

## **MINUTES**

Niles City Council held its regular meeting of December 5, 2012 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; Merlo-P; Wilkerson-P; Marino-P

It was moved by Papalas, seconded by Wilkerson to excuse the absence of Treasurer Swauger and Service Director Buccino. Motion carried.

It was moved by Stredney, seconded by Lastic to accept the Minutes of the regular meeting of November 21, 2012. Motion carried.

## **REPORTS AND COMMUNICATIONS**

FROM The Auditors Office

The Estimated versus Actual Revenues thru November, 2012

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

FROM The City Income Tax Office

The Monthly Receipt Totals thru November, 2012

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

FROM The Niles Municipal Court

The Probation Report thru November, 2012

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

FROM The Ohio Division of Liquor Control

A permit transfer from Dean Guzowski to Shah & Sons, 501 Vienna Avenue

It was moved by Papalas, seconded by Merlo to refer this to the Police Chief and Safety Director for their report and recommendation. Motion carried.

FROM The MVSD

A Public Notice indicating the retirement and rehire of Mr. Thomas Holloway.

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

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

Mr. Glen Hickman 731 5<sup>th</sup> Street, Niles: Council and city leaders I hope you don't take this as a direct shot, Mr. McCormick, however I have a problem with this scrap yard down here. They are burning in the wee hours of the morning and the influx of that burning is coming up over to not just my neighborhood but all the way over as far as to Sparkle. It is a residue. If you are familiar with the steel process they can get into the quencher. The quencher comes off the steel by products and floats into the air. You get it into your lungs, you get it on your cars, your house, and you get it every where! It is like a dust storm and I have had it with this company. I have

knocked on their door and they keep giving me the run around. I have been going to see them over a period of two and three years. You have heard my plea and now I am asking for some help looking into to it and see what could be done health wise. This is the whole city not just the Fourth Ward.

Councilman Papalas: How long has this been going on?

President Marino: Ten or twelve years. When I was the principal of Niles Middle School we had the same problem. There is a very metallic odor which you smell. We have Mike Burke on it with the Ohio EPA and others. Mr. Hickman we have had Mike looking into this to see what can be done. I don't know where it has been since then, but when I was in Niles they were working on it.

Mr. Hickman: Last night at our neighborhood watch we had a fellow who is in our ward and I can't give his name out because it might jeopardize him. He is a security guard down there over the midnight hours. They take these cars that come in and put them in these pits and set them on fire and burn the guts out of these cars. He said that's where it comes from. I see crushed cars going down the road on flat beds and going in on (inaudible) and I don't see any smoke billows. There has got to be a change in process.

Councilman McCormick: Gary, is that something they would be licensed to do over there with your rules and regulations?

Fire Chief Gary Brown: That part I had not heard. (Inaudible) I will follow up on it. I know that they have always burned for years there and were allowed by the EPA, but not that kind of burning.

President Marino: Chief you might consider consulting with Mike Burke in the Health Department. I know that he was aware when I was at the middle school because there is a distinct odor to that.

### **COMMITTEE REPORTS**

None

### **ORDINANCES AND RESOLUTIONS**

#### **ORDINANCE NO.\_\_(Draft No. 57-12)**

#### **AN ORDINANCE AMENDING THE ZONING ORDINANCE TO ADD A NEW SECTION REQUIRING THE REMOVAL OF GRAFFITI BY OWNERS AND/OR OCCUPANTS OF PROPERTY; AND, DECLARING AN EMERGENCY**

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

It was moved by Papalas, seconded by Wilkerson to amend the agenda to read Draft No. 57-12-A. Motion carried.

**YEAS: 7    NAYS: 0**

Rules are suspended.

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

**YEAS: 7    NAYS: 0**

This Draft No. 57-12-A has been adopted on the 5<sup>th</sup> day of December, 2012.

**RESOLUTION NO.\_\_(Draft No. 67-12)**

**A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED HOSPITAL SELF INSURANCE FUND (HSIF) TO THE SELF INSURANCE CONTRACTED LABOR ACCOUNT 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 Papalas, seconded by Wilkerson that this Draft be adopted.

**YEAS: 7    NAYS: 0**

This Draft No. 67-12 has been adopted on the 5<sup>th</sup> day of December, 2012.

**RESOLUTION NO.\_\_(Draft No. 68-12)**

**A RESOLUTION STRONGLY OPPOSING THE PASSAGE OF HOUSE BILL 601 BY THE OHIO GENERAL ASSEMBLY; AND, DECLARING AN EMERGENCY**

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

**YEAS: 7    NAYS: 0**

This Draft No. 68-12 has been adopted on the 5<sup>th</sup> day of December, 2012.

**MISCELLANEOUS REMARKS**

Safety Director Guarino spoke of the passing of police Captain Richard McFalls and what a great police officer he was.

It was moved by Giancola, seconded by Merlo to adjourn the meeting.

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Linda A. Yuhasz, Clerk of Council

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Robert Marino Jr., President of Council

