

## MINUTES

Niles City Council held its regular meeting of November 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 Jr. and the Clerk; Linda A. 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 October 15, 2008 and place them on file. Motion carried.

## REPORTS AND COMMUNICATIONS

FROM Auditors Office

The Estimated Versus Actual Revenues thru the End of October 2008

A motion was made by Papalas, seconded by Wilkerson to accept the report and place it on file. Motion carried.

FROM The Cemetery Department

The October 2008 Sales Report

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

FROM The City Income Tax Office

The October 2008 Monthly Receipt Totals

A motion was made by Wilkerson, seconded by Papas to accept the report and place it on file. Motion carried.

Councilman Papalas asked Treasurer Swauger to give an update.

Mr. Bob Swauger: Early this week we received an unexpected windfall of income taxes. So far in November what we collected last year, we have already collected for this month. The rest of the month is going to be slow, but the four hundred and fifty thousand that we are down right now is probably where we are going to end the year. We should be right around the four hundred and fifty, four hundred and seventy five thousand.

A letter from Friedman & Rummell CO.,L.P.A.

Petition for regular annexation of 31.3892 acres in Weathersfield Township to The City Of Niles.

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

Councilman Scarnecchia: Terry this doesn't have to go through the Annexation Committee or we have nothing to do with this?

Law Director Dull: Typically we pass a resolution that says what services the city would provide in the event that this annexation was approved, usually that would come through the annexation committee. We would normally get a notice from the county commissioners and I expect we would be getting that shortly.

Mayor Infante: Most of that building is already in the City of Niles, this company is expanding this is their third expansion. So, all of the property that they bought would be in Niles.

Councilman Scarnecchia: We haven't heard from Weathersfield Township yet?

Mayor Infante: No.

A letter from The Niles City Council Utilities Committee

In support of MVSD Community Impact Award

A motion was made by Lastic, seconded by Papas to accept the letter and place on file.

### **MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL**

Audrey John of 545 Orchard, Niles: I am here on behalf of the Niles Historical Society. I understand that you are going to be checking into your budget pretty soon doing some scratching of numbers and I would like very much to have a meeting with someone, whoever is in charge of finances so that we could sit down and review (inaudible) at the Thomas (inaudible).

Mayor Infante: Well first of all we need to know what the status is of the gas. We have sent several letters and made some deals where you were supposed to have changed the greenhouse into electric and it is still gas and we are still getting gas bills.

Audrey John: That is correct and it will remain that way until your city cuts the hole down and lays the electric line down. I have talked to the man from Progressive and he said that it was going to take at least six weeks to order that part and that is supposed to be in the works.

Mayor Infante: So after two years it is going to be another six weeks? We have sent several letters from my office and that was a big concern that we had when we helped file for a grant for the greenhouse. I started this program about seven years ago turning all the gas in the community into electric and that is one of the big ones left. Our light department has been ready for two years to run that line.

Audrey John: Well they have to dig the hole and they have to lay the line.

Mayor Infante: They can't lay the line until we know what size furnace you are putting in there. I have sent my foreman to Kramer's several times trying to tell them that we can not do anything until you tell us what size.

Audrey John: Be that as it may the man from Progressive has been in touch with everyone of your city workers involved with this and he called me back and told me that they are just waiting for this part to come in. I have no control over that.

Mayor Infante: I understand but I started this prior to summer so we wouldn't run into winter again and here we are in the winter.

Audrey John: Well I am sorry about that but I have no control over these things. My focus is not the gas bill.

Mayor Infante: I understand that but we have sent letters over there and I don't know who is in control of that. I have sent several letters and I even sent a letter from the Board of Control.

Audrey John: Was that not answered? Remember when I brought it over to you?

Mayor Infante: After about the third letter, yes. We started this a long time ago and we did it all in front of council, it is in the minutes.

Audrey John: Is there a problem with my meeting with the budget committee?

Mayor Infante: Yes there is I think that there is, but that is not my call because you can meet with the committee anytime you want.

Audrey John: Well I would like to, who is in charge of the budget? I think that this is the time when you can sit down and explain with the documents in front of us.

President Marino: Audrey, how much money does the Historical Society have in your account? I recall two years ago in the mayor's office, Steve was there when we met, Jessie Scott and a couple of council members. We discussed the greenhouse and there was a sizable sum of money that was shared with us regarding the willingness on the part of the Historical Society to work with the city in getting that addressed.

Audrey John: That money was from the state and it was thirty some thousand. Money was donated from our members to us and we had enough money to renovate the greenhouse with a total of forty six thousand dollars. We had money left over that we were going to buy for the gas heater but the mayor said no he wanted electric. I said okay we will buy the electric and that is where we were, simple as that.

Councilman Papalas: The meetings won't begin until later in the month, Mrs. John. I was discussing that with the mayor I won't be able to attend some of their meetings until early December. The bigger, more complex budgets where I will be seated with them will be about that time.

Audrey John: Is that where we are or where are we at?

Mayor Infante: You will have to meet with myself and the auditor.

Audrey John: Okay, that is fine. When do you want to do that?

Mayor Infante: Whenever the auditor schedules it and he will probably call you.

Councilman Papalas: Meanwhile maybe we can coordinate this and get that electric furnace put in so that we don't have to mess with gas bills through the winter.

Audrey John: That has been our desire for over a year.

Mr. Randy Fabrizio told council that East Park Avenue will be closed for the next two weeks for the construction project on the interceptor sewers.

### **COMMITTEE REPORTS**

None

**ORDINANCES AND RESOLUTIONS**

**RESOLUTION NO.\_\_\_\_ (Draft No.84-08)**

**A RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION AND TO EXECUTE CONTRACTS IN CONNECTION WITH THE OHIO PUBLIC WORKS COMMISSION FOR A PROGRAM YEAR 2009 OHIO PUBLIC WORKS COMMISSION PROGRAM, FUNDING THE TRU-422 MILL AND FILL PROJECT PHASE 1; AND DECLARING AN EMERGENCY**

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

Mayor Infante: This is one of the two grants we received from the Public Works Commission. We applied for a project of \$650,000.00 for 422 and that is to mill and pave from North Road all the way to Gypsy and that will be the first phase of that project. We will get a grant of \$448,000.00 and we chose to split it in half because of the cost of fuel and paving. We were lucky enough to get the first phase. It is scheduled for around June of 2009.

**YEAS: 7    NAYS: 0**

Rules are suspended.

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

**YEAS: 7    NAYS: 0**

This Draft No. 84-08 has been adopted on the 5<sup>th</sup> day of November, 2008.

**RESOLUTION NO.\_\_\_\_ (Draft No. 85-08)**

**A RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION AND TO EXECUTE CONTRACTS IN CONNECTION WITH THE OHIO PUBLIC WORKS COMMISSION FOR A PROGRAM YEAR 2009 OHIO PUBLIC WORKS COMMISSION PROGRAM, FUNDING THE INDIANA AND NEBRASKA DRAINAGE IMPROVEMENTS PHASE 2; AND DECLARING AN EMERGENCY**

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

Mayor Infante: This is the second project we applied for through the Ohio Public Works Commission and we got lucky enough to get two. This is the second phase of the Nebraska and Indiana Project storm sewers. It is an \$189,000 project and we are going to get a \$130,000 and that will finish that project on the south side. Mark Hess did a great job because he is on that committee and every year we have gotten a project for the last seventeen years. This year we were lucky enough to get two. We need to commend Mark for the fine job that he does.

**YEAS: 7    NAYS: 0**

Rules are suspended.

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

**YEAS: 7    NAYS: 0**

This Draft No. 85-08 has been adopted on the 5<sup>th</sup> day of November, 2008.

**RESOLUTION NO.\_\_\_\_ (Draft No. 86-08)**

**A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE GENERAL FUND TO THE WELLNESS CENTER EQUIPMENT PURCHASE ACCOUNT; AND, DECLARING AN EMERGENCY**

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

**YEAS: 7    NAYS: 0**

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

**YEAS: 7    NAYS: 0**

This Draft No. 86-08 has been adopted on the 5<sup>th</sup> day of November, 2008.

**ORDINANCE NO.\_\_\_\_ (Draft No. 87-08)**

**AN ORDINANCE CREATING THE POSITION OF WELLNESS CENTER DIRECTOR FOR THE WELLNESS CENTER; AMENDING THE AUTHORIZED STRENGTH ORDINANCE (ORDINANCE NO. 58-97) AND THE PENSION PICK-UP ORDINANCE (CODIFIED ORDINANCE NO. 163.19(A)) TO CONFORM TO THIS ORDINANCE; AND, DECLARING AN EMERGENCY**

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

Councilman Stredney: Is this going back to November 1<sup>st</sup>?

Mayor Infante: Yes the last ordinance that you passed was for contracted labor five hundred dollars a month.

**YEAS: 7    NAYS: 0**

Rules are suspended.

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

**YEAS: 7    NAYS: 0**

This Draft No. 87-08 has been adopted on the 5<sup>th</sup> day of November, 2008.

**MISCELLANEOUS REMARKS**

Councilman Papalás: I want to thank Mark Hess for the grants and I don't know if everyone is aware of the unbelievable work and pressure that he has been under with this bike trail. He is fighting with two different railroads, and communicating with others in an effort to break up the log jam that we had. More than anything I think that Marks propensity for hanging in there and

not letting this thing beat him is just remarkable. I want to thank him very much for it and I don't think it would have happened if you would not have hung in there.

President Marino: Is that bike trail still on track for March of 2009? It is thanks. I agree with Councilman Papalas thanks for all your efforts and endeavors on behalf of our community.

Councilman McCormick scheduled a Utilities Committee Meeting for November 12, 2008 at 3:30p.m. in Conference Room 1 at City Hall, Mr. Tom Holloway of the MVSD will address council.

Councilman Stredney: Mayor where are we at with Trumbull County and the 911 Call Center? I am under the assumption that they are still sitting on quite a few dollars that belong to us.

Mayor Infante: Yes we have a million point seven dollars sitting in a fund that the Planning Commission (inaudible) voted for a plan to upgrade all the (inaudible) in Trumbull County and we also passed a plan to go wireless through Trumbull County. If someone is calling a 911 call from any where in the county it will zero you in to right where you are at. Now it all goes to the state patrol and they have to try and find you with the help of the locals. We passed a plan and it passed three to two and one member of the Planning Commission hasn't signed that plan and we only have until December 31<sup>st</sup> or we lose the one point seven million. Right now we are working on it through the law department and the Chief's Association to try to pressure to get that plan passed so we can use the money as it is supposed to be used for.

Councilman Wilkerson: I want to thank the City of Niles, the Mayor and his administration, Niles Beautification Committee, Lowe's, Sam Natoli Foundation, countless other businesses, and countless volunteers this past weekend who were able to put in a Fishing Education Program for the Niles Cub Scout Troop 143. Thirty eight kids came back here and are now certified as Ohio fishing people and they all got a free fishing pole. This is something that we worked on for over four years and thanks to everybody that has participated in this, it has done exactly what we wanted to do and hope it will continue for years and years to do this program.

President Marino: Councilman you too are to be commended for your efforts in pursuing the revenues to get the job done. You and Mr. Smith and Councilman Fuda worked very hard along with all the other individuals you mentioned.

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

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Linda A. Yuhasz, Clerk of Council

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Robert Marino Jr., President of Council

