

MINUTES

Niles City Council held its regular meeting Wednesday, August 16, 2006 at 6:00 p.m. in Council Chambers, Safety-Service, Niles, Ohio. The meeting was called to order by the President of Council, Robert Marino, and the Clerk; Linda A. Yuhasz called the roll.

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

It was moved by Fuda, seconded by Stredney to accept the Minutes of the meetings of June 21, 23, and June 26, 2006 and place them on file. Motion carried.

REPORTS AND COMMUNICATIONS

FROM: The Treasurer's Office
City Income Tax Receipts for June and July. 2006.
It was moved by Lastic, seconded by Papas to accept the reports and place them on file.
Motion carried.

FROM: The Auditor's Office
The Estimated Versus Actual Revenues through July, 2006 and the Second Quarter Status Reports for 2006.
It was moved by Scarnecchia, seconded by Fuda to accept the reports and place them on file. Motion carried.

FROM: Governor Bob Taft
A letter confirming the receipt of Resolution No. 16-06 regarding the proposal to locate a new Honda Motor plant in Niles.
It was moved by Stredney, seconded by Fuda to accept the letter and place it in file.

FROM: Ohio Dept. of Commerce, Division of Liquor Control
A letter notifying City Council that all permits to sell liquor will expire on October 1, 2006. If City Council or the Chief Legal Officer has any objections they should be submitted by September 1, 2006.
It was moved by Scarnecchia, seconded by Cox to accept the letter and place it on file and to await the report and recommendation from the Safety Director and the Chief of Police. Motion carried.

FROM: The Ohio Division of Liquor Control
A transfer of the liquor permit from Webster Corp. DBA Great American Stake Out to Game Enterprises LLC.
It was moved by Scarnecchia, seconded by Fuda to accept the letter and place it on file.
A transfer of the liquor permit from Niles Ribs Ltd. to Verina LLC DBA Damon's Restaurant
It was moved by Scarnecchia, seconded by Fuda to accept the letter and place it on file.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Dave Anderson of 1132 Gardenland, Weathersfield Township: I want to talk to everyone about the noise we are having in our neighborhood from McMenemy's. We came here tonight to see how you are addressing that and to see if we can't get something solved. We have copies of three ordinances that Niles has for laws and they aren't being enforced. I talked to the Mayor's office or Council and they say it is the Police Department's fault, I talk to the police and they say it is Council's fault that the laws aren't strong enough. They seem quite strong, they seem to make a statement if you are making noise and you disturb your neighbors, you either quiet down or shut down. One ordinance even states a fine. I brought my neighbors along with me and there are people in Niles, in that area who are complaining also and we like you to address it, if you could.

Police Chief Simeone: I have spoken to Mr. Anderson and after that I have spoken to Mr. Leonard and I spoke to the Law Director. We have been doing some research; we even looked at the decibel ratings. I talked to you that morning that at sixty decibels it is a typical classroom sound. I don't know how we can enforce readings like that when our officers go out and test it and the traffic going by your house is louder than the music that is coming out. The ordinance says "at the edge of the property line". He has thirty acres, so if we go all the way back to the edge of the property line it is not exceeding the decibel levels. My feeling is, it's just my feeling, council and the Law Director has the final say so, but we have to have an ordinance that fits into the city for all functions. We get complaints every time somebody has something, the Rib Fest to fireworks to festivals. We are constantly getting complaints, we don't have a problem enforcing them, we just want to make sure that what we are enforcing we are going to enforce for the whole community. Decibel readings have to be addressed. The night that you called (Mr. Anderson) an officer did go up. One of our officers felt that it was a legal outdoor concert; he felt that it wasn't loud enough to address. Another officer, one of our supervisors went and spoke to Mr. Leonard and had him turn it down. The second night one of our Captains went and he was setting up the decibel reader and after ten or fifteen minutes after we got there they shut the music down. We are willing to do our jobs and I understand your feeling it is just that I want to make sure that what we do is going to fit into what is going to happen in the rest of the community.

Mr. Dave Anderson: There are three ordinances; you are speaking of the sixty decibel ordinance which you people passed. That law was passed by council back in 1994. You passed it. It's a law. The two laws that were passed in 1992 basically say if you are having a party at your home and you are disturbing my home, you better quiet down. That is disturbing the peace. I don't know what the definition of disturbing the peace is, but when my windows are shaking at two' clock in the morning and I call and I don't get any results, to me that is disturbing the peace. My neighbors all have the same problem and I am almost a mile away from Leonard's. I don't understand anything else going on in the city, that is not affecting me, this is affecting me. It is affecting our peace up there. It is a very quiet, peaceful neighborhood except for this. This wasn't a problem when he was part of Weathersfield because the Weathersfield Police Chief told him I will shut you down, I will arrest you and I will arrest your band. Right after that he got annexed into

Niles and the problems have started for over three years. We are asking you as good neighbors to do something, let's get them to quiet down. Thank you.

President Marino: Chief if you have any suggestions maybe Mr. Scarnecchia and the Safety Committee might have a meeting and you'll be able to share your thoughts with the committee, mayor and law director and possibly revise that ordinance in terms of the decibel.

Chief Simeone: Again, that is what we have to look at when we are looking at these businesses of what they are going to be doing when they are getting their permits for their liquor licenses and different things.

President Marino: You remarked about disturbing the peace, is that legitimate?

Chief Simeone: It is, but again it goes to the discretion of the officer as to what is disturbing. When it is a business, we listen to loud noises all night long. At my house I listen to the steel mill in McDonald talking back and forth to each other and it is all night long. The trains and I understand what you are saying; it is just that I want to make it fair for everybody that has a problem for the businesses that do want to come in to the city.

Mr. Dave Anderson: But is his noise necessary, is it necessary to have the music so loud that it blows your eardrums out? You are talking about an area this big sitting in front of a band, let them listen to it just turn it down, they can hear it. I don't have to hear it.

Chief Simeone: I know that you have been there and I know officers have been right in front of your house and they have tested it and it hasn't even hit 60.

Mr. Dave Anderson: It was 49 or 50.

Chief Simeone: Forty nine or fifty, in fact if I remember the report, it was a year ago, but the car going past and the empty field with the crickets were louder on the decibel meter than the band.

President Marino: Rather than debate this issue in front of Council the appropriate venue would be to discuss this issue in front of Mr. Scarnecchia's committee. Do you have a time frame in the next two weeks, Tom, when you will be calling a Safety Meeting?

Councilman Scarnecchia: Yes, we are going to be calling a Safety Committee Meeting next Wednesday at 3:00 p.m.

President Marino: Is this going to be one of your agenda items, the Chief's discussion regarding our noise ordinance?

Councilman Scarnecchia: We are going to add that.

President Marino: Those of you in the audience wishing to discuss the noise ordinance I encourage you to attend our Safety Committee Meeting and that is where they will begin the possible revisions of that ordinance to better address your concerns.

Councilman Fuda: When we had the problem at the Rib Roast, we had the band change direction and it kind of solved some of the problem. They can face the band toward some trees that might be out there that will slow down the sounds.

Mr. Dave Anderson: This weekend if they have anything planned, we are going to have noise, what rebuttal do we have for this weekend?

President Marino: That would be in the hands of the Chief of Police and as he mentioned the officers on duty.

Chief Simeone: I had quite a long conversation with Mr. Leonard and we talked about if there was some noise barrier they could put up. It does go out towards the trees. It is not towards the building and empty lot it's towards the trees. Mr. Leonard is a business man and he is willing to try and work something out also.

President Marino: I guess if they have something this weekend we are all going to be inconvenienced and I know that is not the answer you folks want to hear and I too hear it. I heard it all day that Saturday from 3:00 p.m. until 11:22 p.m. My neighbors all shared their displeasure with the music as well. On behalf of City Council we would beg your indulgence until next Wednesday. You can better exchange ideas and the Chief will come to the table with better suggestions.

Safety Director Guarino: We did have a meeting and the Chief and I have had many discussions on this to try and find a solution. The answer is not always easy, but with council's help maybe the Chief will be able to help these people. (The rest was inaudible)

Councilman Scarnecchia: I live on the other side of town and I would appreciate (inaudible) if this is going to happen. Is this every weekend?

President Marino: No, it is not every weekend.

Councilman Scarnecchia: If it's this weekend I would appreciate a call to come up and hear it before we have our Safety Meeting. Second, is this a mutual problem, is this not Weathers field's problem too? The music is played in Niles, but the complaints are coming from Weathersfield.

President Marino: No, they are not all coming from Weathersfield. I've had individuals coming to my home that Saturday that Mr. Anderson spoke of at four o'clock in the afternoon asking if I heard that noise, then I got a call at eight, then at nine, then it stopped at eleven twenty two. The night before we all heard it as well. Those individuals aren't here this evening, but there have been individuals in our community that have expressed displeasure with the noise.

Lucas McCartney, 603 Cherry Street, Niles, Ohio: I have a question; does the city have the authority to inspect an empty rental house?

Mr. Anthony Vigorito: If it is definitely vacated you are not allowed to go inside it until it's occupied and the tenant invites us in. You still have to have permission to go into a home.

Judy Harper, Nash Street, Niles, Ohio: We are having problems with our neighbor, they have two good size hogs and the smell is nauseating. The man from the animal control came out, I can't remember his name. They also have two or three turkeys, chickens and three big dogs, hogs, not pigs, two hundred and fifty pounds and one hundred and seventy five pounds. They are lying in all their feces and it is running down in our yard and the other neighbors' yard and the smell is horrible.

Mr. Mike Burke: I had the animal control officer out there and I thought that the hogs were gone.

Judy Harper: The hogs are gone. The turkeys aren't gone and the chickens aren't gone and the smell is still there and we were wondering if there could be something done because there is no ordinance saying that you aren't allowed to have farm animals.

Mayor Infante: I think as far as the turkeys, they were told that you have to have a concrete pad and if they don't they have to get rid of the turkeys. I haven't talked to Mark this week.

Mr. Mike Burke: I know that Mark has been there several times. Mark and Mayor Infante are working on some legislation on updating the ordinances on non domesticated animals. Terry, did Mark talk to you as well about that?

Mr. Terry Dull: I know he was working on something like that.

President Marino: Mr. Scarnecchia, I believe that too will be added as an agenda item.

Councilman Scarnecchia: I know that we have an ordinance in regards to animals, chickens and so forth in the city ordinance.

President Marino: Terry, are you going to be at that Safety Meeting, next Wednesday at three?

Mr. Terry Dull: I am ninety nine percent sure.

President Marino: Would you and the Mayor have a revised ordinance to share so that they have something concrete to look at before they discuss it? This will be before the Safety Committee next Wednesday and they will discuss it and then it will be in the hands of Mr. Scarnecchia and the Safety Committee and all the members of Council.

Mr. Chuck Johnstone, 145 Sheridan Avenue, Niles, Ohio: I too have questions about rental properties. Is it true that Niles has a fifty/fifty basis of rental property?

Mr. Anthony Vigorito: The actual city holds thirty percent. There are a few wards that are closer to fifty percent.

Mr. Johnstone: I know that there a lot of rental properties on my street and the upkeep of them from the actual owners is at times atrocious. I want to thank Mr. Burke for his help, every time I come down he is right there on the spot and he seems to follow up and makes sure that everything is done the way it is suppose to be done. Once he leaves it seems that a month will go by and I will have to come back to his office to tell him that I have piles of garbage on the devil strip, trash and broken windows, you name it. This goes on and on. One house is owned by a fireman and he lives a block away and he can't come over and paint the house. If you are going to make money off of these properties in the City of Niles you should have to have some type of ordinance to make sure these people are actually taking care of the property. I think there should be some type of an ordinance where the owner has to take care of the garbage rather than the renter. When the renter moves out the garbage is picked up. Every time one of these renters leaves, I am back down Mike's office and he has to get hold of BFI because there trash all over the neighborhood. I think that there should be something done as far as an ordinance making sure that the home owner has to take care of the garbage.

Mr. Anthony Vigorito: We have a housing ordinance that addresses all those issues that you brought up and it takes time to do that. If the tenant doesn't take care of garbage or broken windows, you file a complaint with the housing department and the housing officer sends the owner a notice to take care of it. You still have to give him thirty days to address the issue, so that is why sometimes it (inaudible) because you have to give the owner an opportunity to take care of things. The same thing with the one that is not painted all you to do is come down to the office and file a complaint ,that complaint would be taken care of, the housing inspector goes out to see if the complaint is justified according to the housing code. If it is, he sends him a notice and gives him thirty days to act upon it and sometime according to the weather you have to get him extra time to do it but it is usually all taken care of. Ninety nine of our problems get solved right away unless we end up in court with them and they end up on the condemnation list which goes to the Housing Board and we try to get them boarded up.

Mr. Johnstone: Some of these properties are vacant. The people that actually own the house to begin with have abandoned the house and moved to Montana or Utah or where ever they decide to go. Then it becomes the issue where you have to come down and find Mike and say the grass is knee deep. Mrs. Abernathy, God bless her, she got to be seventy five or eighty years old, she cuts half of the property just because she wants to make sure that the property looks nice to her adjoining property. That is what the neighbors actually do; they cut the grass so Mike doesn't have to come down. We have got a swimming pool behind that house with boards across the top of it but it is not safe. There is a water issue there with mosquitoes and every thing else. It's just an ongoing thing; can't you get the banks to take care of things? Every time you ask what's going on

they say they don't know. We need to find some answers to take care of these problems with the mortgage companies that own these properties. Can't the city say to these mortgage companies flat out, we are going to do some thing here quick? It's getting bad in our neighborhood, real bad.

Councilman Fuda: It is all over the city, not only in Niles it's every where. These mortgage companies, people are getting up and leaving their home because they don't have the money to pay for them. The mortgage companies just let them sit there a month or a year some time. The residents all over the county have the same problem. We tried to address that last year when Freemont Camerino was here if you remember, and we did it in my ward.

President Marino: That was one house, Frank in the whole city.

Councilman Fuda: No, there were a bunch of them.

President Marino: Do you mean the one down on Morningside?

Councilman Fuda: That took a long time to fight those people.

Mr. Anthony Vigorito: We have one hundred forty vacant homes that are just abandoned homes. We are trying to keep up with the lawns, keep up with the exterior, we have to do title searches and some time the banks haven't even been informed that they vacated the house yet. It goes through a lengthy process. I had a house next store to me that was three years vacant. I mowed the lawn and tried to keep the place looking nice myself. Again, I understand the issue but by the time you search the property down and try to get in contact with the mortgage company which could be in Michigan or California, they don't care what that property looks like.

Councilman Fuda: When they do Tony, they take it and sell it to someone in Cincinnati who sells it to someone in Pennsylvania and we are chasing around trying to find out who owns these homes.

Mr. Anthony Vigorito: It is tough to keep after them. Once we get the complaint we go after them but it is a lengthy process to track it down.

Councilman Fuda: Terry, can we write some type of law to put some pressure on the lending institutions?

Mr. Terry Dull: We attempted that in our housing ordinance, we have had situations that once we identified the mortgage company to put pressure on them to try to force them to upkeep the property. Really it's getting to be such a problem not only in the state but nationally and needs to be addressed by a larger organization than us. One of the problems we have that during the foreclosure process, the property owners still own the property and the mortgage company doesn't own it yet.

Councilman Fuda: On Mistletoe, somebody tried to buy that lot after we tore it down, but it's so expensive because we kept cutting the grass and they couldn't afford to buy the lot. It was close to fifty thousand dollars for this corner lot.

President Marino: Tony maybe Mr. Johnstone could share the addresses with you right after the meeting or tomorrow and Steve could put that on his list of regular checks. We have had other hot spots in the community and when council has kind of zeroed in on it things have gotten better, not to where we like it, but they have improved.

Mr. Johnstone: That is why I give credit to Mike, he comes back around, I'll be outside cutting grass and he will stop and say what's going on, how things are going. Mike does come around. The house directly next to me didn't have a bunch of windows in it; I have filed a complaint three times. They came over and put plywood on the windows, four month, five months it still has plywood on the windows. No body lives in the house. I could tell you who owns the house, I can't stand the guy. It gets to the point where it's an ongoing battle with the guy and I have to track Mike down every time to get the grass cut and the garbage. One guy had his business run out of his house. He had nothing but scraps and was a junk man. Time after time here comes another car, here comes the refrigerators, here comes the stove; they sit out in the driveway. By the time I call the police he has got them covered up. It is an ongoing battle, Mike will tell you (inaudible) Hi Mike I'll be over and he knows exactly where to go. It gets to be very frustrating. The homeowner is renting the property and I can use this guy as an example. He doesn't have the garbage in his name; he makes the renter pay it. So, as soon as the renter doesn't pay for his garbage and skips out, there is all this garbage. I have to call Mike, Mike has to call BFI, then Mike has to track down the owner and the owner doesn't return his call.

President Marino: Were we looking at combining the garbage bill or making everybody get garbage service, Mike?

Mr. Mike Burke: (Inaudible) it's mandatory to have garbage service (inaudible) we do have health ordinances that address this (inaudible)

President Marino: And the Judge does what in these cases?

Mr. Mike Burke: Fines them but they don't go away (inaudible).

President Marino: One would hope that an individual is a repeat offender in front of the judge you would kind of get sick of it and say enough is enough. So the problem is not all with city council obviously, it's with the individuals that sit in this room.

Mr. Anthony Vigorito: They go out and clean up and then they go back to it.

Mr. Mike Burke: It's true but I can certainly help with (inaudible).

Mr. Mike Williams, 562 Stanton Street, Niles, Ohio: We have wild cats running around our neighborhood all the time and feces and urine on my flower beds and the flower beds

around my neighborhood. What are we suppose to do about that? I was told by Mike Burke over here to go ahead and throw moth balls down around our house. I paid as much as I paid for my house to smell like a bunch of cat urine and to use my flower beds as their box to go do their business in. If one of my kids go out there and get hold of a moth ball, we got problems. I have to have my dogs on a leash and get my dog a license, we got umpteen cats running around the neighborhood and we don't do anything about it.

President Marino: Mayor did the dog warden get the cats.

Mayor Infante: He gets the wild ones. The other ones he tries to bring them to where they should go. We don't have a leash law on cats.

Mr. Mike Williams: We have them on dogs, I have to have my dog on a leash in my yard whether it is fenced in or not, then I get (inaudible) the dog catcher to go ahead and throw moth balls around my house. So, my house smells like moth balls after I spent three hundred dollars on mulch across my yard, I got cat feces, cat urine around my house.

President Marino: The leash law regarding felines would be in the hands of council and I believe that too would be for the safety committee. Mike, City Council did entertain a passage of a leash law for cats and there were five hundred people packed in this room.

Mr. Mike Williams: I have to have my dog on a leash, religiously she has to be taken outside, tied up. I have to go get her a license which cost me another fifteen dollars and I still have shots for her every year. So, why do I have to do it and anybody in here that has cats doesn't have to? I have two cats and they have been fixed every year. The thing is that you know whose cats they are and if you shoot them you are getting arrested for shooting a firearm in the city limits. So, if you set poison out you are going to get arrested for something else. What do you do with it? I shouldn't have to put moth balls around my entire house so it smells like moth balls, like my grandmothers house. I don't see why I have to pick up cat feces that are not my cats. My cat does not leave my house off the front porch, we have a screened in front porch they do not leave it. So, why does somebody else's cat up the street from me come over and use my flower bed as their litter box? Is it going to be resolved? What do we do?

Councilman Scarnecchia: First of all I would like to say do you know whose cats these belong to?

Mr. Mike Williams: Yeah I know who they are. They do have others cats that run from the other streets over that come over and push my screen door all day to get to my female cat, who are fixed.

Councilman Scarnecchia: Have you ever called the Animal Control and what did.....?

Mr. Mike Williams: I was told to take matters in my own hands. So, if I take them into my own hands then what, I get arrested for animal cruelty?

Mayor Infante: We don't have any laws on cats, Tom.

Mr. Mike Williams: If I have a pit bull or if I have a bull dog than we have a vicious animal ordinance on my dogs that aren't vicious.

Councilman Scarnecchia: May I ask the clerk before the next council meeting if she could from our neighboring cities see what type of a cat ordinance there is that we could look at.

President Marino: That may be better placed in the Law director's hands rather than our clerk. Maybe his secretary can do the research for us.

Councilman Scarnecchia: Okay, would you like to do that and have it ready if possible for our safety meeting next week.

Councilman Fuda: Do we still have the Animal Welfare League? They were doing research on that about four years ago, but we never heard back from them. They were going to check in different communities, Terry you might want to check with them.

Mayor Infante: You could also put a license on cats. Dogs have to have licenses.

Mr. Mike Williams: But, they still run around the neighborhood that is the thing.

Mayor Infante: But once they catch a cat with a license they know who it belongs to and they can fine them.

Mr. Mike Williams: (inaudible) a tracking system in their necks, we got probably fifteen cats over in the south side that run the neighborhood freely. They have become a nuisance to me. When I go and spend three hundred dollars on mulch for the year and someone else's cats coming over and using it as a bed.

Councilman Scarnecchia: Nothing can be resolved in one week you know that. We are going to try to approach this, legally.

President Marino: You might want to have your meeting here. You might want to call the Judge and ask to use his chambers.

Lucas McCartney, 603 Cherry Street, Niles, Ohio: Back to these rental properties and landlords, I understand people complain year after year after year, when is enough, enough? Why can't you after so many strikes, pull their renters license? If you get them in the pocket book that is the only way you are going to get them to stop.

President Marino: Well, unfortunately those guys that control the legislative, executive that is judicial, the judge. I know that Mr. Yovich, Mr. Vigorito, and Mr. Burke are in court regularly. I am not trying to beat up the judge, if it sounds like that it is not my

intent, but it is his responsibility sitting in this chair to administer the law. So, we can't answer for him.

Councilman Scarnecchia: We can give him the teeth, but we can't give him the bite.

Mr. Terry Dull: We do have a provision in the Housing Ordinance where we have the ability to revoke somebody's rental permit. We have had a couple of cases in the last couple of months where we were ready to take some action, so that if we had somebody that becomes a repeat problem all the time as far as looking at the ordinance. It is a good point that you are bringing up and we are starting to look at that.

Mr. Johnstone: May I ask one more question? How do we as the homeowner living next to the rental property go about getting into your office saying, look we have an ongoing problem here. The last renters broke into the neighbor's house next store. It gets worse, how do we go about getting information to you so you can stop this?

Mr. Terry Dull: What we are allowed to act on is situations where somebody is actually violated the Housing Ordinance. In this case it would have to be the landlord himself violating it as oppose to his tenants. That is what I was referring to for example people that aren't taking care of garbage and those types of things. If there are complaints made to the Housing Department or the Health Department, if you keep making those complaints I think that is your best route to getting it done.

Mr. Johnstone: It gets to the point where I come home at two o'clock in the morning and I have people urinating on my garage. It is ridiculous.

COMMITTEE REPORTS

President Marino: There will be a Safety Committee meeting on August 23, 2006 at 2:30 p.m. the location will be determined. If you contact the Clerk of Council she will let you know the location.

Councilman Fuda: I do have a meeting at 6:45 here; you are welcome to stick around after with the people on Nancy Street.

ORDINANCES AND RESOLUTIONS

RESOLUTION NO. ___ (Draft NO. 52-06)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED LIGHT FUND TO THE POWER ACCOUNT; AND DECLARING AN EMERGENCY.

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

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No. 52-06 has been adopted this 16th day of August, 2006.

RESOLUTION NO. ___ (Draft No. 53-06)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED POLICE & FIRE ½% TAX FUND, TO THE EQUIPMENT PURCHASE ACCOUNT; AND DECLARING AN EMERGENCY.

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

Councilman Scarnecchia: Yes Mayor what is this one?

Mayor Infante: It is to appropriate money for a grant that the chief got for equipment and we get reimbursed.

Councilman Scarnecchia: Okay, any particular type of equipment?

Chief Simeone: This is a fifty thousand dollar total reimbursement grant from the Ohio Federal Homeland Security. We are going to be purchasing equipment to assist the departments.

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No. 53-06 has been adopted this 16th day of August, 2006.

Councilman Fuda made a motion to adjourn to executive session. Councilman Scarnecchia seconded the motion.

YEAS: 6 NAYS: 0

Council adjourned to executive session at 6:55 p.m. to discuss the OPBA Contract.

Council reconvened at 7:07 p.m. from executive session. The Clerk, Linda A. Yuhasz called the roll:

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

RESOLUTION NO. (Draft No. 54-06)

A RESOLUTION APPROVING THE AGREEMENT BETWEEN THE CITY AND THE OPBA PATROLMAN REGARDING A NEW LABOR CONTRACT; AND, DECLARING AN EMERGENCY.

It was moved by Fuda, seconded by Papas to suspend the rule requiring three readings.
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 No. 54-06 has been adopted this 16th day of August, 2006.

RESOLUTION NO. ___ (Draft No. 55-06)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED CEMETERY FUND TO THE EQUIPMENT PURCHASES ACCOUNT; AND DECLARING ASN EMERGENCY.

It was moved by Papas, seconded by Fuda 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 No. 55-06 has been adopted this 16th day of August, 2006.

RESOLUTION NO. ___ (Draft No. 56-06)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED WATER FUND TO THE BUILDING MAINTENANCE ACCOUNT; AND, DECLARING AN EMERGENCY.

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

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Papas, seconded by Cox that this Draft be adopted.
YEAS: 6 NAYS: 0

This Draft No. 56-06 has been adopted this 16th day of August, 2006.

RESOLUTION NO.____ (Draft No. 57-06)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED SEWER FUND TO TWO ACCOUNTS IN THE SEWER DEPARTMENT; AND DECLARING AN EMERGENCY.

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

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No. 57-06 has been adopted this 16th day of August, 2006.

It was moved by Councilman Scarnecchia, seconded by Councilman Fuda to place Draft No. 58-06 on the agenda. Motion carried.

RESOLUTION NO.____ (Draft No. 58-06)

A RESOLUTION INDICATING COUNCIL'S SUPPORT FOR THE PROPOSED NILES WELLNESS CENTER AND AUTHORIZING THE MAYOR, SERVICE DIRECTOR AND AUDITOR TO TAKE PRELIMINARY ACTIONS REGARDING SAID PROJECT.

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

Councilman Scarnecchia: Okay this is for us to move ahead, for Council to move ahead with this. Before it gets to construction stage we will be enlighten as to how much and plus the details on proposed generated revenue, is that not correct, Mayor?

Mayor Infante: That is correct Tom; we have an estimate on how much it's going to cost, 3.6 million, what revenue is going to bring in about five hundred and sixty thousand per year. Neil is working on notes to get the thing started. After you pass this tonight and give it the okay we will turn around and start with the (inaudible) architectural. Terry will be bringing in ordinances after ordinances. We have a list, an agenda on how to proceed from here.

Councilman Scarnecchia: But the final, before it is an automatic go, we will know?

Mayor Infante: Absolutely.

Councilman Scarnecchia: Because right now it is all estimated, right?

Mayor Infante: Right.

Councilman Scarnecchia: Okay that is all I wanted to know.

YEAS: 6 NAYS: 0

This Draft No. 58-06 has been adopted on this 16th day of August, 2006.

MISCELLANEOUS REMARKS

Mayor Infante: The week of August 28th we have the tire pick up. I passed out a sheet for each councilman. It states what ward, the day they will be in, the Street Department will be picking up tires. Four tires per person, no rims, I am sure that if you put more they will take them. I think the 28th is the First Ward, the 29th is the Second Ward, 30th is the Third Ward, the 31st is the Fourth and the last day they will go around in case they missed somebody. We get reimbursement for all that.

Councilman Fuda: They will be putting this in the paper?

Mayor Infante: Yes, it's been the paper.

Councilman Lastic: Yes, Terry, Bruce and Mr. Guarino be aware that I received a call on Fuel Mart on West Park selling beer and wine, it's across the street from St. Stephen's School and Church and someone said that they weren't allowed. I don't know the exact answer on that, but be prepared in case you get a call. Also, a special thank you for (inaudible) the memorial service for the girl that passed away in the fire (inaudible) middle school she did a nice job.

Councilman Scarnecchia: Several things, first of all it is my understanding that effective September 1st, I believe, Mayor that the cemetery is going to have new rules. Have you heard this?

Mayor Infante: We have already posted the rules back in the spring, we posted them inside.

Councilman Scarnecchia: Inside, okay. Has the paper done anything on this because it is going to be a new, new rule?

Mayor Infante: It is not a new rule; it is an existing rule that is going to be enforced.

Councilman Scarnecchia: It is going to be enforced which I have heard from several people already that they can't plant flowers.

Mayor Infante: You can still plant flowers, you can't put (inaudible) around it.

Councilman Scarnecchia: I just want to make sure that the public is aware. Secondly, our Safety Committee that is meeting next week, I will inform you as to where we are going

to have it because now we have several topics. I would like to make sure that all of council is invited to the Safety Meeting and I also certainly would like the Mayor, which he always attends, the Safety Director, the Police Chief, and Mr. Telego and of course the Law Director if he is feeling up to par, at this meeting.

Councilman Stredney: One thing for Mr. Telego who is not here, so Mayor if you could pass it on to him, myself and a few of the Councilmen are getting some e-mails through the city web site. I don't know where these people are sending them or who is sending them. Bob and I are sending the same e-mail back and forth. We are not sending it; it is some virus or something.

President Marino: But, it is coming through the City of Niles Web site and it is not a very appropriate one.

Councilman Fuda: Chief, I am getting a lot of concerns in the Mauro Circle area. I guess a lot of kids accumulate there at night and make a lot of noise, especially on weekends. One night they were hitting golf balls into the house across the street, people were concerned about that. I am having a meeting; it should have started a half hour ago.

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

Linda A. Yuhasz, Clerk of Council

Robert Marino, President of Council

YEAS: 6 NAYS: 0