

## **MINUTES**

Nile City Council held its regular meeting of October 7, 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; Stredeny-P; Papas-P; Wilkerson-P; Marino-P

A motion was made by Lastic, seconded by Papas to accept the Minutes of the regular meeting of September 16, 2009 and the Special Meeting of September 18, 2009 and place them on file. Motion carried.

## **REPORTS AND COMMUNICATIONS**

FROM The Auditor's Office

The Estimated VS Actual Revenues thru September 2009

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

Motion carried.

FROM The City Income Tax Office

The Monthly Receipt Totals thru September 2009

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

Motion carried.

FROM The Planning Commission

A letter on commercial properties

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

Motion carried.

It was moved by Papalas, seconded by Wilkerson to schedule a Public Hearing on November 18, 2009 at 5:45p.m. to be held in Council Chambers. Motion carried.

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

Rudy Gallucci, 1937 James Street, Niles, Ohio: I recently called Mr. Tony Vigorito for getting a permit to put a metal roof on my house and I was told that I wasn't allowed to put one on my roof in the city residential. This makes no sense a metal roof is better than a shingle one and I can get a tax credit and get money back. I don't need a roof right now but this is a good time to do it and get money back. If you go to the energy website there are about two thousand metal roofs listed as energy conserving and about fifty shingle roofs (inaudible). I don't think that it is right and I think the William McKinley House has a metal roof on it. I would like you to do something about it.

Councilman Papalas: Mr. Chairman, I spoke to Rudy about this and communicated a couple e-mails to him and spoke to Anthony Vigorito at length about this. He couldn't be here tonight he was at school but we are going to sit down and discuss this and probably bring forth an ordinance in the near future. You need this by the end of year, Rudy and I don't think we can get done with everything, we have to have a public hearing and we are not going to make it. Terry, would he be better off in trying to get a variance?

Law Director Dulls response was inaudible.

Councilman McCormick: I think commercial building are allowed to have metal roofs but residential aren't.

Councilman Papalas: This ordinance was before Anthony and when we spoke about it and it seemed very (inaudible) about looking at this and going thru the process.

Ms. Linda Brocious, 1457 Deforest Rd/ Mauro Circle, Niles: We had patrols in our circle over the last week and we really need them badly. They were there and they did a great job, now they are no longer there.

Councilman Wilkerson: Last council meeting we had a different resident from Mauro Circle that was showing a lot of concern about what is going on over at Mauro Circle. The police were going over there for four or five days and now the residents don't see them over there and they want to know if they can keep that up there. There is a lot of concern back there.

Ms. Brocious: I was wondering if we could get a Children At Play sign back there. There are a lot of children and there is no speed limit. There is a lot of traffic coming in and out of there all day and night.

President Marino: The service director will address the sign I saw him take a note. Concerning the police matter, Dave did you talk to Bruce?

Councilman Wilkerson: Yes I have talked to him numerous times and I am going to talk to him again to see if we can't keep the patrols going for a while anyway. It seems that when we do have the police over there things do calm down. I don't know if it is the youths coming from Howland Township, maybe we have to talk to Howland Township and they have to do things from their end. There is a lot of traffic over there and it creates a scary situation for the people that do live by themselves. Hopefully we can keep patrols up there day and night.

Police Chief Simeone: I understand that but when everybody starts pulling one special patrol and we only have four people working on shifts it is a little difficult to cover every side of town every twenty minutes. The officers some nights cover twenty or thirty calls on one shift. They may be there and you might not see them. The officers have been going and maybe they are not there as much as you think but we have to sort of prioritize what we are doing. I will talk to the supervisor but I can't promise that someone will be there all the time.

Ms. Brocious: Since everything has been going on in that neighborhood I am not safe in my own home. I own the home but I do not own my property.

Chief Simeone: I can't promise that and there is nobody in this room that can promise that you are going to be totally safe.

Ms. Brocious: I know that, we aren't safe walking across the street, you don't know. There is so much going on back there.

Councilman Wilkerson: Chief, can we set up a meeting at the police station with these folks? I have sent Mike Burke and Steve Yovich over there many times to try and keep the property cleaned up.

Chief Simeone: Yes, I don't have a problem meeting with anybody but some of the issues you are dealing with, the patrols don't have any control over. If there is something going on that we don't know about and the people want to tell us about then fine. Ma'am this is the first time that I met you, if you would have come down to the station you might not had to be here. I have said it dozens of time on this floor if people are having trouble in the neighborhood, come see us. There are supervisors here twenty four hours seven days a week. If you are not satisfied with what they tell you then I am here. Sometimes you may not like what we tell you like we can't be there all the time but we will do our best.

Councilman Papalas: Mr. Chairman I want to make one statement, I never met you in my life either, but I want to tell you and everybody else in here that nobody should be dissuaded from coming down here. That is what these meetings are for, you can come here don't hesitate. I really think Chief that you ought to come up with a recommendation, you are the Chief you are the only person that we can come to so give us a recommendation.

Safety Director Guarino spoke but it was inaudible.

Councilman Wilkerson is going to set up a meeting with the residents of Mauro Circle and the police chief.

### **COMMITTEE REPORTS**

None

### **ORDINANCES AND RESOLUTIONS**

#### **RESOLUTION NO.\_\_(Draft No. 46-09)**

#### **A RESOLUTION ADOPTING AN INVESTMENT POLICY FOR PUBLIC FUNDS; 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 Wilkerson, seconded by Stredney that this Draft be adopted.

**YEAS: 7    NAYS: 0**

This Draft No. 46-09 has been adopted on the 7<sup>th</sup> day of October, 2009.

#### **RESOLUTION NO.\_\_(Draft No. 47-09)**

#### **A RESOLUTION AUTHORIZING THE QUARTERLY CASH TRANSFERS; 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 Papalas, seconded by Papas that this Draft be adopted.

**YEAS: 7    NAYS: 0**

This Draft No. 47-09 has been adopted on the 7<sup>th</sup> day of October, 2009.

**RESOLUTION NO.\_\_(Draft No. 48-09)**

**RESOLUTION ACCEPTING THE AMOUNT AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR**

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 Scarnecchia, seconded by Stredney that this Draft be adopted.

**YEAS: 7    NAYS: 0**

This Draft No. 49-09 has been adopted on the 7<sup>th</sup> day of October, 2009.

**RESOLUTION NO.\_\_(Draft No. 49-09)**

**A RESOLUTION APPROVING THE AGREEMENT BETWEEN THE CITY AND THE TEAMSTERS LOCAL 348 REGARDING A NEW LABOR CONTRACT; 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 Wilkerson, seconded by Papalas that this Draft be adopted.

**YEAS: 7    NAYS: 0**

This Draft No. 49-09 has been adopted on the 7<sup>th</sup> day of October, 2009.

**RESOLUTION NO.\_\_(Draft No. 50-09)**

**A RESOLUTION AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR SLUDGE HAULING AND CHEMICALS FOR THE WASTEWATER TREATMENT PLANT; AND, DECLARING AN EMERGENCY**

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

Councilman McCormick: I talked to Randy about this and this is normal operating procedure to get things done.

**YEAS: 7 NAYS: 0**

Rules are suspended.

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

**YEAS: 7 NAYS: 0**

This Draft No. 50-09 has been adopted on the 7<sup>th</sup> day of October, 2009.

**ORDINANCE NO.\_\_(Draft No. 51-09)**

**AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$1,200,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING THE CITY'S WATER SYSTEM BY THE CONSTRUCTION OF A PUMP STATION, WATERLINES AND NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY**

It was moved by Papas, seconded by Lastic 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. 51-09 has been adopted on the 7<sup>th</sup> day of October, 2009.

**ORDINANCE NO.\_\_(Draft No. 52-09)**

**AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$3,400,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF CONSTRUCTING, FURNISHING AND EQUIPPING A MULTIUSE INDOOR MUNICIPAL RECREATION FACILITY AND THE SITE THEREOF; INCLUDING ALL NECESSARY APPURTENANCES; AND DECLARING AN EMERGENCY**

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

**YEAS: 7 NAYS: 0**

Rules are suspended.

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

**YEAS: 7    NAYS: 0**

This Draft No. 52-09 has been adopted on the 7<sup>th</sup> day of October, 2009.

**ORDINANCE NO.\_\_(Draft No. 53-09)**

**AN ORDINANCE REGULATING THE USE OF MOBILE COMMUNICATION DEVICES WHILE OPERATING A MOTOR VEHICLE**

It was moved by Stredney, seconded by Papas to give this Draft a first reading.

Councilman Stredney: A couple of us councilmen have talked and we are looking at going back to the safety committee and scheduling a meeting for next Wednesday. We want to talk about this ordinance at that meeting.

Councilman McCormick: I also would like to invite Bruce and see if he can attend the meeting to get his input on it and how it will be enforced.

Chief Simeone: I will be there.

**YEAS: 6    NAYS: 1 Scarnecchia**

This Draft has received a first reading.

**RESOLUTION NO.\_\_(Draft No. 54-09)**

**A RESOLUTION APPROPRIATING FUNDS FROM THE UNAPPROPRIATED GENERAL FUND TO THE WELLNESS CENTER CONTRACTED SERVICES ACCOUNT; AND DECLARING AN EMERGENCY**

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

Councilman Lastic: This is the general fund to wellness?

Auditor Nader: General Fund unappropriated to the Wellness Center which is in the General Fund. The Wellness Center has brought money in but we are re-appropriating it, but it is actually out of the General Fund budget.

Councilman McCormick: Is this transfer being made for operating expenses?

Auditor Nader: We have been told that we have two more soccer sessions coming and this money will help provide for those sessions.

President Marino: Why wasn't this just deposited in there to begin with?

Auditor Marino: We ran out of appropriations.

President Marino: I understand why we are transferring it in there, but why wasn't it put in there in the first place.

Mayor Infante: It was estimated for the year and this is our first year.

Auditor Nader: Wellness Center is actually General Fund and any money that comes in goes into the General Fund Depository. Wellness Center ran out of appropriations and there is nothing left there and we have to re-appropriate more money.

**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. 54-09 has been adopted on the 7<sup>th</sup> day of October, 2009.

**RESOLUTION NO.\_\_(Draft No. 55-09)**

**A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED COMMUNITY DEVELOPMENT FUND; AND DECLARING AN EMERGENCY**

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

**YEAS: 7    NAYS: 0**

Rules are suspended.

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

Councilman Papalás: Mr. Mayor will some of this money go to the demolition of homes?

Mayor Infante: Yes

**YEAS: 7    NAYS: 0**

This Draft No. 55-09 has been adopted on the 7<sup>th</sup> day of October, 2009.

**RESOLUTION NO.\_\_(Draft No. 56-09)**

**A RESOLUTION AUTHORIZING THE TRANSFERS OF FUNDS BETWEEN ACCOUNTS FOR THE WELLNESS CENTER AND THE LIGHT DEPARTMENT; AND, DECLARING AN EMERGENCY**

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

**YEAS: 7    NAYS: 0**

Rules are suspended.

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

**YEAS: 7    NAYS: 0**

This Draft No. 56-09 has been adopted on the 7<sup>th</sup> day of October, 2009.

**MISCELLANEOUS REMARKS**

Service Director Buccino announced that the city's Natural Gas Aggregation Program will be effective November 1, 2009. It will be a fixed rate for one year at 6.78 dollars per CFM. The notices will be going out next week and will also be on the utility bills.

Treasurer Bob Swauger: One thing that I want council to know about is when you look at the tax receipts for this month you will notice an increase from last year. Don't be anticipating that much more. That was generated from my staff collecting delinquent taxes. That is where that increase comes from (inaudible). A lot of people are coming down and paying up their back taxes and we are working with them and putting them on payment plans. It is not turning our income tax collections around so don't be fooled by this one month going up.

Councilman Scarnecchia: I would first like to explain my no vote on Draft 53-09 regulating the use of mobile communications. We know that sometimes government takes quite a while and while you are recuperating you watch a lot of television. You see a lot of news articles and a lot of accidents with the young people; I have witnessed it in town with people on cell phones paying attention to their phones and not their driving. I think this is a very important ordinance that we should have in this town. On the same tone government works slow, but convalescing works slower. I wanted this draft to go tonight. I wanted to thank everybody for their thoughts and good cheers.

Councilman Stredney scheduled a Safety Committee Meeting on October 14, 2009 at 4:00p.m. in the second floor conference room at City Hall.

It was moved by Councilman Papas, seconded by Councilman Scarnecchia to adjourn the meeting at 6:40p.m. Motion carried.

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Linda A. Yuhasz, Clerk of Council

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Robert Marino Jr., President of Council

