

MINUTES

Niles City Council held its regular meeting of June 4, 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 Yuhasz called the roll:

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

A motion was made by Stredney, seconded by Papas to accept the Minutes of the regular meeting of May 21, 2008 and place them on file. Motion carried.

REPORTS AND COMMUNICATIONS

FROM The Auditor's Office

The Estimated Versus Actual Revenues through end of May 2008

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

FROM The City Income Tax Office

The Monthly Receipt Totals through May 2008

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

FROM The Ohio Division of Liquor Control

A transfer from S&S Recycling Inc.

To High Pointe Restaurant & Tavern

It was moved by Scarnecchia, seconded by Papalas to refer the permit to the Safety Director and the Police Chief for review.

Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Mr. George Stein of 709 Lafayette Street in Niles asked council about the junk cars and how unsafe the sidewalks were in his neighborhood.

President Marino told Mr. Stein that he could give the Police Chief the addresses of where the junk cars were parked and he would look into it.

Mr. Mark Hess: Property owners are responsible for the sidewalks; if you get addresses to us we will send letters to them.

President Marino told Mr. Stein that Councilman Stredney, Mr. Hess and himself would speak to him after the meeting to help remedy the situation.

Councilman Scarnecchia: Mr. Stein, very happy to see you. You have been a watchdog of this community forty years ago when Safety Director Guarino was on council and I was Safety Director, you came to every meeting and you kept us moving. I am glad to see that you are still doing that. Keep up the good work George.

Mr. Stein's comments were inaudible.

COMMITTEE REPORTS

Councilman Papalas scheduled a Finance Meeting for June 9, 2008 at 10:00 a.m. in Conference Room 1 at City Hall.

Councilman Scarnecchia announced that a Public Hearing is scheduled for June 18, 2008 at 5:30p.m. prior to the council meeting. J.A. McMahon Company wants to expand and is asking for tax abatement.

ORDINANCES AND RESOLUTIONS

RESOLUTION NO.____ (Draft No. 28-08)

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

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

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

This Draft No. 28-08 has been adopted on this 4th day of June, 2008.

RESOLUTION NO.____ (Draft No. 29-08)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED FEMA FUND TO THE FEMA CONTRACTED SERVICES ACCOUNT; AND, DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

This Draft No. 29-08 has been adopted on the 4th day of June, 2008.

RESOLUTION NO.____ (Draft No. 30-08)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED WATER FUND TO THE WATER DEPARTMENT'S CONTRACTED SERVICES ACCOUNT; AND, DECLARING AN EMERGENCY

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

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. 30-08 has been adopted on the 4th day of June, 2008.

ORDINANCE NO.____ (Draft No. 31-08)

AN ORDINANCE CREATING A DEPARTMENT WITHIN THE GENERAL FUND FOR THE WELLNESS CENTER; AND DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

This Draft No. 31-08 has been adopted on the 4th day of June, 2008.

ORDINANCE NO.____ (Draft No. 32-08)

AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR FITNESS EQUIPMENT FOR THE WELLNESS CENTER; AND DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

This Draft No. 32-08 has been adopted on the 4th day of June, 2008.

ORDINANCE NO.____ (Draft No. 27-08)

AN ORDINANCE GRANTING AUTHORITY TO THE BUILDING INSPECTOR TO ISSUE A PERMIT FOR THE CONSTRUCTION OF AN ADDITION TO SCHIMLEY'S EXCAVATING AT

1256 NORTH MAIN STREET NEARER THAN FIFTY FEET (50') FROM THE RIGHT OF WAY WITHIN A B-3 GENERAL COMMERCIAL DISTRICT; AND DECLARING AN EMERGENCY

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

Councilman Stredney: A couple of weeks ago we had referred this to the Planning Commission and they gave it approval, so it is coming back to us and we would like to pass this tonight.

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. 27-08 has been adopted on the 4th day of June, 2008.

ORDINANCE NO. __ (Draft No.33-08)

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR THE 2008 STREET RESURFACING PROGRAM; AND, DECLARING AN EMERGENCY

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

Councilman Scarnecchia: Are we going to get a list of this, this year? We haven't seen a list.

Mr. Mark Hess: I think I mentioned last week that we were still working on the list. Right now I am not even sure of the time frame. I just want to have this ready because you are going to take a break. I have three projects going on and only two inspectors so if I was to go out with this today I would actually have to inspect it. We are trying to schedule it. Right now the list is preliminary and we generally don't release the list to the newspapers until we have a contract. If you would like me to provide you with a list as soon as it is ready I will.

Mayor Infante: We are at three hundred thousand and we are going stick with that.

Councilman Scarnecchia: I was just wondering you are doing a good job Mark.

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

This Draft No. 33-08 has been adopted on the 4th day of June, 2008.

ORDINANCE. NO.____ (Draft No. 34-08)

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR BIDS FOR THE REPAIR/REPLACEMENT OF THE INTERCEPTOR SEWER SYSTEM; AND, DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

This Draft No. 34-08 has been adopted on the 4th day of June, 2008.

RESOLUTION NO.____ (Draft No.35-08)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED STREET FUND TO THE STREET DEPARTMENT VEHICLE MAINTENANCE ACCOUNT; 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 Wilkerson that this Draft be adopted.

YEAS: 7 NAYS: 0

This Draft No. 35-08 has been adopted on the 4th day of June, 2008.

RESOLUTION NO.____ (Draft No. 36-08)

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS BETWEEN ACCOUNTS IN THE HEALTH DEPARTMENT; 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 Papas, seconded by Stredney that this Draft be adopted.

YEAS: 7 NAYS: 0

This Draft No. 36-08 has been adopted on the 4th day of June, 2008.

RESOLUTION NO.____ (Draft No. 37-08)

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT AGREEMENT AND FURTHER AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED CAPITAL PROJECTS FUND TO THE CAPITAL PROJECTS GENERAL CONSTRUCTION ACCOUNT; 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 Lastic that this Draft be adopted.

YEAS: 7 NAYS: 0

This Draft No. 37-08 has been adopted on the 4th day of June, 2008.

RESOLUTION NO.____ (Draft No. 38-08)

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LETTER OF AGREEMENT BETWEEN THE WESTERN RESERVE TRANSIT AUTHORITY, THE CITY OF NILES AND THE CITY OF SHARON, PENNSYLVANIA FOR THE DISTRIBUTION OF FEDERAL FISCAL YEARS 2006, 2007, AND 2008 FEDERAL TRANSIT ADMINISTRATION SECTION 5316 & 5317 FUNDS FOR THE YOUNGSTOWN OH-PA URBANIZED AREA JOB ACCESS AND RESERVE COMMUTE AND NEW FREEDOM PROGRAMS; 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 Papas that this Draft be adopted.

YEAS: 7 NAYS: 0

This Draft No. 38-08 has been adopted on the 4th day of June, 2008.

MISCELLANEOUS REMARKS

It was moved by Papalpas, seconded by McCormick to change the time of the July 2nd, 2008 regular council meeting to 3:00 p.m. in Council Chambers. Motion carried.

Police Chief Simeone: Several letters went out in reference to the Nuisance Ordinance and have received some response back from landlords to the action they have taken. It seems like it

is working fairly well. There are some things that we are going to sit down with Law Director Dull and work out but right now it seems like it is working.

Law Director Dull: I want to thank council for passing legislation tonight regarding the easement. That is one of the big steps we needed in getting this all finalized. We appreciate that and we are getting some communication back from Norfolk Southern which was something that hadn't happened for a while. It looks like we are starting to move along there with reviewing and proposing agreements. We will keep you posted as to how that is going. It is fortunate that we are starting to see this thing finally moving along. I appreciate your help tonight.

Councilman Papalas: Terry, this has been a pet project of mine for a long time. When do you think we can get the next one taken care of? Do you have a time frame in mind?

Mr. Dull: All I can do is to continue to keep pressing our contact. She has brought someone else in that she wants to work with me and (inaudible) at ODOT concerning the construction agreement that needs to be drafted along with. She indicated to that person that she should be in touch with both Mark Thomas and I regarding that. That again is something that hasn't been happening; this person is getting some communication back. I just keep doing everything I can.

Councilman Papalas: Do you think that it is possible a meeting with them face to face?

Mr. Dull: I could ask and see if, I would be glad to do that.

Councilman Papalas: Maybe we could set that up, Pittsburgh?

Mr. Dull: That is where our contact is now. Their engineering office is (inaudible).

Councilman Papalas: Ask her if we can do that whoever is interested we can go and meet with them. Otherwise we are going to be waiting two years and if that happens I am afraid we are going to lose the money.

President Marino: The request from the Ohio Treasurer, Steve can you discuss that at your finance meeting?

Councilman Papalas: Yes he is just asking for a resolution let's just bring it out.

Mr. Mark Hess: For the next meeting I need another busing ordinance, this should be the last one for the year. We are at the end of our five year contract with our current provider so we have to go back out and go through that process again. We are going to need an ordinance to authorize us to do that.

Councilman Papalas: Council as a Whole. I just want to welcome Mr. Wilkerson back.

Mr. Wilkerson: I thank everyone for welcoming me back and thank council for their vote of confidence.

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

Linda A. Yuhasz, Clerk of Council

Robert Marino Jr., President of Council