

MINUTES

Niles City Council held its regular meeting Wednesday, February 21, 2007 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-A; Cox-P; Stredney-P; Papas-P; Wilkerson-P; Marino-P
It was moved by Papalas and seconded by Cox to excuse the absence of Councilman Scarnecchia and Mayor Infante. Motion carried.

It was moved by Cox, seconded by Stredney to accept the Minutes of the regular meeting of February 7, 2007 and place them on file. Motion carried.

REPORTS AND COMMUNICATION

FROM: Auditor Charles Nader

The Fiscal Officer's Certification of the \$3,800,000 notes to be issued to pay costs of the multiuse indoor municipal recreation facility.

It was moved by Stredney, seconded by Papas to accept and place on file. Motion carried.

FROM: Mayor Ralph Infante

The Niles-Trumbull Transit Financial Report for the program year 2006.

It was moved by Stredney, seconded by Wilkerson to accept the report and place it on file. Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

None

COMMITTEE REPORTS

President Marino: I was asked by a resident if we belonged to a gas aggregate program. I don't know if we do or we don't. I don't know what committee that would fall under, but I was asked by Mr. Vlosich if Council and I know there is a death in the mayor's family, so he is not here, if we would look into a possible aggregate program. I don't know what committee that would fall under.

Councilman Papalas: I talked to the mayor about that several months ago. He said he had looked into it and it wasn't for a period long enough to his liking and he was working on it more. I haven't heard anything else.

President Marino: So, it is being investigated by the mayor.

Councilman Papalas: It was at the time, that was several months ago.

President Marino: Mr. Guarino, could you make a note to ask the mayor if he could follow up on whether we do or not or whatever the city's interest is in participating in a natural gas aggregate program much like neighboring communities, due to the cost of natural gas and there will be a potential savings. I do recall one time where AMP Ohio's aggregate program, that was a long time ago.

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. ____ (Draft No. 6-07)

AN ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR A HIGH PRESSURE BREATHING AIR SYSTEM; AND, DECLARING AN EMERGENCY

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

YEAS: 6 NAYS: 0

Rules are suspended.

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

Councilman Papalas: Mr. Chairman this is a result of a grant, thirty five thousand dollar grant we have with the fire department. Chief Brown wanted me to bring this out.

YEAS: 6 NAYS: 0

This Draft No. 6-07 has been adopted this 21st day of February, 2007.

ORDINANCE NO. ____ (Draft No.7-07)

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$3,800,000.00 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF CONSTRUCTING, FURNISHING AND EQUIPPING A MULTIUSE INDOOR MUNICIPAL RECREATION FACILITY AND THE SITE THEREOF, INCLUDING ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY.

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

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No. 7-07 has been adopted this 21st day of February, 2007.

ORDINANCE NO. ____ (Draft No. 8-07)

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR THE STEVENS PARK WATERSHED STORM SEWER IMPROVEMENTS; AND, DECLARING AN EMERGENCY

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

Mr. Mark Hess: This is our 2005 Issue Two Project; you guys should remember this one. It has been held up because of the Army Corps of Engineers, we needed a permit from them and we have been working through that process. We have finally got that approval and we are ready to proceed with that project. This is the project that is going to put sewers in Sophia Court, Spruce Court, sections of Bonnie Brae, Roosevelt and North Rhodes.

Councilman Papalas: Mark, when are you going to get that started, the actual digging?

Mr. Mark Hess: Right now we are scheduled to open bids on March 19th, so that should put us at late spring, early summer construction and we should finish by some time in August or September.

YEAS: 6 NAYS: 0

Rules are suspended.

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

Councilman Papalas: I know that Mark worked long and hard with some of these officials and it was frustrating for all of us. There were times that I thought we were ready to go and it was rejected or delayed. I want to thank Mark for staying with this (inaudible).

YEAS: 6 NAYS: 0

This Draft No. 8-07 has been adopted this 21st day of February, 2007.

ORDINANCE NO. ____ (Draft No. 9-07)

AN ORDINANCE AUTHORIZING CONSENT TO THE DIRECTOR OF TRANSPORTATION TO REDECK AND PAINT STRUCTURE OVER MOSQUITO CREEK; AND, DECLARING AN EMERGENCY

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

Mr. Mark Hess: This is the bridge that is over the Mosquito Creek on Robbins Avenue not on 422, the one on Robbins Avenue by the Leonard's Glass Building. This is that ODOT Project, the city doesn't have any money in this. This is just consent legislation that we require any time that they are involved in a project in the City of Niles. It is standard legislation; we have done this on other projects. There is not a lot of information on this, they haven't even started the engineering on this so I can't answer questions like if they are going to close it or reroute traffic. I don't know those answers yet; as I do I will let you know.

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No. 9-07 has been adopted this 21st day of February, 2007.

It was moved by Papalas, seconded by Papas to place Draft No. 10-07 on the agenda. Motion carried.

Councilman Papalas: The reason this is coming in now is because the safety chairman was out of town and Terry requested that someone from the committee bring this in and he will explain what it is about.

ORDINANCE NO. ____ (Draft No. 10-07)

AN ORDINANCE AUTHORIZING A REQUEST TO THE OHIO BOARD OF BUILDING STANDARDS TO CERTIFY THE CITY OF NILES FOR ENFORCEMENT OF THE RESIDENTIAL CODE OF OHIO TO EXERCISE ENFORCEMENT AUTHORITY AND ACCEPT AND APPROVE PLANS AND SPECIFICATIONS, AND MAKE INSPECTIONS; AND, DECLARING AN EMERGENCY

Law Director Terry Dull: I appreciate Council putting this on the agenda. Tony Vigorito informed me that the state's legislature has passed what they call a Residential Building Code for One, Two and Three Family Dwellings in the state. The idea is trying to get some uniformity throughout the state when it comes to dealing with these kinds of issues. Most cities have their own codes. Up to this point we have been enforcing what they call the International Residential Building Codes but this would be changed to what the state has now adopted. On top of asking us to adopt this, they also have said they want to enforce this code. There is an application that needs to be made to the Ohio Board of

Building Standards where they will approve your particular department to enforce the inspections etcetera. There is an application process that has to be gone through and that is why this is before you now. We are adopting a code and also authorizing the mayor to sign the application for our department to be approved to enforce this code. Tony, I don't know if there is anything else they are looking for?

Building Inspector Anthony Vigorito: All other residential codes in our city are abandoned once we adopt this code. So any other issues we would like in addition to the Ohio Residential Code we have to send down for permission to be allowed to have those other issues. We do have some in the Water Department and some in the Light Department that we have on hand and we have to go ahead and get permission to be able to enforce those rules. Otherwise the entire state is under one code now. That is what this is for.

Councilman Papalas: My question is this, we spent all this time over the years building up our own housing codes for both rental properties and otherwise.

Mr. Vigorito: This doesn't affect that. This is strictly on the building code.

Councilman Papalas: Commercial buildings?

Mr. Vigorito: No, this is strictly residential. Under commercial we are under the Ohio Building Code which everyone in the State of Ohio has to follow. Under the Residential Code everybody was at their own discretion. Some used CABO, some used the IRC. We went to the IRC if you remember years back the ISO said that our building codes were too old and they were going to rate us higher on our insurance premiums if the city didn't adopt a newer code. So, we chose to adopt the IRC, which is the International Residential Code in order to be within the time limits of the insurance industry. So now the State of Ohio has come out and basically said because the rules vary one code to the other and the contractors and builders petition the state to make the entire state one code so that they can keep some uniformity in our building.

Councilman Papalas: Does this deal with things like set back lines?

Mr. Vigorito: This doesn't have anything to do with that. As an example, under CABO a set of steps can be as high as eight and a quarter inches of the rise and has to have at least a nine inch tread. Under the IRC the maximum is seven and a half inches in the rise and a ten inch tread. Well, that adds a difference of twenty seven inches in the normal stairway on an eight foot ceiling. If you have house plans designed under CABO that stairway isn't going to fit if we are using the IRC. So now they have to redesign the prints of the house to adopt the fit. That was the problem the builders were having throughout the state and now they just want some uniformity. It doesn't have anything to do with Zoning and it doesn't have anything to do with commercial.

Councilman Papalas: Are you comfortable with this then?

Mr. Vigorito: Oh yes. They passed the law and gave us a limited amount of time to get our department certified; this ordinance is part of it. It needs to be passed so I can send twenty seven copies down there of everything in order to get the state to recognize us so that we can do our own residential inspections. Because if it isn't taken care of then after May of 2007 we would have to go to an agency that is, which would probably be Trumbull County for all of our residential inspections. So, we need to get this all taken care of.

Councilman Lastic: So, all plans coming into Niles will go under the new.....?

Mr. Vigorito: Yes, they all will go under that once we get certified with the state. I will continue to use the IRC until we get a certification. I am talking about the additions we are trying to put into the code for The City of Niles, a couple of examples would be like our city service wires that are underground must be (inaudible). There is nothing in the National Code or the Residential Code that says different or says that they have to, but we want it that way. I am going to have to petition the state for approval to allow that.

Councilman Lastic: Does the state send all the architects, builders and engineers now these new ideas or how are they going to know about it?

Mr. Vigorito: Well, for residential we don't need architects for design or stamp on prints. I would imagine your plan companies once this was adopted knows what they need under those codes.

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

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No. 10-07 has been adopted this 21st day of February, 2007.

MISCELLANEOUS REMARKS

President Marino: Nice article in the paper today concerning our Housing Code. Tony, you and your department are to be commended for getting after dilapidated and deteriorated homes in our community. I know I speak for all of us that we are all hearing very loudly that there is a lot of displeasure from folks regarding rentals and (inaudible) homes and we are pleased that you and your department are pursuing that vigorously. Please convey that to Mr. Yovich and Miss Hoover that, I know I speak for everybody that we are very appreciative of your efforts and keep up the good work. You too, Terry, I

am certain that you are involved in much of that as well. We are appreciative, at least I am.

Mr. Guarino: I don't see any one from the Street Department here, but I would just like to congratulate them. They did a very adequate job with all the snow we had, very few complaints. Of course you always get somebody to complain that you didn't do a good job, but they did a pretty good job.

Councilman Papalas: I have a question, I had asked about that OBI Grant last council meeting and I haven't heard anything at all since then.

Safety Director Guarino: We did have a meeting and I was just talking to the Chief about that.

Police Chief Simeone: We did meet. We are a member of it, we do participate in the different programs that they have. Over the last year and a half, I have kept the Mayor abreast on our activity both with the grant and outside the grant. The Mayor has supported my decision on limiting our access and participation in the grant. I guess that is all I can say about it, which is we are participating, we do all the requirements that they require, we meet.

Councilman Papalas: What are the requirements?

Chief Simeone: That there are some check points that we have to participate in. There is no activity outside of that. They do have some programs that we participate in schools. There is a safety belt survey that we participate in. There is another program for, they have a program for third graders for seat belts and we participate in that.

Councilman Papalas: Do we do that?

Chief Simeone: Yes we do.

Safety Director Guarino: Chief didn't you say that we were allocated seven thousand dollars this year from the state?

Chief Simeone: Yes, the program over the years, the first couple years we were out of it for a while. This all began several years ago, then we got out of it for awhile. When I was promoted we got back in it and at that time the grant was some where around twenty thousand dollars a year that we got for overtime. It has been reduced through the years to, like; I think we are at seven thousand dollars right now. It takes us just about that much to do our two check points. In addition to that is some other enforcement periods they have throughout the year, St. Patrick's Day is a big one, New Year's Eve and things like that. But, over the years we have tracked our activity both in and out of the program and I have had several meetings with Mayor about it and also with the Safety Director. Like I said ...

Councilman Papalas: What activity?

Chief Simeone: Like traffic stops, a number of citations and so forth.

Mr. Guarino: Chief, the first, St. Patrick's Day is that the first (inaudible) we are going to participate in?

Chief Simeone: No, we will be, the last, one of the other programs that they sort of tried to work into it is this initiative, speed initiative, they just had on 422. Niles was one of the first ones that participated with all the other jurisdictions. I don't know if any body remembers what the news media release was but it was sort of an educational, let's stop people and get them to understand that speeding and seat belts are causing a lot of traffic fatalities and a lot of injuries and traffic crashes in the area. So they sort of pin pointed several of the state routes through Trumbull County, 422, 169 was one. In fact actually Tuesday we will be back on 422 and Robbins Avenue with the state patrol and other jurisdictions. We have had, there was some other initiatives, like check points and speed control with just on other streets throughout the city. It was more or less geared towards high crash areas, high fatality areas. I am sorry to say that Niles didn't start out very well right off the bat this year with two fatalities, but over the years we have had some of the fewest fatalities in the county.

Mr. Guarino: Steve, I guess what you are looking for is we didn't participate for a while but we are participating now. As of the meeting we had everyone is cooperating, the Chief (inaudible) and we are participating.

Chief Simeone: Well we have always participated, we have always been a part of it, we go to the meetings, it is just that some of our activity has been reduced.

Chief Papalas: Well that is the question I would like to ask later on, why?

Chief Simeone: You want to ask it later on?

President Marino: Maybe you fellows can meet with the Mayor if I recall correctly somebody mentioned that, without him being here it is kind of....

Mr. Guarino: We have had several meetings, the Chief, I and the Mayor.

President Marino: Well without the Mayor here, Mr. Guarino, it is better that we wait and Mr. Papalas can meet with the Chief, yourself and the Mayor and the Mayor can speak for himself. We will let it go at that.

Councilman Cox: I have a couple of things; I am not going to seek reelection. I talked Ed into running, Mr. McCormick; he would be a good asset for the Fourth Ward. He retired from Meander, he knows the water system real well, and he knows a lot so, if I stay on this side of the grass this time next year I will be retired and I will spend my winters where it is more tropical. The street department did a real good job. I had people come

into the General Electric and said they had to miss a day's work because they couldn't get out of their driveways and I told them that it is because you don't live in Niles.

Councilman Stredney: Let me be the first to wish Mr. Cox good luck on your retirement.

Councilman Wilkerson: I want to thank the Water Department; I know they have been on my street fixing water main breaks for the last three weeks. I like to thank those guys for the job they are doing, all the departments, they get called out and have to work in the conditions that they work and I would like to thank them for doing a heck of a job and we really appreciate it.

It was moved by Papas, seconded by Papalas to adjourn this meeting at 6:32 p.m. Motion carried.

Linda A. Yuhasz, Clerk of Council

Robert Marino, President of Council