

MINUTES

Niles City Council held its regular meeting of May 6, 2009 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; Wilkerson-A; Marino-P

It was moved by Papalas, seconded by Scarnecchia to excuse the absence of Councilman Wilkerson. Motion carried. Councilman McCormick was not present at roll call but arrived later at 6:10p.m.

A motion was made by Lastic, seconded by Papas to accept the Minutes of the regular meeting of April 15, 2009 and place them on file. Motion carried.

REPORTS AND COMMUNICATIONS

FROM The Auditor's Office

The 1st Quarter Status Reports

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

FROM The Auditor's Office

The Estimated Versus Actual Revenues thru April 2009

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

Councilman Scarnecchia: Is this as expected or is this lower or higher?

Auditor Nader: Right now the income tax is a little lower than we expected and I think Bob Swauger is going to mention that today.

FROM The City Income Tax Department

The Monthly Receipts thru April 2009

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

Treasurer Swauger: If you look at the report thru April which is our biggest month we are down \$50,000 from last year but on the year we are down \$170,000. Just as a caution or a for-warning to you our quarterly withholdings that we collect throughout the year are down. So, it is going to continue to go down and that deficit from last year and this year is going to continue to grow larger as we go through the year.

Councilman Scarnecchia: Do you have a percentage, Bob?

Treasurer Swauger: It is probably going to be about ten percent.

President Marino: On top of last year?

Treasurer Swauger: Compared to last year. Last year we were down \$500,000 and we will be down another \$400,000 to \$500,000 this year.

FROM The Office of the Building Inspector

The Housing Code Monthly Report for April 2009.

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

Motion carried.

FROM Mary Jane Tripodi

A letter concerning the improvement of our recycling program

Councilman Papalas: Those are some good questions. I know Howland has a program that separates your refuse from recycling.

President Marino: Mayor, why did they take the cardboard out?

Mayor Infante: (Inaudible) did that; we had that program for three years.

Councilman Papalas: McDonald has it.

Mayor Infante: All the rest of the refuse we have a contract with Allied Waste through the Health Department and they pick everything up.

Councilman Papalas: Yes but they don't recycle, this is for recycling.

Councilman Scarnecchia: What committee would that fall under?

President Marino: Well it could be referred to Mr. Burke.

Mr. Burke's s response could not be heard.

President Marino: Maybe Allied Waste could put a cardboard recycling bin down here for us.

Mayor Infante: We could call the Solid Waste District and ask them, but if you look outside the recycling area now people make a huge mess and we have to pick it up every day.

Councilman Lastic: There is one out there right now.

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

Motion carried.

FROM The Trumbull County Commissioners

A letter notifying council of the regular weekly meeting will be held at the Wellness Center.

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

Motion carried.

FROM Mayor Ralph Infante

A letter re-appointing Atty. Mathew Blair as Director at the MVSD

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

Motion carried.

FROM The Geauga-Trumbull Solid Waste Management District
A letter introducing the Earth Machine Backyard Composter/Rain Barrel
It was moved by Papalas, seconded by Lastic to accept the letter and place it on file.
Motion carried.

FROM County Engineer David DeChristofaro
Wayne Hickman, Engineering Technician
A letter requesting councils support in keeping the Olive Street Bridge
It was moved by Papalas, seconded by Papas to accept the letter, respond to it and place it on file.
Motion carried.

President Marino: Terry, would you put together a resolution, we will work on the verbiage after the meeting supporting the reconstructing the bridge?

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Michael Anderson of 138 West Second Street, Niles: My question is about 142 West Second Street. It has been abandoned and the city now owns it and I have been taking care of it since the people abandoned the property. I want to know what I have to do to see about getting the property. I have been trying for five years; it was put back in the vault up in Trumbull County for three years.

Mayor Infante: Council passed an ordinance that Terry set up that went through the Board of Control and now we have to advertise for sale.

Mr. Anderson: What do I have to do to put a bid in?

Mayor Infante: You have to wait until we advertise it.

President Marino: It will be advertised in the Tribune Chronicle and in the advertisement it will spell out the guidelines for submitting a bid.

Mr. Anderson: I have a lot of time and money spent in this property myself more than what the city does right now.

Councilman Papalas: Are there other properties?

Mayor Infante: That is the first one that we have in the bank.

Mr. Charles Solinger of 722 Scott St., Niles: For years, 1961 to be exact I have been going through every administration about getting open ditches filled in up on our street. There are eight families up there and open ditches. Some of them are two foot deep and three foot wide. You can't get in there to mow the grass and there is no reason that it can't be done because it is a dead end street. I want to see if you can do something about that.

Mayor Infante: Well we could put it on the list of projects that we have two distress grants for in your area. We put a new sanitary sewer in and we put some storm sewer and catch basins in. We will just keep trying to get distress grants and put in a storm sewer.

Mr. Solinger: All that water runs over to my yard and there were two years that I had to get four or six yards of top soil to fill in where it washed out. I am getting tired of it.

Mr. John Schuster of 418 W. Park Ave., Niles: I want to compliment Mr. Vigorito on his efforts In cleaning up that property across the street from me, he has torn the building down and has taken all the debris away. I have talked to city council about the speeding on West Park Avenue. It is still going on, you said that they were going to bring radar cars down there or a sign that tells you what your speed is and nothing has been done. You say that you have but I don't see a police car down there.

Safety Director Guarino: The traffic cop says that he has been out there several times, maybe you haven't seen him.

Mr. Schuster: I live there and I haven't seen him.

Mayor Infante: He has been there I have seen him myself. We will get that sign up there.

COMMITTEE REPORTS

Councilman McCormick gave a brief synopsis of the April 29 Utility Committee Meeting with Montgomery Watson. The Waste Water Plant improvements plan is moving along and they are proceeding with design. If anybody has any questions Mr. Randy Fabrizio will answer them.

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. (Draft No. 20-09)

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR THE TRU-422 MILL AND FILL PROJECT, PHASE 1; AND, DECLARING AN EMERGENCY

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

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No. 20-09 has been adopted on the 6th day of May, 2009.

ORDINANCE NO.__(Draft No. 21-09)

AN ORDINANCE AUTHORIZING THE MAYOR AND SERVICE DIRECTOR TO ENTER INTO AN AGREEMENT WITH EVERFLOW EASTERN PARTNERS, LP FOR A NON-DEVELOPMENT OIL AND GAS LEASE FOR CITY-OWNED PROPERTY; AND DECLARING AN EMERGENCY

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

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No. 21-09 has been adopted on the 6th day of May, 2009.

ORDINANCE NO.__(Draft No. 22-09)

AN ORDINANCE AUTHORIZING THE MAYOR AND SERVICE DIRECTOR TO ENTER INTO AN AGREEMENT WITH EVERFLOW EASTERN PARTNERS, LP FOR A NON-DEVELOPMENT OIL AND GAS LEASE FOR CITY-OWNED PROPERTY; AND DECLARING AN EMERGENCY

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

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No. 22-09 has been adopted on the 6th day of May, 2009.

ORDINANCE NO.—(Draft No.23-09)

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$2,000,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING THE CITY'S SANITARY SEWER SYSTEM, INCLUDING ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY

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

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No. 23-09 has been adopted on the 6th day of May, 2009.

Councilman Stredney: I spoke with third graders from Washington Elementary School and they were talking about local government. They were talking about different laws and ordinances from state and local government. On their behalf I was hoping that we could pass this Resolution that they picked on the Wellness Center.

It was moved by Papalas, seconded by Lastic to add Draft No. 24-09 to the agenda tonight. Motion carried.

RESOLUTION NO.__(Draft No. 24-09)

A RESOLUTION OF SUPPORT REQUESTED BY THE THIRD GRADE STUDENTS OF WASHINGTON ELEMENTARY SCHOOL FOR “THE MAYOR RALPH A. INFANTE WELLNESS CENTER”

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

YEAS: 6 NAYS: 0

This Draft No. 24-09 has been adopted on this 6th day of May, 2009.

MISCELLANEOUS REMARKS

It was moved by Councilman Papalas, seconded by Councilman Lastic to postpone the regular council meeting of May 20, 2009 to May 27, 2009. The Public Hearing will remain on May 20, 2009 at 5:30p.m. Motion carried.

Councilman Stredney asked council if council would sponsor a resolution in special recognition for Amy Yeater a Girl Scout that will receive the Gold Award. It was moved by Papalas, seconded by Papas to draft a resolution of support for the May 27, 2009 council meeting. Motion carried.

Councilman McCormick scheduled a Utilities Committee Meeting for May 13, 2009 at 3:30p.m. in the first floor conference room at City Hall.

Councilman Lastic asked Council if anyone had complaints about the way the phone books were delivered. They were thrown on the homeowners lawns and not delivered to their porches. Law Director Dull was going to check into their permits.

It was moved by Stredney, seconded by McCormick to adjourn the meeting. Motion carried.

Linda A. Yuhasz, Clerk of Council

Robert Marino, Jr., President of Council

