of where this storm system was put in. When I talk about the retrofitting, we have a storm sewer on one side of the street and we don't have a storm sewer on the other side of the street so the side of the street that doesn't have the storm sewer every so often there are catch basins. Every four or five houses there are catch basins that were put there and are piped to the main system across the street. If storm water is not directed to those catch basins by the property owners they are not going to catch any. They are only going to catch what is directly in their path. Again this was an area that there were some ditches, some areas didn't have ditches. We are going through the same thing now at Potomac and Mistletoe. We are fighting a pipe that has been under where residents piped open ditches that we didn't even know; there was no evidence of it being there. The right thing to do is to take those pipes out and install ditches where those pipes are but they don't want us to. They want the ditches there. Again, I am trying to retrofit that system to what they have out there and we are doing the best we can. That is basically the situation where Mrs. Bradbury is. In your lot there is ponding. From what I understand our project there wasn't a lot that we did to your property. The storm sewer wasn't on your side of the street;

there were some ruts on the property that we had to fix (inaudible). There might be a way to relieve some of that problem if we can direct the water around into that existing ditch in the front. You might be able to do that and I think that is what he told you.

Mrs. Bradbury: I have one more thing to say. I am going to have to spend at least five thousand dollars to take a backhoe to put drains underneath the ground to your outlet. Now that may not be anything to you, but to me being there for a number of years I don't have any other recourse. I understand you did the best you could do and I am really thankful. I understand the system and I understand the engineers. Two of them told me that it was not put in correctly. Two of them and I will not name them. In essence of the dilemma here I am not, I guess you might say the water is all over the land. I had underground; I had (inaudible) underground things before I had it annexed to the city which took water off my land better than it does now. Now you covered up all my underground, you covered all my ditches up every ditch on that land. Now I have to take and open up the underground drainage from my basement and dig out all those ditches around. I will have to do that.

Mr. Mark Hess: Mrs. Bradbury we did not touch the ditch that is in front of your house, we didn't do any work to that at all.

Mrs. Bradbury: That was covered up with grass. It was covered up; the drain was all covered up. I could show you where the drain was and I am going to reopen that and I am going to drain it into the ditches again because I have no other course to use and then to go down here and then into that drain. Now I have in the basement two hundred feet of hose to go clear into Sonny's property. Jim Scott and Mr. Miller are going to get a backhoe and dig up their back property which will cost them a lot of money, that is not your responsibility but it will take time. They have to put those drain pipes and I guess it is up to me to get the job done and I will get it done. What about the other people that are having problems who knows.

Councilman Lastic: Where are you going to drain it?

Mrs. Bradbury: Drain it into your drain, into your storm sewer but it is going to cost me about five thousand to get it done. I don't like flooding in my basement like the last two weeks. I got a new furnace, a new hot water tank and a gas dryer. I had flooding insurance and they reimbursed me four hundred sixty eight dollars. Do I have to understand that I may have to do that again? Well you know after a while the insurance company is going to get tired of that and they are going to say Mrs. Bradbury I am so sorry. I had (inaudible) and I know how they do, they will say no we do not need you any more because they have to keep reimbursing me.

Brenda Claypool of 135 Lawnview Ave. Niles, Ohio: I live within a few houses of Mrs. Bradbury but on the other side of the street. Yes we got our new storm sewers approximately two years ago, however the area is worse now than it was when we did get our storm sewers two years ago. What Schimley's did they took all of our back filler away from us. When they dug the big giant ditches to lay the pipes in they hauled all of our dirt that they took out of our yard away. They sold it to a business man up on 169 and they sold it to another neighbor down on the end of our street. They never came back and back filled our property. If you go down Fairlawn and Lawnview Avenues now, you will see ponds and they are not all in the back yards sir. Next door to me at Harold (inaudible) old house his whole front yard is a lake. It is because when Schimley's back filled and filled in they took our dirt and left us with (inaudible). If we had them come back and give us back half the dirt that they took from us and filled in a lot of where they should have a lot of us would not have problems and that might help some of hers. The reason

we have lakes now is because Schimley's took dirt and did not give us any back and left us literally with ponds in our front yards.

### **COMMITTEE REPORTS**

A Finance Committee Meeting, Utilities Committee Meeting and a Safety Committee Meeting will be held on March 26, 2008 at 3:10p.m at City hall in the 1<sup>st</sup> floor conference room.

### **ORDINANCES AND RESOLUTIONS**

#### **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 Stredney, seconded by Papalas to give Draft No.13-08 a second reading.

**YEAS: 6    NAYS: 0**

Draft No. 13-08 has received its second reading.

#### **ORDINANCE NO.\_\_\_\_ (Draft No. 14-08)**

#### **AN ORDINANCE AMENDING CODIFIED ORDINANCE NO. 135.03 REGARDING EMPLOYEE BOND REQUIREMENTS IN THE OFFICE OF THE TREASURER; AND, DECLARING AN EMERGENCY**

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

Councilman Papalas: Mr. Chairman this was requested by Mr. Swauger because the State Auditors Office has recommended that our Treasurer be bonded and it hasn't been done before.

Councilman Stredney: Does this say for each employee?

Treasurer Bob Swauger: No, I am bonded right now as the Treasurer. It will be the Income Tax Director and my Treasurer Clerk who have not been bonded.

Mayor Infante: The old ordinance reads that everybody is bonded.

Treasurer Swauger: Well the old ordinance read that just the Income Tax not the Treasurer. The Auditor's Office recommends that we reverse it because the Treasurer's Office actually handles the money.

**YEAS: 6    NAYS: 0**

Rules are suspended.

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

**YEAS: 6    NAYS: 0**

This Draft No. 14-08 has been adopted on the 19<sup>th</sup> day of March, 2008.

**ORDINANCE NO.\_\_\_\_ (Draft No. 15-08)**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR THE PURCHASE AND INSTALLATION OF A COLUMBARIUM FOR THE CITY CEMETERY; AND, DECLARING AN EMERGENCY**

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

**YEAS: 6    NAYS: 0**

Rules are suspended.

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

Councilman Stredney: Have you been getting a good response on this so far, Lou?

Mr. Lou Hillier: Yes so far everything is positive (inaudible).

Mayor Infante: One thing you see is the protection that Terry, Lou and Mark put in here is that we are going to advertise first and try to get half of them sold to pay for the Columbarium before we enter into contract.

Councilman Smith: Half is what?

Mayor Infante: Forty eight.

President Marino: For those of you that don't know, a Columbarium is a receptacle that you place ashes of your loved ones in the cemetery.

**YEAS: 6    NAYS: 0**

This Draft No. 15-08 has been adopted on this 19<sup>th</sup> day of March, 2008.

**MISCELLANEOUS REMARKS**

Mr. Mark Hess: At the next council meeting I would like to have a resolution for the Niles Trumbull Transit System, actually an agreement with the WRTA. We have put together our program for next year; the federal money has already been negotiated so that agreement is finished. In order for the mayor to sign it I need a resolution of support or a resolution of authorization anyway. There wasn't a sponsor on the resolution.

President Marino: Council as a Whole, gentlemen?

Council: Yes

Councilmen McCormick: Can we address that next Wednesday when we do the other meetings; will you be able to be there Terry?

Mr. Dull: Yes.

Councilman Papalas introduced some Niles McKinley High School students that are participating in Youth Day.

Councilman McCormick: In connection with the Utilities Meeting next Wednesday I gave everybody some information from the EPA. This was given to me by Randy Fabrizio and I want to pay special attention to page 13, item number 2. That is the sanitary sewer system infiltration inflow bypasses. We recently had a report prepared by Montgomery Watson Harza and we invited them to address Council for an information session prior to the April 2<sup>nd</sup> meeting at five o' clock. They will be here to discuss that and what is involved in the swage system which is different than the storm system. I want you to know that. We do want to improve that and we are looking at rehabilitation of the interceptor sewer. They will be here to answer questions, give a description of the work involved and if there are any questions in the mean time give Randy a call.

President Marino: Councilman McCormick is going to have a Council Roundtable on April 2, 2008 at five o clock with Montgomery Watson Harza in Council Chambers

It was moved by Stredney, seconded by Papas to adjourn the meeting at 6:30p.m. Motion carried.

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Linda A. Yuhasz. Clerk of Council

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Robert Marino Jr., President of Council