

## MINUTES

Niles City Council held its regular meeting Wednesday, December 6, 2006 at 6:00 p.m. in Council Chambers, Safety-Service Complex, 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; Scarnecchia-P; Cox-A; Stredney-P; Papas-P; Fuda-P; Marino-P. It was moved by Stredney, seconded by Scarnecchia to excuse the absence of Councilman Cox. Motion carried.

It was moved Papalas, seconded by Stredney to accept the Minutes of the regular meeting of November 15, 2006 and place them on file. Motion carried.

## REPORTS AND COMMUNICATIONS

FROM: The Office of the Building Inspector  
The Housing Code monthly report for October 2006.  
A motion was by Papalas, seconded by Papas to accept the report and place it on file.  
Motion carried.

Councilman Papalas: This is an ongoing minutes of the meeting and this is an ongoing activity of our Building Inspection Department. As you can see we have many, many homes that are being inspected. This includes the property and this is our strong effort to protect the property value of this city. I hear from them all the time about various aspects of the neighborhoods and what we need done. I want to congratulate Anthony and Steve for continuing to take care of this.

FROM: The Office of the Park and Recreation and Cemetery  
The November Cemetery Sales Report for 2006  
A motion was made by Papalas, seconded by Stredney to accept the report and place it on file. Motion carried.

FROM: The City Income Tax Office  
The monthly receipts through November, 2006  
A motion was made by Papalas, seconded by Papas to accept the report and place it on file. Motion carried.

Councilman Papalas: I would like to ask if you are feeling comfortable with the way that things are looking right now.

Income Tax Director Smathers: Absolutely, we are one hundred and fifty eight thousand dollars over from last year at this time and we are aggressively pursuing delinquent accounts. I have fourteen more cases going to court next week and approximately thirty

to forty more letters went out. Those people will be filed on too, about the first of January. I am very comfortable with the way things are right now.

Councilman Papalas: Thank you Lisa.

FROM: The Municipal Court  
The Probation Report thru November 30, 2006.

A motion was made by Scarnecchia, seconded by Lastic to accept the report and place it on file. Motion carried.

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

None

### **COMMITTEE REPORTS**

None

### **ORDINANCES AND RESOLUTIONS**

#### **RESOLUTION NO. \_\_\_ (Draft No. 79-06)**

#### **A RESOLUTION AUTHORIZING THE EXTENSION OF THE “AGREEMENT FOR INDIGENT DEFENSE SERVICES IN MUNICIPAL COURT” CONTRACT; AND, DECLARING AN EMERGENCY**

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

Councilman Papalas: This is a routine ordinance Terry needs it for the coming year. It deals with the Indigent Defense Services.

Councilman Scarnecchia: Terry do we usually stay under the price that we budget on this?

Mr. Terry Dull: We pay the entire amount but we really get a lot of service with this.

Councilman Scarnecchia: But we usually don't go over this, do we?

Mr. Terry Dull: No, there may be some unusual situations where the conflict of interest the public defenders office has and we may have to bring some one else in. This is a steady figure. We really are getting a lot for our money.

**YEAS: 6    NAYS: 0**

Rules are suspended.

It was moved by Papalas, seconded by Papas that this Draft be adopted.

**YEAS: 6 NAYS: 0**

This Draft No. 79-06 has been adopted this 6<sup>th</sup> day of December, 2006.

**ORDINANCE NO.\_\_\_\_ (Draft No. 80-06)**

**AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR THE REPAIR TO THE ROOFS OF THE BUILDINGS AT THE WASTEWATER TREATMENT PLANT; AND, DECLARING AN EMERGENCY**

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

Councilman Papalas: Gentlemen this will cover two of the major buildings with the roofs. Also, some patching in some other areas. This is not the Cadillac of what could have been done. Randy did a good job of trying to keep this in line.

Councilman Fuda: The reason we are repairing rather than re roofing is because of the life expectancy of the plant. We don't want to put a lot of money into a new roof. Randy did a nice job.

**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. 80-06 has been adopted this 6<sup>th</sup> day of December, 2006.

**RESOLUTION NO.\_\_\_\_ (Draft No. 81-06)**

**A RESOLUTION AUTHORIZING THE YEAR-END TRANSFERS AND/OR APPROPRIATIONS; AND, DECLARING AN EMERGENCY**

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

**YEAS: 6 NAYS: 0**

Councilman Stredney: Are we just closing out all the year end accounts?

Councilman Papalas: No we are not closing them out. This is done routinely this time of the year because in some cases for example gasoline we weren't able to know when the budget was set what the price would be. In the Park Department, we have a full time secretary now where as before Lisa went over to the Treasurer's Office there was a different structure there. The Probation Officer in the court sold two weeks of his vacation so that is why we are reflecting all of that in this ordinance. We also have to make adjustments because of the new contracts with the safety forces.

**YEAS: 6    NAYS: 0**

This Draft No. 81-06 has been adopted this 6<sup>th</sup> day of December, 2006.

### **MISCELLANEOUS REMARKS**

Mayor Infante: Mark and I found out yesterday that we received another grant thru the Public Works Committee for Potomac. That is the project next on the list of our twenty eight projects, storm sewer replacement or addition because they don't have storm sewers. That is scheduled to have design completed by April 2007 and by October we will have the job completely done, hopefully if everything goes right. So another fine job Mark did. I don't think we missed a year since 1992 or 1993, good job Mark. Another big grant helps us take care of another neighborhood.

Mr. Randy Fabrizio: I would like to thank council for the roofing legislation. If we do get some nice weather (inaudible). I was also wondering if it would be okay if we bring in some legislation to go out to bid and enter into contract for some materials for the treatment plant(inaudible) they all hover around twenty five thousand dollars, so in order to error on the safe side we will go out for bid and enter into contract. This is exactly the same legislation we passed as Resolution No. 23-05.

Councilman Fuda: Are you going to bring that in next week?

Mr. Randy Fabrizio: If that would be okay with council. If you have any questions regarding that legislation please call me at the treatment plant.

Councilman Lastic: Jim what was the problem with the high winds last Friday around (inaudible)?

Mr. Jim Newbrough: We had high winds Friday at around five, the corner of Depot and Walnut Street one of our 23KV lines was blown into a tree and (inaudible) breaker. It was about an hour and a half to put the lines back up and (inaudible).

Councilman Lastic: The Rhodes, Belle Terre, Taft, Roosevelt, and Carnegie they are still on Walnut Street?

Mr. Jim Newbrough: No the wire damaged actually was at the main substation on 422. (Inaudible) Bonnie Brae, Summit and (inaudible) Walnut actually (inaudible) downtown. That feeds three distribution substations along the way and all three substations were out of power.

Councilman Scarnecchia: I have some questions, last meeting our Fire Chief Brown discussed about an ordinance for lettering houses for the fire department. Terry, did he get with you? I looked at Walter Drane and we don't have anything on that concerning the houses for the fire department.

Mr. Terry Dull: We actually do have something on the books but it is some what archaic. Gary and I haven't had a chance to get together.

Councilman Scarnecchia: Okay but we are working on that. Next I think we are due a report from the Niles Transit System aren't we Mayor?

Mayor Ralph Infante: We just got one. I just handed one out last month.

Councilman Fuda: I think that you were absent.

Mayor Infante: It closes out December 31<sup>st</sup> for the 2006 year and Mark and I are in the process now for putting a bid for a RFP for the Senior Levy Committee. We are going to put an RFP for next years.

Councilman Fuda: Didn't we have an overage for a small amount of money?

Mayor Infante: I don't have the actual amount in front of me.

President Marino: Well, maybe you fellows can have a committee meeting and invite, I am sure the mayor will have no problem with Mr. Thomas coming to one of your committee meetings or whatever forum you choose if you have questions you would like answered.

Councilman Scarnecchia: Next question, who do we contact or write about that the gasoline prices I always read in the paper and I have seen it for myself that Niles is always the highest? I know that over here where it is \$2.25 and I go to Canton and it \$1.99. Who do we write or question? Does anybody know?

Councilman Papalas: Niles was the cheapest a few days ago in the paper.

Councilman Fuda: It's been the cheapest for a while. It's been in the paper that Niles has the cheapest gas.

Councilman Papalas: We have been the cheapest the last two reports.

President Marino: Actually Mr. Scarnecchia is correct. When I have driven to Alliance for athletic events it is significantly cheaper in that metropolitan area than ours.

Councilman Fuda: But in Trumbull County we have been the cheapest for (inaudible).

Councilman Scarnecchia: Last question, are we going to do anything about a prosecutor for the city? Our prosecutor left.

Mayor Infante: That is up to Terry and he is working on it for January.

Mr. Terry Dull: I will have someone by the first of the year.

Mayor Infante: In the meantime, Terry has done both jobs and saved a lot of money.

Councilman Scarnecchia: I know and if he is going to continue, I think we should change the ordinance. Thank you.

Councilman Fuda: I want to thank Mark for all the projects he has done over the years. We have been waiting a long time for Potomac and Mistletoe thanks a lot Mark. Last weekend with all that wind we had a couple of areas out for an hour and a half and other communities were out for two and three days. The electric department did a great job. One other thing, Mr. Guarino and I were at the Royal Mall today, kids are throwing beer bottles, toys and turkeys you name it they throw it over the fence. I left there at three o'clock at five o'clock I got a call again. The lady had seven different items that they threw over the fence again. We have had problems at that Royal Mall for years.

Mr. Maurice Guarino: You got another call after we left?

Councilman Fuda: Yes that is where I was before I came to the meeting. For years we have had problems with the Royal Mall. We thought someone was going to purchase that property and we thought we were going to have no problems. One of the problems we have there are drugs, it is a constant problem. I don't understand why we don't board that place up every time we have a drug problem. We board houses up in the city; we get a drug bust in the Royal Mall I don't understand. Terry can we board these places up?

Mr. Terry Dull: I will look into that. I think that is a legitimate question, I have to get together with the police department and the prosecutor with the county and find out where action has been taken and (inaudible). It will be a temporary board up.

Councilman Fuda: We can shut that place down.

President Marino: Do we know who owns that?

Councilman Fuda: A guy named Reeves.

Mayor Infante: Terry just sent a letter out. All the department heads, the police department, the fire department and every body we all went down there one day and we checked every building out. Every one wrote a list, all the departments on what problems we have seen and Terry put the letter together and sent it to the owner.

President Marino: If he doesn't respond we are going to .....

Mayor Infante: Well we are going to do it again until we can take him to court.

Mr. Anthony Vigorito: I just received plans again and the owners name is not the same as the one who submitted the plans about (inaudible) month ago. I am not sure if they took in a partner or a new owner coming in but I just received plans two days ago to revamp all one hundred and sixty six units. We might have something happening.

Councilman Fuda: We have to give this owner a call, let him know that if Terry we can do that, let him know that we are going to board him up. That is the only way we are going to stop these people from causing the problems they are causing.

Mr. Maurice Guarino: Some of the things you and I discussed with that manager this afternoon, I discussed with the chief earlier and he had very good reasons why he didn't think they were a very good idea and he had other ideas for things we can do. Maybe we can get a meeting with the Safety Committee and Frank. The chief can give us some ideas, the ideas he gave me are very good.

Councilman Fuda: Okay we got to do something.

Councilman Scarnecchia: Are you having a finance meeting next week, Steve.

Councilman Papalas: No.

Councilman Scarnecchia: I was thinking of having a Safety Committee Meeting and have Terry to discuss what we are going to do with the prosecutor and the Royal Mall and maybe clean some of this up. I would like to have it Wednesday at three thirty in the meeting room at the city building. Tony, invite Steve and Mike Burke as well. I have one other thing; sorry I have to bring this up. Could we make some sort of policy on council that when a councilman is excused for legitimate reasons that his paperwork either be mailed to him or held by the clerk until either he either comes to get it or for the next council meeting?

President Marino: Mrs. Yuhasz and I will see that it is done. That is an error on my part not hers. We will see that it is rectified. Thanks for pointing that out.

Mr. Anthony Vigorito: Just a comment that Cafaro Corporation spent eight million dollars revamping the mall. I don't know if any of you have been out there to take a look at what has been going on. If you haven't been out there you might want to take a walk

through. It might add to enlighten our city with different retailers out there we might pick up some business. He has done a real nice job.

It was moved by Papalas, seconded by Lastic to adjourn this meeting at 6:33 p.m. Motion carried.

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**Linda A. Yuhasz, Clerk of Council**

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**Robert A. Marino, President of Council**