

MINUTES

Niles City Council held its regular meeting of April 1, 2009 at 6:00 p.m. in Council Chambers Safety-Service Complex in Niles, Ohio.

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

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

It was moved by Lastic, seconded by Wilkerson to excuse the absences of Councilmen Stredney and President Marino. Motion carried.

A motion was made by Wilkerson, seconded by Papas to accept the Minutes of the regular meeting of March 18, 2009 and place them on file. Motion carried.

REPORTS AND COMMUNICATIONS

FROM The City Income Tax Office

The Monthly Receipts thru March 2009

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

Motion carried.

FROM The Ohio Division of Liquor Control

A new liquor license for Linda S. Frederick

DBA Top Notch Bar & Grille

It was moved by Scarnecchia, seconded by Lastic to refer the permit to the Safety Director and the police chief for their report and recommendation. Motion carried.

FROM The Ohio Division of Liquor Control

A letter To Mr. Thomas Butcher, Jr., denying the transfer of the liquor permits for Summit Café.

It was moved by Scarnecchia, seconded by Papas, to refer the letter to the Safety Director and the Police Chief for their report and place it on file. Motion carried.

FROM The Auditor's Office

The Estimated Versus Actual Revenues thru the end of 2008 and the end of March 2009

It was moved by Scarnecchia, seconded by Lastic to accept the reports and place them on file.

Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

None

COMMITTEE REPORTS

None

ORDINANCES AND RESOLUTIONS

RESOLUTION NO. ___ (Draft No. 07-09)

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

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

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No. 07-09 has been adopted on the 1st day of April, 2009.

RESOLUTION NO.__(Draft No. 08-09)

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 TO SUB-ALLOCATE FTA FUNDS UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT TO THE YOUNGSTOWN, OH-PA URBANIZED AREA FORMULA PROGRAM AND, DECLARING AN EMERGENCY

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

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No. 08-09 has been adopted on the 1st day of April, 2009.

ORDINANCE NO.__(Draft No. 09-09)

AN ORDINANCE ADOPTING A REVISED WASTEWATER DISCHARGE PRETREATMENT ORDINANCE AND REPEALING PORTIONS OF CODIFIED ORDINANCES 923.05 AND ALL OF CODIFIED ORDINANCE NO. 923.99

It was moved by McCormick, seconded by Lastic to give Draft No. 09-09 a second reading.

YEAS: 6 NAYS: 0

Draft No. 09-09 has received a second reading.

ORDINANCE NO.__(Draft NO. 10-09)

AN ORDINANCE PROHIBITING THE GENERATION OF LOUD AND RAUCOUS NOISE DURING OUTDOOR ACTIVITIES WITHIN THE CITY; AND, DECLARING AN EMERGENCY

It was moved by McCormick, seconded by Lastic to give Draft No. 10-09 a second reading.

YEAS: 6 NAYS: 0

Draft No. 10-9 has received a second reading.

ORDINANCE NO.__(Draft No. 11-09)

AN ORDINANCE APPROVING THE RECODIFICATION, EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF NILES, OHIO, AND THE DECLARING OF AN EMERGENCY

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

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No. 11-09 has been adopted on the 1st day of April, 2009.

ORDINANCE NO.__(Draft No. 12-09)

AN ORDINANCE AMENDING CODIFIED ORDINANCE NO. 1131.01, REGULATING THE PERMITTED USES IN AN R-A SINGLE FAMILY RESIDENCE DISTRICT; AND, DECLARING AN EMERGENCY

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

Law Director Dull suggested that council move to a first reading since a Public Hearing has to be held.

A motion to rescind the suspension was made by Papas, seconded by Wilkerson. Motion carried.

A motion was made by Lastic, seconded by Scarnecchia to give Draft No. 12-09 a first reading.

YEAS: 6 NAYS: 0

Draft No. 12-09 has received a first reading.

ORDINANCE NO.__(Draft NO. 13-09)

AN ORDINANCE AMENDING CODIFIED ORDINANCE NO. 1131.02 AND NO. 1131.05 (B) REGARDING ACCESSORY USES IN AN R-A SINGLE FAMILY RESIDENCE DISTRICT; AND, DECLARING AN EMERGENCY

A motion was made by Scarnecchia, seconded by Papas to give Draft No. 13-09 a first reading.

YEAS: 6 NAYS: 0

Draft No.13-09 has received a first reading.

ORDINANCE NO.__(Draft No. 14-09)

AN ORDINANCE AMENDING CODIFIED ORDINANCE NO. 1133.01, REGULATING THE PERMITTED USES IN AN R-B RESIDENCE DISTRICT; AND, DECLARING AN EMERGENCY

It was moved by Scarnecchia, seconded by Papas to give Draft No. 14-09 a first reading.

YEAS: 6 NAYS: 0

Draft No. 14-09 has received a first reading.

ORDINANCE NO.__(Draft No. 15-09)

AN ORDINANCE AMENDING CODIFIED ORDINANCE NO. 1133.02(E), REGULATING THE REQUIRED LOT AREA FOR CERTAIN TYPES OF DWELLINGS IN A R-B RESIDENCE DISTRICT; AND, DELARING AN EMERGENCY

It was moved by Papas, seconded by Wilkerson to give Draft No. 15-09 a first reading.

YEAS: 6 NAYS: 0

Draft No. 15-09 has received a first reading.

ORDINANCE NO.__(Draft No. 16-09)

AN ORDINANCE AMENDING CODIFIED ORDINANCE NO. 1135.03(E), (F) AND (G), REGULATING THE REQUIRED LOT AREA, DWELLING DENSITY AND PARKING SPACE REQUIREMENTS FOR CERTAIN TYPES OF DWELLINGS IN A R-C RESIDENCE DISTRICT; AND, DECLARING AN EMERGENCY

It was moved by Scarnecchia, seconded by Papas to give Draft No. 16-09 a first reading.

YEAS: 6 NAYS: 0

Draft No. 16-09 has received a first reading.

RESOLUTION NO.__(Draft No. 17-09)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED GENERAL FUND AND THE UNAPPROPRIATED CAPITAL PROJECTS AND, DECLARING AN EMERGENCY

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

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No. 17-09 has been adopted on the 1st day of April. 2009.

MISCELLANEOUS REMARKS

Mayor Infante: Draft numbers 12-09 through 16-09 was recommended by the Planning Commission, I don't know if that was mentioned earlier.

A Public Hearing was scheduled for May 20, 2009 at 5:30 p.m. in council chambers.

Councilman McCormick thanked Troop 143 Boy Scouts, Brenda Claypool, Councilman Wilkerson, and Mr. Lee Smith who helped clean up the bank along Dragon Drive.

President Pro-Tem Papalas: I made a bet last council meeting and I lost, so I will be bringing doughnuts to the next council meeting. I don't mind losing those kinds of bets.

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

Linda A. Yuhasz, Clerk of Council

Stephen G. Papalas, President Pro-Tem

