

MINUTES

Niles City Council held its regular meeting of June 2, 2010 at 6:00 p.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; Giancola-P; McCormick-P; Stredney-P; Papas-P; Wilkerson-P; Marino-P

It was moved by Stredney, seconded by Papas to accept the Minutes of the regular meeting of May 19, 2010 and place them on file.

REPORTS AND COMMUNICATIONS

FROM The Auditors Office

The Estimated Versus Actual Revenues thru May 2010

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

Motion carried.

FROM The Income Office

The Monthly Receipts thru May 2010

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

Motion carried.

FROM The Ohio Dept. of Liquor Control

A permit transfer from Northeast Petroleum of Ohio

It was moved by Papalas, seconded by Wilkerson to refer the permit transfer to the police chief and safety director for their report and recommendation.

Motion carried.

FROM The Office of the Building Inspector

The Housing Code Monthly Report for May 2010

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

Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

David Anderson, 2132 Gardenland, Niles: New spring and more noise. (Inaudible) but noisiest as ever. I call the police now and they won't even register my complaint (inaudible). I know that they have gotten calls from the citizens of Niles.

Safety Director Guarino: Did you say that they won't register your call?

Mr. Anderson: They won't even write down (inaudible).

Safety Director Guarino: How do you know?

Mr. Anderson: I checked the records (inaudible). He was cited (inaudible) and the law shows it works. One of the police officers said that he doesn't like the law so he is not going to enforce it.

Councilman Papalas: Chief and safety director, we have talked before and I have mentioned it to other people that sometimes the public leaves you with a perception that there is selective enforcement. Do you know what that means?

Safety Director Guarino: Yes.

Councilman Papalas: This is one of those occasions where you really need to look into this and let us know if that is the case.

Renee Myers, 328 Smith St. Niles: I have neighbors that are loud, on drugs and steal and break into my car (inaudible). They are bringing in stolen goods and I am working with Detective Adkins who tried to bust them. I was told (inaudible) stolen goods (inaudible). Friday morning my husband and I saw them (inaudible) and the police surrounded their house and they wouldn't come out. I was told to call back if I saw them leave and I called four times on Friday night trying to explain to dispatch what I was told by the detective. They pulled in the driveway and knocked on the door and they pretty much got away with it. (Inaudible). I am afraid to come outside, I deliver papers and have to come outside at 2, 3 and 4 in the morning because they know that I was the one that called. I want something done (inaudible).

Councilman Papalas: The neighbors and the people in the neighborhood have gotten in touch with me and I have spoken to a couple of the captains, one of the captains who is here this evening. They are aware of what my request is to look into the nuisance ordinance because I was under the impression from the neighbors that the police have been called to certain residences at least three times so that means that our ordinance should have been kicking in. A letter should have been sent by the chief, so if that is the case, safety director would you look into that for me? It is always the same landlord whose name comes up here so I have seen certain officials go after some landlords a lot faster than going after this one. I don't know why. How many years has it been now, three or four? How long do the neighbors have to deal with this? How come the chief is not here anyway? This is the second council meeting, do you think maybe we could get him to the next council meeting so we can address this, Mr. Mayor? This is a request from a councilman, we have to listen to this and we don't know what's going on from the other end.

Safety Director Guarino: I do know that the chief was on the firing range today, I don't know how long he was there and I don't know if that is the reason he is not here. (Inaudible).

President Marino: Keep in mind that our next council meeting isn't until July 7. So in the meantime it might behoove us to meet with him a little sooner.

Councilman Papalas: I think that I would like to, I mentioned that to one of the neighbors last night. Mayor, this is probably going to end up in your office in the next few days, I will let you know.

Shawn Wilson, 125 Leslie, Niles: Is there something going on with four wheelers in this town? Is it really that big of a deal if someone rides a four wheeler from a driveway to the woods? Do you see the statistics of how people get hurt? A lot of people get hurt (inaudible). Only three people got hurt back in the woods. We have been riding back there for thirty five years. So for Bruce Simeone to make a law and put people in jail for riding dirt bikes are..

Councilman Papalas: Bruce is not making the law, actually those are one of the complaints that Bruce listens to from us. We are hearing the complaints from people and in some parts of the

city it is a big time nuisance. We are going to talk about when we are going to schedule the meeting and you will be welcome to be there.

Captain Criswell told Mr. Wilson that he can not ride the four wheelers on city streets. Councilman Papalas asked the law director to look into that law because he is getting questioned about that from citizens.

James Kaufman, 321 Smith St. Niles complained to city council about the drug dealing on Smith Street. President Marino told Mr. Kaufman that all this will be brought up in the meeting with the police chief and Councilman Papalas.

COMMITTEE REPORTS

None

ORDINANCES AND RESOLUTIONS

ORDINANCE NO.____ (Draft No. 22-10)

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR THE TRU-46 ROADWAY IMPROVEMENTS, PHASES 1&2; AND, DECLARING AN EMERGENCY

It was moved by Papas, seconded by Stredney to suspend the rules requiring three readings.

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

This Draft No. 22-10 has been adopted on the 2nd day of June, 2010.

RESOLUTION NO.____ (Draft No. 23-10)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED GENERAL FUND TO THE TAX REFUND ACCOUNT 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 Papas, seconded by Stredney that this Draft be adopted.

YEAS: 7 NAYS: 0

This Draft No. 23-10 has been adopted on the 2nd day of June, 2010.

RESOLUTION NO.____ (Draft No. 24-10)

A RESOLUTION PROPOSING A RENEWAL OF A ONE MILL LEVY BE PLACED ON THE NOVEMBER 2, 2010 BALLOT; 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 Stredney, seconded by Wilkerson that this Draft be adopted.

Councilman Papalas: I just want the press to emphasize that this is a renewal; it's not a new tax. It's a renewal and we definitely need it. We have depended on this for five years. Our parks are in the condition that they are in because of this. We are the only community in this area that has a municipal swimming pool. We can thank the money from this levy because of the support of our community that passed for what we have.

YEAS: 7 NAYS: 0

This Draft No. 24-10 has been adopted on the 2nd day of June, 2010.

RESOLUTION NO.____ (Draft No. 25-10)

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 2010 FEDERAL TRANSIT ADMINISTRATION FUNDS FOR THE YOUNGSTOWN URBANIZED AREA; AND, DECLARING AN EMERGENCY

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

Mr. Mark Hess: This is just the annual split agreement we do with the WRTA and Penn. This year we are going to get five hundred sixty five thousand dollars. Last year we got four hundred seventy dollars.

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

This Draft No. 25-10 has been adopted on the 2nd day of June, 2010.

RESOLUTION NO.____ (Draft No. 26-10)

A RESOLUTION AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR PROFESSIONAL SERVICES FOR THE LAWNVIEW SANITARY SEWER OVERFLOW PROJECT; AND DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

This Draft No. 26-10 has been adopted on the 2nd day of June, 2010.

RESOLUTION NO. __ (Draft No. 27-10)

A RESOLUTION ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2011; AND, DECLARING AN EMERGENCY

Councilman Papalas: I have a question for Auditor Nader, what is an alternate budget?

Auditor Nader: It is how the county auditor will assess Niles and we can pass it without going thru all our budget hearings. We will still have our budget hearings, we will still pass the final budget, but this allows us to move ahead. It is an alternate budget by the county and it makes things a lot simpler.

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 Stredney, seconded by Giancola that this Draft be adopted.

YEAS: 7 NAYS: 0

This Draft No. 27-10 has been adopted on the 2nd day of June, 2010

RESOLUTION NO. __ (Draft No. 28-10)

A RESOLUTION AUTHORIZING THE CASH ADVANCE OF FUNDS FROM THE UNAPPROPRIATED GENERAL FUND TO THE UNAPPROPRIATED SEWER FUND AND, DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 Nays: 0

This Draft No. 28-10 has been adopted on the 2nd day of June, 2010.

RESOLUTION NO. ___ (Draft No. 29-10)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED SEWER FUND TO THE CONTRACTED LABOR ACCOUNT IN THE SEWER DEPARTMENT; 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 Stredney, seconded by Papas that this Draft be adopted.

YEAS: 7 NAYS: 0

This Draft No. 29-10 has been adopted on the 2nd day of June, 2010.

RESOLUTION NO. ___ (Draft No. 30-10)

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE OHIO DEPARTMENT OF DEVELOPMENT ADOPTING A PROPOSED BUDGET FOR THE FY 2010 COMMUNITY DEVELOPMENT PROGRAM, INCLUDING THE COMMUNITY DEVELOPMENT PROGRAM AND ALLOTING THE FUNDS FOR THE FISCAL YEAR 2010 COMMUNITY DEVELOPMENT FORMULA ALLOCATION PROGRAM; AND DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

This Draft No. 30-10 has been adopted on the 2nd day of June, 2010.

MISCELLANEOUS REMARKS

Mayor Infante reminded council that Friday was the groundbreaking of the Lawnview sanitary sewer.

Mr. Randy Fabrizio invited council and anyone else that wished to attend the Lawnview groundbreaking Friday at 1:30 p.m He thanked Congressman Ryan for getting the city the funding because this job has been on the books for the last twenty years. He said that Congressman Ryan's efforts helped push it over the top.

Auditor Nader thanked council for passing the alternate budget.

Council scheduled a Roundtable to discuss the issue of the ATV ordinance in Council Chambers at 5:00 p.m. on June 9, 2010.

A motion was made by Councilman Stredney, seconded by Councilman Giancola to adjourn the meeting.

Linda A. Yuhasz, Clerk of Council

Robert Marino Jr., President of Council