

MINUTES

Niles City Council held its regular meeting of August 26, 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-A; McCormick-P; Stredney-P; Papas-A; Wilkerson-P; Marino-P
It was moved by Lastic, seconded by Wilkerson to excuse the absences of Councilmen Scarnecchia and Papas and Mayor Infante. Motion carried.

A motion was made by Stredney, seconded by Wilkerson to accept the Minutes of the regular meeting of July 1, 2009 and place them on file. Motion carried.

REPORTS AND COMMUNICATIONS

FROM The City Income Tax

The Monthly Receipt Totals thru July 2009

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

FROM The Auditor's Office

The 2nd Quarter Status Report 2009

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

FROM The Ohio Division of Liquor Control

A new permit request for El Jalapeno

It was moved by Stredney, seconded by Wilkerson to refer the permit request to the police chief and safety director for their report and recommendation. Motion carried.

FROM The Ohio Department of Liquor Control

A letter advising council that all permits will expire on October 1, 2009.

It was moved by Papalas, seconded by Lastic to refer the letter to the law director, safety director and police chief. Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Mrs. Macsko of 1406 Frederick St., Niles asked city council when the fence surrounding Royal Mall Apartments was going to be installed. Mr. Vigorito told her that the company that owned it has never applied for a fence. Councilman Wilkerson also asked the manager of the apartments and they didn't know anything about a fence. Councilman Lastic asked about the fences that are there now. Mrs. Macsko told him that any fence up there now was put up by the neighbors and a dead end fence was put up by the city. Mr. Vigorito told the neighbors of Frederick Street that he would contact the management of Royal Mall about the fence.

Josephine Paridon of 1405 Frederick St., Niles: I had an incident two weeks ago where meat was stolen from my refrigerator on my back porch, it was worth about sixty five dollars. I was wondering if the problem with the fence was because it had to go all the way to Route 46 and that is Mrs. Durig's property. I was wondering if the fence could be on their own property.

President Marino: Mrs. Paridon I know that the city has very specific rules about the placing of fences. Mr. Vigorito is very diligent about going out and ensuring that it is done according to the law. When it gets to that point and he goes out it will be done according to the ordinances of the City of Niles.

Mr. Bill Laslo spoke on behalf of his daughter that lives on 434 High Street: She has a water drainage problem and I had this conversation with Councilman Stredney who came to the house and looked at it. A gentleman from the city came out to the house also. There is no facility for the water to run off. There is a low spot and in her driveway there is eight inches of water that gets backed up into her house. She has done considerable work to the house and now she has put in about one thousand dollars trying to get the water away from it. The gentleman that I talked to said that we could make a ditch through the yard running down Henry, but I heard that they are going to repave it. We feel that the city should get the water away from the house.

Mr. Hess: He did tell me about your problem and it is a localized problem. He said that he told you to get everything away from the house. The issue with the street being too high, we grind and pave every street that we do. We haven't raised streets in town for about twenty years. This problem has been there for a number of years. The idea would be to extend a sewer to the property and that is not off the table but it is not going to get done over night. It is not something that will get done this year but in the future.

Megan Laslo told city council that she would move out of the city because she can't wait any longer, she has put a lot of time and effort into her house and everything is ruined. Mr. Hess told her and her father that he did not know that water was coming into her house. He told both of them that he will come out to the house and inspect it.

Mrs. Macsko asked the law director about the noise ordinance but the conversation was inaudible.

COMMITTEE REPORTS

None

ORDINANCES AND RESOLUTIONS

RESOLUTION NO. ___ (Draft No. 39-09)

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 LTIP ROUND 2 OHIO PUBLIC WORKS COMMISSION PROGRAM, FUNDING THE TRU-SR 46 ROADWAY IMPROVEMENTS; AND DECLARING AN EMERGENCY

It was moved by Papalas, seconded by Stredney to give Draft No. 39-09 a first reading.

YEAS: 5 NAYS: 0

Draft No. 39-09 has been given a first reading.

ORDINANCE NO. ___ (Draft No. 40-09)

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR THE INDIANA AND NEBRASKA DRAINAGE IMPROVEMENTS PHASE 2 PROJECT; AND DECLARING AN EMERGENCY

It was moved by Papalas, seconded by Wilkerson to give Draft No. 40-09 a first reading.

YEAS: 5 NAYS: 0

Draft No. 40-09 has received a first reading.

ORDINANCE NO.__(Draft No. 41-09)

AN ORDINANCE AUTHORIZING THE MAYOR AND SERVICE DIRECTOR TO ENTER INTO AN AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS FOR INDIGENT LEGAL SERVICES; AND DECLARING AN EMERGENCY

It was moved by Papalas, seconded by Wilkerson to give this Draft a first reading.

YEAS: 5 NAYS: 0

Draft No. 41-09 has received a first reading.

RESOLUTION NO.__(Draft No. 42-09)

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS IN VARIOUS WAGE ACCOUNTS TO WORKERS COMPENSATION ACCOUNTS; AND DECLARING AN EMERGENCY

It was moved Papalas, seconded by Lastic to give this Draft a first reading.

YEAS: 5 NAYS: 0

Draft No. 42-09 has received a first reading.

RESOLUTION NO.__(Draft NO. 43-09)

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE POLICE DEPARTMENTS EQUIPMENT PURCHASE ACCOUNT TO THE POLICE DEPARTMENT'S TELEPHONE EXPENSE ACCOUNT; AND DECLARING AN EMERGENCY

It was moved by Papalas, seconded by Lastic to give this Draft a first reading.

YEAS: 5 NAYS: 0

Draft No. 43-09 has received a first reading.

RESOLUTION NO.__(Draft No. 44-09)

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 FOR THE DISTRIBUTION OF FEDERAL FISCAL

YEAR 2009 FEDERAL TRANSIT ADMINISTRATION FUNDS FOR THE YOUNGSTOWN URBANIZED AREA; AND DECLARING AN EMERGENCY

It was moved by McCormick, seconded by Lastic to give this Draft a first reading.

YEAS: 5 NAYS: 0

Draft No. 44-09 has received a first reading.

ORDINANCE NO.__(Draft No. 45-09)

AN ORDINANCE AMENDING THE STORM WATER MANAGEMENT ORDINANCE (CODIFIED ORDINANCE NO. 923.08) BY ADDING REGULATIONS CONCERNING POST CONSTRUCTION STORM WATER MANAGEMENT IN NEW DEVELOPMENT AND REDEVELOPMENT PROJECTS TO COMPLY WITH THE TRUMBULL COUNTY STORM WATER MANAGEMENT PROGRAM, IN CONJUNCTION WITH OHIO EPA MANDATES; AND DECLARING AN EMERGENCY

It was moved by McCormick, seconded by Lastic to give this Draft a first reading.

YEAS: 5 NAYS: 0

Draft No. 45-09 has received a first reading.

MISCELLANEOUS REMARKS

Mr. Vigorito told city council that the Planning Commission has completed all the commercial and zoning changes and will be presenting them to council by the next two meetings.

Fire Chief Brown asked the Safety Committee to include him in the next scheduled meeting.

Mr. Hess told council that the bids for the bike trail were delayed for two weeks and will be opened on September 9, 2009.

Councilman Lastic asked council if any one has responded to the letters written by the Ohio Citizen Action.

President Marino told him that their position is that it is going to go through AMP Ohio.

Councilman Papalas asked when the Board of Directors for the Wellness Center will meet again and when was the last meeting.

President Marino told Councilman Papalas that it was up to the discretion of the mayor to set the meetings and the last meeting was in the spring.

Councilman Papalas asked the auditor about the budget and the revenues of the Wellness Center. Auditor Nader told Councilman Papalas to come down to his office to discuss the revenues. Councilman Papalas told him that he would be there Friday.

The next council meeting will be September 2, 2009 at 6:00p.m.

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

Linda A. Yuhasz, Clerk of Council

Robert Marino Jr., President of Council