

**MINUTES**

Niles City Council held a Special Council Meeting on July 07, 2010 at 10:00 a.m. in Conference Room 1 at City Hall.

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-A; Wilkerson-P; Marino-P  
It was moved by Stredney, seconded by Wilkerson to excuse the absence of Councilman Papas. Motion carried.

**ORDINANCES AND RESOLUTIONS**

**RESOLUTION NO. \_\_\_\_ (Draft No.31-10)**

**A RESOLUTION APPROVING THE PLACEMENT OF A 1 MILL RENEWAL LEVY ON THE NOVEMBER 2, 2010 BALLOT FOR THE VOTE BY THE ELECTORS AND, DECLARING AN EMERGENCY**

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

**YEAS: 6    NAYS: 0**

Rules are suspended.

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

**YEAS: 6    NAYS: 0**

This Draft No. 31-10 has been adopted on the 7<sup>th</sup> day of July, 2010.

**RESOLUTION NO. \_\_\_\_(Draft No. 32-10)**

**A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED GENERAL FUND TO THE INCOME TAX REFUND ACCOUNT AND, DECLARING AN EMERGENCY**

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

**YEAS: 6    NAYS: 0**

Rules are suspended.

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

**YEAS: 6    NAYS: 0**

This Draft No. 32-10 has been adopted on the 7<sup>th</sup> day of July, 2010.

**RESOLUTION NO. \_\_\_\_(Draft No. 33-10)**

**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 AND, DECLARING AN EMERGENCY**

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

**YEAS: 6    NAYS: 0**

Rules are suspended.

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

**YEAS: 6    NAYS: 0**

This Draft No. 33-10 has been adopted on the 7<sup>th</sup> day of July, 2010.

**RESOLUTION NO.\_\_(Draft No. 34-10)**

**A RESOLUTION TO APPROVE THE EXECUTION OF AN EFFICIENCY SMART POWER PLANT SCHEDULE GORSUCH PARTICIPANT WITH AMERICAN MUNICIPAL POWER, INC.**

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

Councilman Stredney: Is this getting us more power?

Mr. Jim Newbrough: Forty eight members of AMP Ohio, including Niles are owners of the Gorsuch Power Plant. AMP Ohio has been negotiating with the EPA over a year for emissions violations at the plant. The agreement that they have with the EPA is that the plant will be shut down December 15<sup>th</sup> of this year. The forty eight member communities will share in a fine of eight hundred fifty thousand dollars. The forty eight member community will establish a fifteen million dollar energy savings program. The fifteen million dollars will be put in over three years by the forty eight communities based on how much power we use.

**YEAS: 6    NAYS: 0**

Rules are suspended.

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

**YEAS: 6    NAYS: 0**

This Draft No. 34-10 has been adopted on the 7<sup>th</sup> day of July, 2010.

**RESOLUTION NO.\_\_(Draft No. 35-10)**

**A RESOLUTION APPROVING THE AGREEMENT BETWEEN THE CITY AND THE AFSCME BARGAINING UNIT REGARDING A NEW LABOR CONTRACT; AND DECLARING AN EMERGENCY**

It was moved by Papalas, seconded by Stredney to adjourn into executive session to discuss the AFSCME contract.

**YEAS: 6    NAYS: 0**

Council adjourned at 10:16 a. m. into executive session to discuss the agreement between the city and Local 506 AFSCME members.

Council reconvened at 10:32 a.m. from executive session. The Clerk called the roll: Lastic-P;Papalás-P;Giancola-P;McCormick-P;Stredney-P;Wilkerson-P;Marino-P

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

**YEAS: 6    NAYS: 0**

Rules are suspended.

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

**YEAS: 6    NAYS: 0**

This Draft No. 35-10 has been adopted on the 7<sup>th</sup> day of July, 2010.

**ORDINANCE NO. \_\_ (Draft No. 36-10)**

**AN ORDINANCE AMENDING CODIFIED ORDINANCE NO. 1301.07, IN PART, TO CLARIFY THE PENALTY ASSESSED FOR COMMENCEMENT OF WORK WITHOUT FIRST OBTAINING A PERMIT, AND TO ASSESS THE SAME PERMIT FEES FOR CHURCHES AND SCHOOLS AS FOR OTHER STRUCTURES, REPEALING EXISTING CODIFIED ORDINANCE SECTION 1301.07; AND, DECLARING AN EMERGENCY**

It was moved by Papalás, seconded by McCormick to suspend the rule that requires three readings.

Councilman Stredney: What are the fees and penalties now for this?

Councilman Papalás: Generally speaking it doubles the cost of the permit. The problem is the wording was ambiguous and Tony had to clarify it. He is not here today but it is reflected in this ordinance.

Councilman Giancola: Are the fees and the fines the same as the other ordinances?

President Marino: If a project starts and there is no permit and somebody got caught in the crosshairs, it was pointed out in the ordinance to our building inspector that you couldn't charge as much as you were trying to charge the schools and Mt. Carmel, which is why this is here.

Councilman Papalás: Generally it's going to say or translate to, the building inspector may charge up to twice the amount of the permit costs.

Councilman Stredney: Isn't there already a fee?

Councilman Papalás: Yes but that's what I just got done saying. There is an ambiguity in the ordinance that says it would be three hundred and fifty dollars, one that says a hundred dollars and then a clause that says double the permit fee. Which does he pick from? This clarifies it all.

Councilman Stredney: Does this clarify it for churches and schools or for everything?

Councilman Papalas: Everything.

Councilman Stredney: I know people that had business permits that had to pay those fees. They started their work and came down and tried fighting it and they lost and had to pay. So our old ordinance just didn't say something about churches and schools or did it say something about businesses?

Law Director Dull: There was also a cap on what that penalty could be.

Councilman Stredney: How much are some of these permits?

Law Director Dull: That starts on the bottom of the first page of the ordinance and it depends on the value of the project that is being done. Tony described to Steve and I that there are people that make honest mistakes and you don't want to hit them as hard as somebody that should know what they are doing and are trying to circumvent the permit structure.

Councilman Stredney: I hear a lot of complaints from a lot of businesses coming in on Route 422, little side streets and businesses trying to start in Niles and they are having a lot of trouble with our building department.

Councilman Papalas: What kind of trouble?

Councilman Stredney: You name it, these people at the Tin Pan Alley that opened up that Amish place they went through...

Mayor Infante: Well that's not through the city, that's through the state.

Councilman Stredney: Well a lot of that went through Tony Vigorito.

Mayor Infante: Yes but you have to follow the state codes.

Councilman Stredney: That is just one, there was trouble with the hair salons in town. I guess I have a few questions for Tony. I don't understand why we are upping the penalties now.

Councilman Papalas: We are not upping them we are clarifying them, because we had three different paragraphs in there that conflicted. So, we clarified them, we cleared it up, if Tony were here he could explain that also and the situations that he has been in. Maybe you should make a phone call to him with these questions.

Councilman Stredney: I have, I work out of town and I have made a couple different phone calls to a couple people and I never got any phone calls back, which is why I was hoping that he was here today.

**YEAS: 5    NAYS: 0    ABSTENTION: 1 (Stredney)**

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

**YEAS: 6    NAYS: 0**

Draft No. 36-10 has received a first reading.

A Special Council Meeting was scheduled for July 15, 2010 at 3:15 p.m. in Conference Room 1 at City Hall for the express purpose of Draft No. 36-10 and any business lawfully required by council.

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

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Linda A. Yuhasz, Clerk of Council

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Robert Marino Jr., President of Council