

MINUTES

Niles City Council held its regular meeting Wednesday, March 1st, 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, and the Clerk; Linda A. Yuhasz called the roll:

Lastic-P; Papalas-P; Scarnecchia-P; Cox-P; Stredney-P; Papas-A; Fuda-P; Marino-P. It was moved by Fuda, seconded by Stredney to excuse Councilman Papas. Motion carried 6-0.

It was moved by Scarnecchia, seconded by Stredney to accept the Minutes of the regular Meeting of February 15, 2006 and the Public Hearing on February 15, 2006 as presented. Motion carried.

REPORTS AND COMMUNICATIONS

FROM: Niles Senior Apartments LLC

Dear Ms. Yuhasz:

The purpose of this letter is to apprise your office that Niles Senior Apartments, Corp. will be the managing member of a multifamily, senior residential development located in or within a one-half mile radius of your political jurisdiction. The following describes this development and the multifamily funding programs of the Ohio Housing Finance Agency (OHFA) that will be utilized for the development and notifies you of your right to submit written comments to the OHFA:

Project Address: Northwest corner of W. Church Street and N. Arlington Avenue, Parcel Number 25-003503, Trumbull County Niles, Ohio.

Number of Units: The project will contain up to 52 units.

Nature of Project: New construction of Niles Senior Apartments. Affordable Housing for persons 55 years of age and better.

Program Utilized in the Project: The project will utilize funding from the Housing Credit Program, the Housing Development Assistance Program, and the Affordable Housing Loan Program.

Right to Submit Comments: You have the right to submit comments to the OHFA regarding the development's impact on the community. If you intend to submit a statement of disapproval or objection, you must submit a written statement that is signed by a majority of the voting members of the legislative body governing your jurisdiction. This written statement must be forwarded to the Executive Director of the OHFA and be delivered by certified mail, return receipt requested. The person to be notified at the OHFA and his address is:

Mr. Douglas A. Garver, Executive Director
Ohio Housing Finance Agency
57 E. Main Street
Columbus, Ohio 43215

The written statement of disapproval or objection must be submitted within 30 days of your receipt of this notice, and must be received by the OHFA within 45 days of the date of the sponsor's or private developer's notice.

Sincerely,
Pat Rosenthal
Secretary of the Managing Member (to be formed)

It was moved by Scarnecchia, seconded by Lastic, to accept the letter and place it on file. Motion carried 6-0.

FROM: Office of the Building Inspector

Gentlemen:

The Niles Planning Commission, in the scheduled meeting of January 26, 2006, completed work on the rezoning of the Third Ward of the City of Niles, Ohio. Therefore, the Niles Planning Commission unanimously recommends to Niles City Council that the zone changes be accepted by Niles City Council.

Anthony J. Vigorito
Secretary

It was moved by Papalas, seconded by Lastic to accept the recommendation and place it on file. Motion carried 6-0.

FROM: The City Income Tax Department
February 2006 Total Receipts and the February 2006 Cemetery Sales Report.

It was moved by Papalas, seconded by Lastic to accept the reports and place them on file. Motion carried 6-0.

President Marino: Mr. Treasurer, I do have a question regarding the Cemetery Sales Report. Are all funeral homes paid up to date to the city for what they owe?

Treasurer Swauger: As far as our records show right now, yes they are. We are looking into some matters.

President Marino: I know that when I was a Finance Chairman quite some time ago, there were discussions with your predecessor regarding that and to be perfectly honest it escaped me until I saw this report or otherwise I would have asked.

Treasurer Swauger: There was an agreement about two years ago with a couple of them and as far as the records show right now everything is paid in full. We are researching it more to verify that they went back far enough beyond the last three or four years.

President Marino: Thank You.

MEMBERS OF AUDIENCE TO ADDRESS COUNCIL

Tony Perrone, 826 N. Carnegie Ave. Niles, Ohio requested permission to address council. He was not present at the beginning of the council meeting so it was moved by Fuda, seconded by Lastic to grant him permission to speak now. Motion carried 6-0.

Tony Perrone: It was brought to my attention at work a month ago. A co-worker informed me that she had a neighbor, an individual that moved into her neighborhood that was registered as a sexual predator. From that I basically signed up with a website through the Attorney Generals Office State of Ohio, its called ESORN. It stands for Electronic Sexual Offender Registration and Notification. I signed up with an E-Mail address and within a week I got a notification that we had an individual move into the neighborhood cater-corner from Mr. Marino across the street, that is in fact a sexual offender. The problem that I have with the network itself, the registration, the notification that is great, it is a great tool and I encourage everyone here and members of the community to go and register. If you have the means, please do so. However, let me say this that the information that is contained in that website is very vague. I did a lot of researching with the revised code to educate myself on a lot of what the regulations and codes were that the individual that lives near me had plead to and were charged with. I really didn't get a lot of answers. You can only get so much through the public information. However, it does not say if that person was charged or convicted of a violent attack or whether or not it was against an adult or child. Those are the types of things I feel that need to be out there. It is a great tool to have again, it notifies us. It is unreasonable of us to think that the sheriffs department would be responsible to go door to door to let us know. In a perfect world this would be true. I would hope that council would look into that. When I signed up for the newsletter, I was shocked to see that within one mile of my home there were seven registered sex offenders. Within a mile, it is a small community, but a mile does not cover that much. I believe that last count there were twenty nine registered sex offenders living in Niles. That also tells me how many that aren't registered. All I am asking is that you educate yourself on it, if you already haven't. It is a great tool and on behalf of the folks out there that voted you in, we would like to see council embrace that and the police department embrace that. We would like to move towards making our neighborhoods in our community safe.

Councilman Scarnecchia: Would you repeat the website again?

Mr. Perrone: It is www.esorn.ag.state.oh.us, that will list registered sex offenders in Trumbull County. They have to register whether they work or live in your community. So you may have someone who lives in Youngstown registered in Trumbull County just because they work in Trumbull County. It is a really good educational tool.

Councilman Lastic: Is there any recourse on trying to remove these people?

Mr. Perrone: No there isn't. By law, you can't go up and have an encounter with the individual. I talked with the sheriff's deputy that is in charge with the registered sex offenders in Trumbull County and he encourages anyone to call the sheriff's department to talk to him. His name is Russ Molinatti. He was very helpful, but he said don't approach the individual. Word of mouth is a great tool, talk to your neighbors. In this individual's case he lives in an apartment complex, the application if there was one must not of had any place on there for felony convictions because he would have had to disclose that. Once you go to the Ohio Revised Code, there are so many different categories and they are so vague and it really doesn't tell you if he was convicted of gross sexual imposition. If you go to define it, it covers a lot of things. You don't know if he was charged with it or if he pleads to it. I encourage you to call Deputy Molinatti about it. I understand that the landlord was pretty upset about the fact that he allowed somebody to move into the property that he owned, that he maintains very well. It was very discomfoting to find that you have seven living in a mile radius of you.

President Marino: He is in my front yard. I have three young kids.

Councilman Scarnecchia: Chief, is the department notified if a sex offender moves into town?

Police Chief Simeone: Yes, we are notified by the sheriff's department once a month of all sex offenders. But, as you stated there are different categories. There are different requirements under Megan's Law. There are sexual offenders that just have to register and it can be any kind of sex offense.

Councilman Scarnecchia: I saw on television once where when they do move back in town there is a little sign put in their front yard stating that this is home of a child predator. Have you ever heard of that?

Chief Simeone: There are a lot of different things that were tested and were struck down by the courts. There are sex offenders that aren't allowed to move into areas close to schools and close to bus stops.

Councilman Lastic: Well there is Mt. Carmel right down the street and the bus stop is right in front of the house.

Chief Simeone: I have two in my neighborhood. One lives right next door to me.

Councilman Scarnecchia: My final thought is the newspaper will print all those who get a gun permit but yet we never see a list from the sheriff's department or the police department a list of convicted sexual predators that live in the area.

Chief Simeone: By law they are required to notify the neighborhood.

Councilman Scarnecchia: Do they?

Mr. Perrone: I would not have found out if I had not signed up. The charge on this individual is gross sexual imposition and on the hierarchy of offenses is at the bottom. Dare you say the least offensive of these charges; however the law itself is very vague. I did not find out until today that the victim of the crime was a child. That didn't sit well with me when I got the news. That kind of information isn't public. So, therefore it won't be on the website. Thank you for the time.

President Marino: You are to be commended for letting us all know. Because I would have not known that until you came to my door that evening. But I am glad that you told me.

COMMITTEE REPORTS

Councilman Papalas scheduled a Finance Meeting for March 8, 2006 at 3:00 p.m. in the first floor conference room.

ORDINANCES AND RESOLUTIONS

RESOLUTION NO. _____ (Draft 10-06)

A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITOL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED; AND, DECLARING AN EMERGENCY.

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

Mr. Mark Hess: This is the application that I talked about last week after the mayor announced the issue two grants that we received. This legislation is necessary for the financial application that is due on March 17th. I would appreciate your passage. Thank you.

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Fuda, seconded by Stredney that this draft be adopted.

YEAS: 6 NAYS: 0

This Draft has been adopted this 1st day of March, 2006.

ORDINANCE NO. _____ (Draft No. 11-06)

AN ORDINANCE TO AUTHORIZE AND DIRECT THE CITY OF NILES TO EXECUTE A MUTUAL AID AGREEMENT WITH INTERSTATE AND INTRASTATE PARTICIPATING MUNICIPALITIES WITH MUNICIPAL ELECTRIC SYSTEMS, IN ORDER TO BE ABLE TO RECEIVE AND PROVIDE MUTUAL ASSISTANCE DURING TIME OF EMERGENCIES THROUGH THE INTERCHANGE AND USE OF PERSONNEL AND EQUIPMENT; AND DECLARING AN EMERGENCY

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

Councilman Fuda: We do this periodically, I think it is once every five years or so.

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Fuda, seconded by Papalas that this draft be adopted.

YEAS: 6 NAYS: 0

This Draft has been adopted this 1st day of March, 2006.

ORDINANCE NO.____(Draft 12-06)

AN ORDINANCE AUTHORIZING THE EXECUTION OF THE ONE OR MORE LONG TERM POWER PURCHASE SCHEDULE(S); AND, DECLARING AN EMERGENCY

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

Superintendent Jim Newbrough: AMP Ohio enters into contracts with power generators to go out and buy power for the seven communities in the northeast part of Ohio. This is just a renewal of the contract that we already have in place.

President Marino: I do have a question this may be off the topic just a little bit, Jim. Do we have an accounting provision within the light department to make sure that all of our customers are paying what they owe? Would that be Tom?

Mr. Tom Telego: A delinquent account?

President Marino: Just accounts in general, Tom. How do know that people are paying what they owe?

Mr. Telego: At the end of every billing cycle we go through a delinquency process.

President Marino: Do we compare with the power bill?

Mr. Telego: As opposed to what AMP Ohio is charging us, no. At this point there is no physical way for us to match up our charge from AMP Ohio. They may bill on one day, read on one day, we read throughout the entire month. There is not a way for us to get an actual kilowatt to kilowatt charge.

President Marino: Isn't that interesting.

Mayor Infante: We do have the readings at the main sub.

President Marino: How do we know if Bob Marino at 1855 Belle Terre is paying what he used or tinkering with things?

Superintendent Newbrough: Are you asking how does AMP Ohio's power bill compare to what we actually sell? There are federal forms filled out every spring by me that are required by the federal government where those kinds of calculations are made. We do have losses in the city, losses in transformers and that kind of thing. But it has never been any more than three or four percent.

President Marino: It's acceptable within the industry?

Superintendent Newbrough: Yes.

President Marino: How about the delinquents Tom, where are they sitting at now, do we know?

Mr. Telego: It varies from month to month. We are probably in the sixty to seventy thousand dollar range right now. It is about three percent, about where we are throughout the year.

Mayor Infante: The problem is we can't shut off in the winter and we have to try and catch back up in the spring.

President Marino: Okay, thank you.

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 has been adopted this 1st day of March, 2006.

ORDINANCE NO.____(Draft 13-06)

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR THE PURCHASE OF 138 KV CIRCUIT BREAKERS; AND, DECLARING AN EMERGENCY.

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

Councilman Fuda: Yes, thirteen, fourteen, and fifteen are basically all the same. They are circuit breakers we planned on replacing, the money is in the budget, and all three are for different substations.

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Fuda, seconded by Papalas that this draft be adopted.

YEAS: 6 NAYS: 0

This Draft has been adopted this 1st day of March, 2006.

ORDINANCE NO.____(Draft No. 14-06)

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR THE PURCHASE OF REPLACEMENT SWITCH GEAR FOR THE GE SUBSTATION; AND, DECLARING AN EMERGENCY

It was moved by Fuda, seconded by Cox to suspend the rule requiring three readings.

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Fuda, seconded by Papalas that this draft be adopted.

YEAS: 6 NAYS: 0

This Draft has been adopted this 1st day of March, 2006.

ORDINANCE NO.____(Draft No. 15-06)

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR THE PURCHASE OF REPLACEMENT SWITCH GEAR FOR THE NORTH ROAD SUBSTATION; AND, DECLARING AN EMERGENCY

It was moved by Fuda, seconded by Cox to suspend the rule requiring three readings.

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Fuda, seconded by Stredney that this draft be adopted.

YEAS: 6 NAYS: 0

This draft has been adopted this 1st day of March, 2006.

ORDINANCE NO.____(Draft No. 16-06)

AN ORDINANCE AUTHORIZING THE TRANSFER OF UNUSED LANDS OWNED BY THE CITY OF NILES TO THE COMMUNITY IMPROVEMENT CORPORATION OF NILES, OHIO (“CIC”); AUTHORIZING THE CIC TO TRANSFER SAID PROPERTY IN ACCORDANCE WITH CHAPTER 1724 OF THE OHIO REVISED CODE; AND, DECLARING AN EMERGENCY

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

Councilman Scarnecchia: Why do we have to use the CIC, I thought we did all the necessary paper work to turn all that property over to Churches for Housing?

Law Director Dull: The Churches for Housing is in a partnership with another organization. The city isn't authorized to directly transfer property in that situation. We had passed an ordinance a long time ago designating the CIC as an agent to transfer property like this.

Councilman Scarnecchia: Okay, thank you.

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Papalas, seconded by Lastic that this draft be adopted.

YEAS: 6 NAYS: 0

This Draft has been adopted this 1st day of March, 2006.

It was moved by Scarnecchia, seconded by Papalas to place Draft 17-06 on the agenda.
Motion carried.

ORDINANCE NO. ____ (Draft No. 17-06)

AN ORDINANCE AMENDING THE ZONING DISTRICT CLASSIFICATION FOR MULTIPLE PARCELS OF REAL ESTATE WITHIN THE THIRD WARD OF THE CITY; AMENDING THE ZONING MAP TO CONFORM TO THE NEW CLASSIFICATIONS; AND, DECLARING AN EMERGENCY

It was moved by Scarnecchia, seconded by Papalas to give this draft a first reading.

YEAS: 6 NAYS: 0

Councilman Scarnecchia: I would like to schedule a Public Hearing on the rezoning of the Third Ward.

President Marino: The Public Hearing will be April 19, at 5:45 p.m. on the rezoning of the Third Ward.

MISCELLANEOUS REMARKS

Mayor Infante: We are half way done with the Fourth Ward that should be coming in soon.

Mr. Fabrizio: At the next Finance Meeting I would like to discuss funding for the engineering design for the interceptor sewer project.

Councilman Fuda: The Mosquito Creek Restoration Committee is meeting Saturday at ten o'clock at Stevens Park at the Youth Cabin. Dave Wilkerson is here again. All council is invited. We do have a problem on Buckeye Lane. On two occasions emergency vehicles couldn't find Buckeye Lane. In fact the lady from the trailer park had to go on Difford Drive and wave down the emergency vehicle while this guy was having a heart problem. I asked the owner last summer to put a sign up and she didn't do it. The city isn't responsible to put the sign up. She wrote with chalk on a post that it was Buckeye Lane and the emergency vehicles don't know where that is. I sent the street department there last year and they said it was the responsibility of the trailer park to do that.

Service Director Guarino: It's private property; do they plow their own streets?

Mr. Mark Hess: Yes they do. Typically we don't put signs up on private streets.

Councilman Fuda: If they aren't going to put one up maybe we ought to put one up. Somebody better put one up.

Mr. Mike Burke: I'll call the owner, Frank tomorrow.

Councilman Fuda: I don't know who owns that now. Just see the manager at the trailer park. She is responsible.

Mr. Burke: When they call don't they say that they are at Buckeye Mobile Home, because there are a couple streets by there that they won't know either.

Councilman Fuda: I also want to thank Yovich again he tore that blue house down on Main Street and what a difference it makes and the house on Park Drive. He's doing a fantastic job

It was moved by Fuda, seconded by Papalas to adjourn this meeting. Motion carried 6-0.

Linda A. Yuhasz, Clerk of Council

Robert Marino, President of Council