

MINUTES

Niles City Council held its regular meeting Wednesday, March 15th, 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; Sacarnecchia-A; Cox-P; Stredney-P; Papas-P; Fuda-P; Marino-P. It was moved by Councilman Fuda, seconded by Papalas to excuse Councilman Scarnecchia. Motion carried. 6-0.

It was moved by Papalas, seconded by Stredney to accept the Minutes of the regular Meeting of March 1, 2006 and place them on file. Motion carried 6-0.

REPORTS AND COMMUNICATIONS

FROM: Office of the Building Inspector

Gentlemen:

The Niles Planning Commission in it's meeting of January 11, 2006, unanimously agreed to recommend to Niles City Council that the zoning at 345 Warren Avenue be changed from R-B Residential to B-2 Neighborhood Commercial.

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

FROM: Mr. Stephen J. Yovich, Jr.
The Housing Code Monthly Report for February, 2006.

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

Councilman Papalas: Mr. Yovich has been very active as you can see from the pictures and so forth. I have talked with many neighbors in some of these neighborhoods where he has been, where some of these homes and garages have come down and there are a lot of gratified people.

President Marino: I too remarked to the Mayor a moment ago how nice it is to see some of the blight plaguing some of our neighborhoods coming down. Mayor and Tony please convey our satisfaction with the progress.

Mayor Infante: I sent pictures with the report that Steve developed; there were ten sheds, garages or homes that were torn down from the last month. This brings the total to fifty one since the inception of the code. It is a great job that Tony and Steve have been doing. Keep it up.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

None

COMMITTEE REPORTS

Councilman Papalas: Tony, can we meet as a round table to discuss any issues you might want to talk about in the near future?

Anthony Vigorito: Sure.

Councilman Papalas: Is there an agenda you would like to put together for us and we will meet with you?

Anthony Vigorito: Okay, I have a couple of issues.

Councilman Papalas: Would next Wednesday be a possibility or is that too soon for you?

President Marino: Gentlemen, City Council has a two week break, so you would have the 22nd or the 29th.

Councilman Papalas: Let's do it the 29th.

Anthony Vigorito: Okay, that will give me plenty of time to check the legality of the issues.

President Marino: The round table meeting will be on March 29th at 3:00 p.m. in the conference room at City Hall.

ORDINANCES AND RESOLUTIONS

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

Draft No. 17-06 to be brought to the floor for the second time:

AN ORDINANCE AMENDING THE ZONING DISTRICT CLASSIFICATIONS 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 Papalas, seconded Fuda to give this draft a second reading.

Councilman Papalas: We have a Public Hearing coming up so we are doing this in a timely manner.

YEAS: 6 NAYS: 0

Draft 17-06 has been given a second reading.

RESOLUTION NO. ____ (Draft No. 18-06)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED SEWER FUND TO THE SEWER DEPARTMENT'S CONTRACTED LABOR ACCOUNT AND; DECLARING AN EMERGENCY.

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

Mr. Randy Fabrizio: In section two of this resolution you need to change the word "at" to "to" the Waste Water Treatment Plant.

It was moved by Fuda, seconded by Papalas to amend Section Two, line four "interceptor sewer lines to the Waste Water Treatment Plant." Motion carried 6-0.

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft has been adopted this 15th day of March, 2006.

RESOLUTION NO. ____ (Draft No. 19-06)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED GENERAL FUND TO THE MISCELLANEOUS GENERAL CONTRACTED LABOR ACCOUNT; AND DECLARING AN EMERGENCY.

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

Councilman Papalas: This is for the purchase of new more technical time clocks.

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 15th day of March, 2006.

ORDINANCE NO. ____ (Draft NO. 20-06)

AN ORDINANCE AMENDING THE AUTHORIZED STRENGTH ORDINANCE (ORDINANCE NO. 58-97) TO ADD THE POSITION OF “WORKING CREW LEADER” IN THE CEMETERY DEPARTMENT; TO ELIMINATE THE POSITION OF “SUPERINTENDENT” IN THE CEMETERY DEPARTMENT; TO ADD THE POSITION OF “TEMPORARY APPRENTICE LINEMAN” IN THE LIGHT DEPARTMENT AND, DECLARING AN EMERGENCY.

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

Councilman Papalas: With the result of restructuring we are bringing this ordinance out. You can see it's in three parts when it deals with the Cemetery Department and the other is a temporary position within the Light Department. It will enable us to train a lineman or begin to train one.

YEAS: 6 NAYS: 0

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

YEAS: 6 NAYS: 0

This Draft has been adopted this 15th day of March, 2006.

RESOLUTION NO. ____ (Draft No. 21-06)

A RESOLUTION AUTHORIZING THE TRANSFER AND APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED GENERAL FUND TO THE CEMETERY'S EQUIPMENT PURCHASE ACCOUNT; AND DECLARING AN EMERGENCY

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

Councilman Papalas: For the record this is for a tractor, weed whackers and to repair the roof of the chapel which is leaking.

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft has been adopted this 15th day of March, 2006.

ORDINANCE NO. ____ (Draft 22-06)

AN ORDINANCE ESTABLISHING NEW WAGE RATES FOR CERTAIN CITY EMPLOYEES; AND DECLARING AN EMERGENCY

It was moved by Papalas, seconded by Fuda to table this Draft. Motion carried.

RESOLUTION ____ (Draft No. 23-06)

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

It was moved by Papalas, seconded by Fuda to table this Draft. Motion carried.

It was moved by Papalas, seconded by Fuda to place Draft 07-06 on the agenda. Motion carried.

ORDINANCE NO. ____ (Draft No. 07-06)

AN ORDINANCE AMENDING NILES ORDINANCE NO. 9826-70; CHANGING THE ZONING FOR PROPERTY KNOWN FOR STREET NUMBERING PURPOSES AS 345 WARREN AVENUE, OWNED BY ROBERT GODFREY SR., FROM R-B RESIDENTIAL DISTRICT TO B-2, COMMERCIAL DISTRICT; AND, AMENDING THE ZONING MAP AS REQUIRED THEREIN

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

YEAS: 6 NAYS: 0

MISCELLANEOUS REMARKS

President Marino: Mr. Hillier, congratulations on your Working Crew Leader/Supervisor position. I am certain that the seven voting members over there will provide their own unwavering support whenever you desire to ask.

Mayor Infante: I was going to introduce Louie to you, as our new Superintendent. Part of our restructuring that we talked about at the Finance Meeting, as everybody knows the Cemetery is not self sufficient. Hopefully, this helps us on our way to get self sufficient. We are probably saving about thirty thousand dollars going this route instead of putting on a new superintendent. It will help us. I don't know if we will be self sufficient but we will try.

Mr. Mike Burke: The sign on Buckeye Lane is put up, okay.

Councilman Papalas: I have three issues. In talking to a couple of landlords in the past number of weeks, they complain and kicked around the fact that there are times that you get stuck because tenants leave and well the property isn't in the best condition and so forth. I was wondering if our landlords are often stuck without the rent being paid, how is our situation at this point, as far as utilities, if these people aren't paying the rent they can't be paying the utilities. Tom I was wondering do you have any facts on that?

Mr. Tom Telego: I don't have any thing with me right now but feel free to stop in my office.

Councilman Papalas: I'll come by and I want to see you Mayor while I am there.

Mayor Infante: We are in the same boat as the landlords.

Councilman Papalas: Another issue, about two weeks ago, Maurice Guarino, I gave you a paper that dealt with a junk car at 831 Warren Avenue. Do you remember?

Mr. Maurice Guarino: I turned it over to John Marhulik who is now off on sick leave; he got his knee operated on. Chief, is there any thing that you would like to add to that?

Chief Simeone: Yes, they went out and there were two cars, one was licensed and the other one was to be removed. The women had moved and they were trying to contact the woman. I don't know if it has been removed by now.

Councilman Papalas: No, its still there.

Chief Simeone: It will be removed tomorrow.

Councilman Papalas: Thank you, I appreciate it and so do those people. Finally, I don't really know who to talk to about this or I would have made a phone call over the weekend but it's come up on city council before. The gate on the old railroad bed at Summit Street, when you come up the hill on Olive on the right hand side it goes behind the old Summit Supply. That railroad bed now leads to a gas well where we have had complaints about people using it as a city dump or worse back there. The gas well company has the responsibility of keeping the gate locked. Well, it's been open for several days, wide open. I would like to know what we are going to do about this constant problem. I think that the gas well company should be responsible for it. They should be made liable for this mess. Who do we see about this?

Mayor Infante: We'll have the Fire Chief contact the gas well company.

Councilman Papalas: Well they should also be sited for it. Don't we have that in our ordinance that it is their responsibility? I believe that there is a condition where by that if this persists and this is a persistent problem. Somebody should be liable or responsible for cleaning all that junk up back there.

Chief Simeone: Council Papalas what we are having trouble with also there is that we have recovered two more stolen vehicles down along those tracks. What the four wheelers are doing, the people driving the four wheelers are cutting the locks off. That is how most of those gates are getting open.

Councilman Papalas: Chief I have spoken to other people in past reviews of gas wells and I know that they are suppose to go back and check the gas wells every couple of days. So there is no reason for those things to be left over. If the padlock is cut, the gas company should fix it right away. We just can't have this going on. So, what are we going to do besides call the company and tell them to come fix the locks?

Mr. Terry Dull: Steve, let me take a look at the ordinance and see what section we could use and I could also put them on notice if there are continued problems like that.

Councilman Papalas: Can you send me a copy of that letter and I am going to put it away and the next time that gate is unlocked I am going to bring it out, here at this meeting and everyone is going be reminded very strongly about wanting something done. I think Rudy Gallucci as you recall came here to the meeting and he wasn't happy about what was back there. You remember other people along James Street and that area that doesn't like what's back there will also be very disappointed if something isn't done about this. I don't think you would want them coming to council.

Mayor Infante: I will say that the last time that happened, we were down there and we cleaned it up. We are not going to clean it up again. It will be up to them. The street department cleaned it up the last time.

Councilman Papalas: Mayor, I agree a hundred percent with you. That is what I am saying. Why should we be responsible, it's their puppy?

President Marino: Absolutely. Who owns the property? Is it the property owners responsibility to clean it up, Terry or would it be the gas well company responsibility?

Mr. Terry Dull: I would expect that there is probably something in the lease that throws that responsibility onto the gas well company. Ultimately the property owner is responsible because it's their property.

President Marino: It might be wise to "cc" a copy to the property owner so they are aware also. Let them know that this has been an ongoing problem and they may be responsible to clean that dump up.

Mr. Randy Fabrizio: In that area, the entrance drive to the Waste Water Treatment Plant is completely littered with debris and junk, they feel that it's a dump back there also. The entire side is lined with shingles and old carpeting, sofa and chairs that people don't want. The entire drive way is a junk yard. If you shut that gate up there we are just going to get more junk down here.

Mayor Infante: We could put a gate way up there on that road.

Mr. Randy Fabrizio: We also should consider putting some signs up.

Councilman: Cox: South Main Street, we had a few people complaining that it is so dirty. Mr. Clayman bought a sweeper to keep his lot clean and that is where most of it's coming from.

Councilman Fuda: I want to thank Tony and Steve Yovich for the great job on Park Drive; got that house leveled and you wouldn't even know a house was there. Looks great. Also, before the meeting we had SPAN Ohio representatives from some of the unions come in and speak. I would like to make a resolution for the next meeting dealing with state health care.

President Marino: Would that be sponsored as council as a whole?

Councilman Fuda: Yes. Terry, I have a resolution from Struthers that you can look at.

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

Linda A. Yuhasz, Clerk of Council

Robert Marino, President of Council