

MINUTES

Niles City Council held its regular meeting Wednesday , January 4 , 2006 at 6:00 p.m. in Council Chambers, Safety-Service Complex, Niles, Ohio. The meeting was called to order by the President, Robert Marino.

It was moved by Fuda, seconded by Papalas to employ Mrs. Linda Yuhasz as Clerk of Council, at a salary of \$3,900.00. Motion carried 7-0.

The Oath of Office was administered by the Law Director to the Clerk of Council.

At this time, the Clerk, Linda Yuhasz called the roll:

Lastic-P; Papalas-P; Scarnecchia-P; Cox-P; Stredney-P; Papas-P; Fuda-P; Marino-P.

REPORTS AND COMMUNICATIONS

FROM: The Treasurer's Office

A report from the Income Tax division through December 2005 and a report on the monthly total comparison through December, 2005.

It was moved by Fuda, seconded by Papas to accept the reports and place them on file. Motion carried 7-0.

FROM: The Building Inspector's Office

A Housing Code monthly report for November, 2005.

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

Councilman Scarnecchia: I have a question. The old pizza shop on North Main Street, wasn't that scheduled for demolition? I see they boarded it all up again.

Mayor Infante: On any commercial business we have to go through a process. We have to get engineers to access it and make sure there is no asbestos and all that. It is reported to the EPA and then they give us the okay.

Councilman Scarnecchia: Okay.

Mayor Infante: It is in the process.

Motion carried 7-0 to accept the report and place it on file.

FROM: The Office of the Mayor

The Board assignments for the year 2006.

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

MEMBERS OF AUDIENCE TO ADDRESS COUNCIL

None

COMMITTEE REPORTS

None

ORDINANCES AND RESOLUTIONS

THE FOLLOWING RULES OF ORDER SHALL GOVERN THE PROCEDURES OF CITY COUNCIL AND THE CONDUCT OF COUNCIL MEMBERS FOR THE TERM 2006-2007.

It was moved by Fuda and seconded by Papas for adoption.

President Marino: Again gentlemen, for clarification purposes the salary of the clerk is \$3,900.00 per year. The salary will be paid the same as city council members. Also, we have spelled out the assistant clerks who are- Mary Kay Nicholas and Bonnie Marchionte. They will be paid; I believe \$75.00 a meeting. We changed it. Is it in there? Steve, were we leaving it at \$150.00 or \$75.00?

Councilman Papalas: \$75.00.

President Marino: There needs to be a motion to amend council rules. What rule number is that Ralph?

Mayor Infante: Eleven.

It was moved by Fuda, seconded by Papas to amend rule 11 to \$75.00 per meeting.
Motion carried 7-0

YEAS: 7 NAYS: 0

The Rules of Order for the term 2006-2007 has been adopted.

MISCELLANEOUS REMARKS

President Marino: The chair will make a few brief remarks. I came here when I was a little kid, boy scouts I believe. During that time, you were a staple. You've seen many faces come; you've seen many faces go. I recall you saying about the fight and all kinds of interesting experiences in these council chambers. The city does owe you a debt of

gratitude for your service to this community and to this government body. As a small token of our appreciation, we did get you a little something. You can always be reminded of your wonderful years of city council. Congratulations, Lisa. This is from council, the mayor and the auditor. It is a marble clock with a plate on the top and a gift certificate for you and your husband to go out. You owe it to yourself. Take him out on Wednesday. I'm sure your new boss; Mr. Swauger will graciously excuse you from 8, 9, or 10 meetings a year. Bob, I'm only joking.

Lisa Smathers: Thank you very much, all of you. It has been my pleasure being here as I have stated before and I really appreciate this. There will be a place for this on my new desk.

President Marino: That was the thought behind it, congratulations.

Mr. Dull: You have a Zoning Board meeting, two meetings actually next week. One on Monday the 9th. One of the meetings is for the purpose of working on the amendments to the Zoning Board, which includes working on the 3rd Ward. The regular Zoning Board meeting will be Wednesday at the regular time.

Councilman Papalas: What are those times?

Mr. Dull: The one on Wednesday is 10:00 a.m. and the one on Monday is 9:30 a.m.

Councilman Papalas: The part of the issue with this is I think those meetings should be held when council members could make it and at 10 in the morning you're shutting most of us out. I'll speak for myself in particular and would appreciate it if we could have these at 3:00 p.m. I thought we got that straightened out last year. I recall that these meetings were at 3:00 p.m. when the majority of us could make it. You can have it a 3:00p.m. Some other day to do a review for us. So you can handle it anyway you want, but one way or another, we are going to have a 3:00p.m. meeting.

Mr. Dull: I didn't set the time.

Councilman Papalas: Who did?

Mr. Dull: I assume it started at Tony's office and went from there.

Councilman Papalas: Well, Tony is very aware of how I feel about this also. I thought you were too. I thought everyone in this room was aware.

Mayor Infante: Well, the meetings in the morning are for the zoning commission. Then you guys had meetings after that in the afternoon.

Councilman Papalas: Those meetings concerning language and so forth, those meetings were all in the afternoon.

Mayor Infante: This is a regular zoning meeting and it's at 10:00 a.m.

Councilman Papalas: To update the zoning of the wards?

Mayor Infante: I don't know what that one is. Our regular zoning meetings are at 10:00a.m. That is what this is on Wednesday. I got an agenda already.

Councilman Papalas: Alright let's back this up then because I thought we left it in November, December that come January we were going to start working on zoning the 3rd and the 4th Wards. We have been delaying for months. Right?

Councilman Fuda: The key thing is that the ward person is able to make those meetings because I'm sure that person wants to.

Mayor Infante: I am sure Tony won't have a problem meeting at 3:00p.m. with you and the ward and members of council.

Councilman Papalas: Well, Tony is not here and he has mentioned we are having these meetings. Which meetings are these?

Mr.Dull: The one on Monday is to get recommendations from the Zoning Board concerning language changes. I can't tell you for sure if they are going to start looking at changes on the 3rd Ward at that meeting. It just depends on the number of language changes that are going to be considered by the board. One of the other problems we've run into Steve is getting the Zoning Board members there at 3:00p.m. Sometimes we had difficulty getting a quorum at that time. That may be what Tony is trying to gauge when he can get a quorum there for the Zoning Board.

Councilman Papalas: These meetings are really, really important to us. I think that it is imperative to everyone involved that we have to get together at some point in time when most of us can be there. This isn't about some garage addition; this is about rezoning entire wards. A lot of people are concerned about this and a lot elective officials are concerned about this. I just think it is very important that we strive to get these meetings going and we get them at a time when most of us can make it, whether they be board members or council members. When will Tony be in?

Mayor Infante: Tony is in school tonight.

Councilman Papalas: Okay, I will call him tomorrow. What about the second meeting, what is that about?

Mr. Dull: I know that there is a request that is a regular zoning meeting.

Councilman Papalas: That has nothing to do with the wards?

Mr. Dull: No.

Councilman Papalas: Okay.

Councilman Scarnecchia: If there are any changes on the Monday, we will be informed and somebody will let us know, right?

Mr. Dull: Yes because there will be a requirement for a 24 hour notice for a public meeting.

Councilman Papalas: It's really important that a couple of you fellows be there, I can't because of work. So maybe especially if you are available, retired, or you work in the afternoon instead of in the morning, would you please go? That is important to me. Let everyone know what you think.

Auditor Buccino: I would like to welcome the new clerk, 3rd Ward councilman and the new Treasurer. Welcome aboard.

Mark Hess: Congratulations, Linda.

Councilman Lastic: Happy New Year.

Councilman Papalas: Mr. Chairman, may I have the floor after all? I've spoken with Neil earlier this evening; we have been trying to communicate. As far as Finance Committee meeting is concerned, I checked with the Mayor today and there wasn't anything coming up. Sometime this month I would like to have a Finance Committee meeting. Neil I will leave that up to you at this point. What evening, a Wednesday?

Auditor Buccino: Yes, usually we go the second or fourth.

Councilman Papalas: Well, if we go on the fourth, is that going to be okay with everybody as far as the schedules are concerned? I think later in the month being that there is nothing immediately on the agenda.

President Marino: That would be the 25th of January.

Councilman Papalas: We'll shoot for the 25th.

President Marino: So I understand for the press, you only want to know when the entire city council is holding a public hearing. We will let you know about committee meetings via a phone call or is that acceptable? One newspaper requested written notification concerning when council is going to hold public hearings and the full body is requested to attend

Amanda Smith-Teutsch: Anytime when council could take an action, when a quorum is present.

President Marino: Alright, I understand. Do you want a notice for every committee meeting, council meeting?

Tim Yovich: Yes.

President Marino: Okay. Gentlemen, I am going to have to be insistent that you let the clerk know in enough time that she can get a written notice faxed to the newspapers. Ohio Public Records Law is requesting written notice on all committee meetings and council meetings. So if you call on a late hour and she is unable to get that done, your committee meeting cannot be held. So for the meeting on the 25th....

Councilman Papalas: It is at 3:00p.m.

President Marino: That would be of the Finance Committee. So we are going to have to be diligent in helping Linda along because we never had to... we generally just told them and that has been the end.

Councilman Fuda: Now if we make the meeting on council night we don't have to send you a notice that we are having a meeting.

President Marino: No, they are requesting written. What I don't want to happen Frank is we get in a confusing state well, I was told at a council meeting. We are sending them notice so there is no confusion on anyone's part. If you call any committee meeting, utilities committee, Friday at 3:00p.m., she needs to know in order to send a written fax notice to the newspaper.

Councilman Fuda: If we could just bring in the written notice to council and give it to you.

Amanda Smith-Teutsch: Personal presentation is fine just something in writing.

President Marino: That's fair.

Councilman Scarnecchia: I have a question for Terry. Officially, if you are calling a committee meeting that is open to all councilmen plus the committee, if there are three that go to that meeting of the committee, is that an official meeting? If you are meeting with two of that committee is that also a meeting?

President Marino: That is a meeting.

Mr. Dull: It's a majority; it's a quorum, which two would be.

Councilman Scarnecchia: Okay, thank you.

President Marino: I will download the Auditor of State information again and pass it out regarding Ohio Open Records Law and give you all copies so that we don't have any issues. Are you done Tom?

Councilman Scarnecchia: Thank You.

Councilman Fuda: I want to thank our Water Department for the great job they are doing on the water line breaks. These guys are out there all kinds of weather, rain and snow. Christmas Eve, 6:30 in the morning when some of us had to do our last minute shopping, these crews had to be out there repairing a water break on North Road. We really appreciate the work they did. That's it.

It was moved by Fuda, seconded by Papas to adjourn this meeting. Motion carried 7-0.

LINDA YUHASZ, Clerk of Council

Approved as to Form:

Robert Marino, President of Council