

## MINUTES

Niles City Council held its regular meeting Wednesday, December 20, 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-P; Stredney-P; Papas-P; Fuda-P; Marino-P.

It was moved by Papalas, seconded by Lastic to accept the Minutes of the regular meeting of December 6, 2006 and place them on file. Motion carried.

## REPORTS AND COMMUNICATIONS

FROM: The Auditor's Office

The 3<sup>rd</sup> Quarter 2006 Status Reports

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

FROM: The Auditor's Office

The Estimated Versus Actual Revenues through November 2006

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

FROM: ACA Engineering, Inc.

A letter of Interest to provide the Niles Wellness Center with Geotechnical Engineering, Environmental Site Assessment and Materials Testing and Inspection

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

Councilman Scarnecchia: Is this a new engineering firm?

Mr. Mark Hess: I have never heard of them.

Clerk of Council: This concerns the Niles Wellness Center.

Mr. Mark Hess: That project was already bid; the Letters of Interest were already requested. We published that in the newspaper, we opened those letters of interest and we hired a firm already to do what they are asking to do.

Councilman Scarnecchia: That really isn't normal for them to send it to council. We don't have any thing to do with it.

Mr. Mark Hess: I have never heard of these things to come to you, normally they come to us. We went through the legal process to go out for bids, we haven't actually hired them yet but I think the Board of Control did hire them contingent upon the monies coming available for that project.

Councilman Scarnecchia: May I ask the Clerk to give a copy of that to the Engineering Department?

**MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL**

None

**COMMITTEE REPORTS**

Councilman Scarnecchia: The Safety Committee met last week and the main topic was the situation at the Royal Mall. We have come up with some ideas that we are working on, they will be announced later.

**ORDINANCES AND RESOLUTIONS**

**RESOLUTION NO. \_\_\_\_ (Draft No. 82-06)**

**A RESOLUTION AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR SLUDGE DISPOSAL AND CHEMICALS; AND, DECLARING AN EMERGENCY**

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

Mr. Randy Fabrizio: I would ask council to consider amending the ordinance allowing us to go out for bid and enter into contract for sludge disposal for two years rather than one year. The chemicals, sodium hypochlorite, sodium bisulfate and polymer are at one year and with the sludge disposal it will make it an attractive price if we make it two years.

A motion was made by Fuda and seconded by Papas to amend the ordinance to enter into contract for sludge disposal for a two year period. Motion carried.

**YEAS: 7    NAYS: 0**

Rules are suspended.

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

**YEAS: 7    NAYS: 0**

This Draft No. 82-06 has been adopted this 20<sup>th</sup> day of December, 2006.

**ORDINANCE NO. \_\_\_\_ (Draft No. 83-06)**

**AN ORDINANCE ACCEPTING DRAINAGE EASEMENTS FOR THE TAFT/CARNEGIE/ROOSEVELT STORM IMPROVEMENT PROJECT; AND, DECLARING AN EMERGENCY**

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

**YEAS: 7 NAYS: 0**

Rules are suspended.

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

Councilman Scarnecchia: Mr. President, will this complete the list or is there more easements that have to be obtained?

Mr. Mark Hess: This is easements that were necessary for the Taft/Carnegie/Roosevelt that we are going to actually start in the middle of January. These property owners donated the easements and the process went very well and they were very anxious to see this storm sewer project started.

**YEAS: 7 NAYS: 0**

This Draft No. 83-06 has been adopted this 20<sup>th</sup> day of December, 2006.

**RESOLUTION NO. \_\_\_\_ (Draft No. 84-06)**

**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 Fuda, seconded by Papas to suspend the rule requiring three readings.

Councilman Fuda: The residents of these two streets have been waiting a long time for these storm sewer projects and Mark has done a good job preparing for them.

Mr. Mark Hess: This is what the mayor announced at the last council meeting, this is the three hundred and seventy six thousand dollar grant we just got for Mistletoe and Potomac storm sewer.

Councilman Fuda: People appreciate it, good job.

**YEAS: 7 NAYS: 0**

Rules are suspended.

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

**YEAS: 7 NAYS: 0**

This Draft No. 84-06 has been adopted this 20<sup>th</sup> day of December, 2006.

**ORDINANCE NO. \_\_\_ (Draft No. 85-06)**

**AN ORDINANCE IMPLEMENTING SECTIONS 3735.65 THROUGH 3735.70 OF THE OHIO REVISED CODE, ESTABLISHING AND DESCRIBING THE BOUNDARIES OF COMMUNITY REINVESTMENT AREA IN THE CITY OF NILES AND DESIGNATING A HOUSING OFFICER TO ADMINISTER THE PROGRAM AND CREATING A COMMUNITY REINVESTMENT HOUSING COUNCIL; AND, DECLARING AN EMERGENCY**

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

Councilman Stredney: This is to create a community reinvestment area; I want to thank Mark and the Mayor, to help save residents and businesses by remodeling different houses in different areas of the city.

**YEAS: 7 NAYS: 0**

Rules are suspended.

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

Councilman Scarnecchia: Mayor, is this the one that we have every year?

Mayor Infante: No this is the one for the Housing for Churches wants to build the housing complex on the Edison Property. Pat Rosenthal is here from the Commonwealth. She put the one together in East Liverpool and Campbell. She is here to represent the Housing for Churches. It gives a tax credit for them and also to the surrounding areas that has been designated. If they want to invest in their homes and if they put fifteen thousand or better they can apply for this tax credit also. It is a win-win all the way around. Pat did you want to add anything to it?

Pat Rosenthal: (inaudible)

Councilman Scarnecchia: Do we have an estimated date yet?

Mayor Infante: They are going to apply again in 2007, correct, Pat?

Pat Rosenthal: Right, the next step in March and the final step in June and the decision will be made, we are very optimistic.

Councilman Scarnecchia: You are doing a good job on that too.

Pat Rosenthal: Thank you.

**YEAS: 7    NAYS: 0**

This Draft No. 85-06 has been adopted this 20<sup>th</sup> day of December, 2006.

**RESOLUTION NO. \_\_\_\_ (Draft No.86-06)**

**A RESOLUTION ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2007; AND DECLARING AN EMERGENCY**

Councilman Papalas: Mr. Chairman this is the annual budget brought out every year in December. I sat in with the Mayor, Chuck Nader, Mr. Lastic was present and Mr. Papas was at all the meetings. We listened to the department heads, their requests and their concerns; I think all the department heads were very reasonable in their request, the ones that I had a privilege in speaking with. The ones that I missed I am sorry I had to work and things came up. I understand that in talking with the Mayor that those department heads were also very responsible with the budget. I think that reflects the work that they do through the course of the year also. This is a lean budget; we have our capital improvements in here which are recorded in the paper already. We have police cars being purchased and so forth. The city continues to move ahead.

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

Councilman Scarnecchia: This is a temporary budget, right? No? I thought that we had to submit to the auditor for his approval, we do that every year don't we?

Mayor Infante: That is in the middle of the year.

Councilman Scarnecchia: Okay, thank you.

**YEAS: 7    NAYS: 0**

Rules are suspended.

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

**YEAS: 7    NAYS: 0**

This Draft No. 86-06 has been adopted this 20<sup>th</sup> day of December, 2006.

**ORDINANCE NO. \_\_\_\_ (Draft No. 87-06)**

**AN ORDINANCE APPROVING THE UPDATED SOLID WASTE MANAGEMENT PLAN FOR THE GEAUGA-TRUMBULL SOLID WASTE MANAGEMENT DISTRICT; AND DECLARING AN EMERGENCY**

Councilman Papalas: We were reluctant when we spoke about this in the committee meeting. I thought we were going to have somebody speak with us before we voted on this ordinance.

Mayor Infante: I called Mr. Villers a couple times and I think he was just too tied up tonight and I was trying to get him for last Wednesday but we had all those meetings for the budget.

Councilman Papalas: Part of this deals with saying yes to have them raise rates. I would rather we listen to why they need to raise their rates and what they are going to do with that before we endorse it. I know that if we say no they are going to raise their rates any way but I want to hear what they have to say before we do this. So if you would all agree with this, with what I am thinking of I would like to table it.

It was moved by Papalas, seconded by Fuda to table Draft No. 87-06. Motion carried.

**RESOLUTION NO. \_\_\_ (Draft No. 88-06)**

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

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

**YEAS: 7    NAYS: 0**

Rules are suspended.

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

**YEAS: 7    NAYS: 0**

This Draft No. 88-06 has been adopted this 20<sup>th</sup> day of December, 2006.

**MISCELLANEOUS REMARKS**

President Marino: I would like to wish you all a Merry Christmas and a Happy New Year. To Mr. Fuda this being your last meeting I wish you all the best in your new endeavors. I am certain you will approach each and every problem up there as you have here with a tenacious appetite, so we wish you the best my friend.

Mayor Infante: I wish everyone a happy holiday and a safe one, also Frank the best of luck. Frank has been a councilman here since as long as I have been Mayor and on Council. I know he leaned on us a lot; we did a lot of work in his ward. We got a lot accomplished; now I am going to turn around and lean on him when he gets in the county. You will see me up there a lot, best of luck.

Mr. Don Allen: I wish every one a very happy and safe holiday and Frank have a good year.

Mr. Terry Dull: Happy holidays everybody and Frank best of luck.

Mr. Randy Fabrizio: I would like to wish Frank a lot of luck in his position we are going to miss him here at the city. Good luck in your new position and Merry Christmas to all of you.

Mr. Charles Nader: I would like to wish everyone a Merry Christmas on behalf of the Auditor's Office and thank every one here for their support in the two months that I have been here. Hopefully, we will keep things going.

Mr. Robert Swauger: Merry Christmas to everybody and Frank good luck in your new job and I know that you have done a good job with the City of Niles for seventeen years now so, I know that you will do a good job at the county. Good Luck

Mr. Mark Hess: Councilman Fuda it has been a pleasure working for you. I know that for the first twelve years of my daughter's life she called you Uncle Frank. I know that with the mayor's help (inaudible). I know that with your tenaciousness (inaudible) congratulations and I know that you will do a good job at the county.

Councilman Lastic: Frank we are going to miss you and the dedication, leadership, hard work and friendship.

Councilman Papalas: I want to wish every one happy holidays and I want to make a remark to Frank as well. I have worked with Frank for a long time on city council. There were so many issues we worked on together and have gone against each other with that I can't even count them all. I want to say this about Frank, when Frank and I disagreed on issues and we disagreed very strongly at times, Frank would be the first person to come across the room, shake my hand and say Steve I will see later. Frank I want you to know that I appreciated that. I think that you respected me as I respected you and that respect carried on to the other projects where we worked together and got things done. You are a very passionate person when it comes to public service and I know that you will carry that passion on to other levels. I know that you will still be looking back on Niles and doing what you can for us as well. Thank you for everything.

Councilman Scarnecchia: I would like to wish everybody a Merry Christmas and a healthy New Year. Good luck Frank.

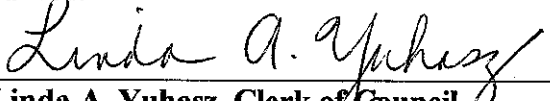
Councilman Cox: I just want to tell Frank good luck.

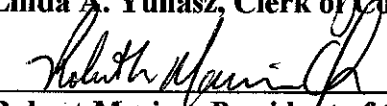
Councilman Stredney: I just want to wish every one a happy holiday and Frank good luck. I know you will do a good job up there.

Councilman Papas: I want to wish every one a happy holiday and Frank I know that you will do very well up there.

Councilman Fuda: First of all I want to thank the citizens of the First Ward for their confidence in me, their patience and their cooperation for the past seventeen years. I also want to thank the superintendents of the departments, heads of the departments, and city workers for all the cooperation, when I called they were there and we took care of the problems. Our safety forces, our police department dispatchers in particular, every time there was a storm they would direct me to where I could find a superintendent. I would call them to let them know where the power outage was because of the poles and the wires. Mostly I want to thank our council members and our mayor. It is amazing what we have accomplished over the last seventeen years by working cooperatively. I remember when we had our first meetings for the first couple of years our streets were full of potholes. People were coming and said that they will sue the city if they ruin their cars in the streets. Mayor you did a great job here, you and Mark with the paving program. We now have the best streets in Trumbull County. The electric department was a joke. I don't know how many calls I had every time the wind blew. Jack Coughlin, Ed Sulick, Jimmy and the rest of the electric department has made that the best electric system in Trumbull County. It is amazing the change we had there. The water and sewage department, Randy has done a great job. We had a couple problems there, the first year of Council and Randy turned out to be one of the most valuable persons in the city. Mark Hess you know I wouldn't of been here on Council this long if it wasn't for you and your advice over the years. You told me to be patient and we would be able to deal with all these problems. You know you did. I know that there are three left (inaudible) projects in my ward and I have the confidence in you. Mayor you did a super job. You have been with me a few years when you were on Council and all your years of being a mayor. We did have our share of arguments, I had to put the pressure on you sometimes and it is amazing the job you did as mayor. I only wish that I could take some of our city workers and some of our staff with me. It's like some of the coaches do in football, because we have a lot of problems at the County and I know that some of you would be very valuable. I want to thank everybody.

It was moved by Fuda, seconded by Papalas to adjourn this meeting at 6:28 p.m. Motion carried.

  
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Linda A. Yuhasz, Clerk of Council

  
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Robert Marino, President of Council