

## MINUTES

Niles City Council held its regular meeting, Wednesday, June 6, 2007 at 6:00 p.m. in Council Chambers, Safety-Service Complex in Niles, Ohio. The meeting was called to order by President Pro-Tem Stephen Papalas, and the Clerk; Linda A. Yuhasz called the roll:

Lastic-P; Papalas-P; Scarnecchia-P; Cox-P; Stredney-P; Papas-P; Wilkerson-P; Marino-A

A motion was made by Lastic, seconded by Papas to excuse the absence of President Marino. Motion carried.

A motion was made by Stredney, seconded by Wilkerson to accept the Minutes of the regular meeting of May 16, 2007 and place them on file. Motion carried.

## REPORTS AND COMMUNICATION

From VESTA Corporation

A letter apprising the City of Niles that Vesta will be the Managing Member of a multifamily residential development.

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

Councilman Scarnecchia: Mayor, I know we discussed this originally and in talking something will be done with Mr. Garver as far as we were going to let them know or correspond with them.

Mayor Infante: Yes we did that. I think this letter here is they are doing some kind of an amendment, the federal government on the loan. Terry, do we have to turn around and do the same thing over again?

Law Director Dull: If they don't have anything new to add, legally I don't think we have to.

Councilman Scarnecchia: Did we ever hear back from Mr. Garver?

Mayor Infante: Yes I have been in contact with them and I also had the congressman call the government, HUD to get this moving quicker.

Councilman Scarnecchia: Mr. Vigorito did they submit any plans yet?

Mr. Vigorito: Yes as a matter of fact I should have a second set coming back this week.

Councilman Scarnecchia: Will we have privilege to them prior to a meeting so that we have an idea of what they are doing?

Mayor Infante: All the concerns that we had all went out in the letter.

Law Director Dull: If you wanted to remind them again, but I think it is already on file.

Councilman Wilkerson: That first letter went to Vesta itself?

Mayor Infante: HUD also. I think I had all councilmen sign the letter.

From The Family Pet Center

A letter about the Animal Rabies Vaccination Clinic to be held on June 20, 2007

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

From the Cemetery Department

The May 2007 Sales Report

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

From the City Income Tax Department

The monthly receipts thru May, 2007

A motion was made by Stredney, seconded by Cox 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**

**ORDINANCE NO. \_\_\_ (33-07)**

**AN ORDINANCE APPROVING THE AMENDMENT TO SECTION VI, E,  
AUTHORIZATION STATEMENT TO DESIGNATE, OF THE CURRENT  
APPROVED SOLID WASTE MANAGEMENT PLAN FOR THE GEAUGA-  
TRUMBULL SOLID WASTE MANAGEMENT DISTRICT**

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

**YEAS: 7    NAYS: 0**

Rules are suspended.

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

**YEAS: 7    NAYS: 0**

This Draft No. 33-07 has been adopted on this 6<sup>th</sup> day of June, 2007.

**ORDINANCE NO.\_\_\_\_ (Draft No. 34-07)**

**AN ORDINANCE FOR THE PURPOSE OF ADOPTING AND IMPLEMENTING THE PROCEDURES SET FORTH IN CHAPTER 5722 OF THE OHIO REVISED CODE IN ORDER TO FACILITATE THE EFFECTIVE REUTILIZATION OF NONPRODUCTIVE LAND SITUATED WITHIN THE BOUNDARIES OF THE CITY OF NILES; AND, DECLARING AN EMERGENCY**

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

**YEAS: 7    NAYS: 0**

Rules are suspended.

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

**YEAS: 7    NAYS: 0**

This Draft No. 34-07 has been adopted on this 6<sup>th</sup> day of June, 2007.

**ORDINANCE NO.\_\_\_\_ (Draft No. 35-07)**

**AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR AND ACCEPT PROPOSALS FOR THE INSTALLATION OF COMPUTER HARDWARE FOR THE CITYWIDE COMPUTER UPGRADE PROJECT; AND, DECLARING AN EMERGENCY**

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

**YEAS: 7    NAYS: 0**

Rules are suspended.

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

**YEAS: 7    NAYS: 0**

This Draft No. 35-07 has been adopted on this 6<sup>th</sup> day of June, 2007.

**ORDINANCE NO.\_\_\_\_ (Draft No. 36-07)**

**AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR AND ACCEPT PROPOSALS FOR A BILLING SOFTWARE SYSTEM FOR THE CITYWIDE COMPUTER UPGRADE PROJECT; AND, DECLARING AN EMERGENCY**

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

**YEAS: 7    NAYS: 0**

Rules are suspended.

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

**YEAS: 7    NAYS: 0**

This Draft No. 36-07 has been adopted on this 6<sup>th</sup> day of June, 2007.

**ORDINANCE NO. \_\_ (Draft No. 37-07)**

**AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR AND ACCEPT PROPOSALS FOR THE PURCHASE AND INSTALLATION OF NEW WATER AND ELECTRIC METERS FOR CITY UTILITY CUSTOMERS; AND, DECLARING AN EMERGENCY**

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

**YEAS: 7    NAYS: 0**

Rules are suspended.

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

**YEAS: 7    NAYS: 0**

This Draft No. 37-07 has been adopted on this 6<sup>th</sup> day of June, 2007.

**RESOLUTION NO. \_\_ (Draft No. 38-07)**

**A RESOLUTION APPROPRIATING FUNDS FROM THE UNAPPROPRIATED WATER FUND TO PROVIDE FUNDS FOR THE NILES TECHNOLOGY PROJECT; AND, DECLARING AN EMERGENCY**

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

**YEAS: 7    NAYS: 0**

Rules are suspended.

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

**YEAS: 7    NAYS: 0**

This Draft No. 38-07 has been adopted on this 6<sup>th</sup> day of June, 2007.

**RESOLUTION NO. \_\_\_ (Draft No. 39-07)**

**A RESOLUTION APPROPRIATING FUNDS FROM THE UNAPPROPRIATED LIGHT FUND TO PROVIDE FUNDS FOR THE CITY OF NILES TECHNOLOGY PROJECT; AND, DECLARING AN EMERGENCY**

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

**YEAS: 7    NAYS: 0**

Rules are suspended.

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

**YEAS: 7    NAYS: 0**

This Draft No. 39-07 has been adopted on this 6<sup>th</sup> day of June, 2007.

**RESOLUTION NO. \_\_\_ (Draft No. 40-07)**

**A RESOLUTION APPROPRIATING FUNDS FROM THE UNAPPROPRIATED SEWER FUND TO PROVIDE FUNDS FOR THE CITY OF NILES TECHNOLOGY PROJECT; AND, DECLARING AN EMERGENCY**

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

**YEAS: 7    NAYS: 0**

Rules are suspended.

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

**YEAS: 7    NAYS: 0**

This Draft No. 40-07 has been adopted on the 6<sup>th</sup> day of June, 2007.

**ORDINANCE NO.\_\_\_\_ (Draft No. 41-07)**

**AN ORDINANCE REGARDING THE PROPOSED CONSTRUCTION OF A GROUP RESIDENTIAL DEVELOPMENT BY MICHAEL AND JUSTINE NEOPOLITAN**

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

Councilman Wilkerson: Is this going to stay as a rent free owner occupied?

President Pro Tem Papalas: The idea of this is condos. I know that I talked to a couple of people on this and the opinion of some of the council people is that they want the condos to remain owner occupied not rental. That is something that we will all be looking at closely I am sure. Dr. Neopolitan is here tonight if anyone has a question and with council's approval you can ask those questions of him, otherwise we will send this to the Planning Commission with a referral.

Councilman Wilkerson: There is concern about it going to a rental thing can we get some kind of guarantee that it stay non rental, I am all for it. My big concern would it be going to a rental thing, a condo if it is not owner occupied, they buy it they are able to rent it.

Dr. Neopolitan, 1610 Roosevelt Ave., Niles, Ohio: No it is owner occupied and the owner has to sell it and buy it (inaudible) the Condo Association Rules and I have to do a lot to get this thing going. Yes, I want to build them and sell them off individually to whoever wants to down size. I have plans if you want to see them.

Councilman Wilkerson: Maybe after the meeting.

Councilman Scarnecchia: That is four buildings and you are going to have an association which it does have to go through the state too. When it goes through the state with his original declaration it will be for sale only no rentals.

**YEAS: 7    NAYS: 0**

Draft No. 41-07 has been referred back to the Planning Commission.

**ORDINANCE NO.\_\_\_\_ (Draft No.42-07)**

**AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE AND ACCEPT PROPOSALS FOR THE INSTALLATION, CONVERSION AND TRAINING OF MUNICIPAL INCOME TAX SOFTWARE; AND, DECLARING AN EMERGENCY**

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

Income Tax Director Smathers: Just to let you know that we are going to open bids on Friday and we made sure that our (inaudible) is compatible with Tom's.

**YEAS: 7    NAYS: 0**

Rules are suspended.

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

**YEAS: 7    NAYS: 0**

This Draft No. 42-07 has been adopted on the 6<sup>th</sup> day of June, 2007.

**ORDINANCE NO. \_\_ (Draft No. 43-07)**

**AN ORDINANCE AMENDING ORDINANCE NO. 16-07, IN PART, REGARDING LONGEVITY PAY, AND THE WAGES OF THE ANIMAL CONTROL OFFICER AND THE RENTAL INSPECTOR; AND, DECLARING AN EMERGENCY**

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

**YEAS: 7    NAYS: 0**

Rules are suspended.

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

Mayor Infante: Just for the record, Chuck and I made an error when we did the salary ordinance on these two positions and this is correcting it.

**YEAS: 7    NAYS: 0**

This Draft No. 43-07 has been adopted on this 6<sup>th</sup> day of June, 2007.

**RESOLUTION NO. \_\_ (Draft No. 44-07)**

**A RESOLUTION APPROPRIATING FUNDS FROM THE UNAPPROPRIATED POLICE & FIRE ½% TAX FUND TO PROVIDE FUNDS FOR THE EQUIPMENT PURCHASE ACCOUNT IN THE FIRE DEPARTMENT; AND, DECLARING AN EMERGENCY**

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

Mayor Infante: He had this money in his budget for something else and he had to use it for a grant that he got and now the check came in from the government from the grant so Chuck is having him re appropriate it.

**YEAS: 7    NAYS: 0**

Rules are suspended.

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

**YEAS: 7    NAYS: 0**

This Draft No. 44-07 has been adopted on this 6<sup>th</sup> day of June, 2007.

It was moved by Stredney, seconded by Papas, to add Draft No. 45-07 to the agenda.  
Motion carried.

**RESOLUTION NO. \_\_\_\_ (Draft NO. 45-07)**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LETTER OF AGREEMENT BETWEEN THE WESTERN RESERVE TRANSIT AUTHORITY, THE CITY OF NILES AND THE CITY OF SHARON, PENNSYLVANIA FOR THE DISTRIBUTION OF FEDERAL FISCAL YEAR 2007 FEDERAL TRANSIT ADMINISTRATION FUNDS FOR THE YOUNGSTOWN URBANIZED AREA; AND, DECLARING AN EMERGENCY**

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

Councilman Scarnecchia: We are not moving into that area with out transit system are we?

Mayor Infante: No this gives us our federal dollars out of the urbanized area. It is a split agreement that Mark has to do every year to get our share of funds from the federal government which is \$389,000.00. We got \$362,000 from the senior levy and \$82,000 from the local match from the eleven communities that are in it and I think \$75,000 in the fare box.

Councilman Scarnecchia: Is that senior levy is that just a one time thing?

Mayor Infante: It is a five year levy.

Councilman Scarnecchia: Do we get the same amount every year?

Mayor Infante: It will probably increase.



**YEAS: 7    NAYS: 0**

Rules are suspended.

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

**YEAS: 7    NAYS: 0**

Draft No 45-07 has been adopted on this 6<sup>th</sup> day of June, 2007.

**MISCELLANEOUS REMARKS**

Safety Director Guarino reminded the councilmen of Junk Vehicle Week.

Income tax Director Smathers thanked council for the much needed update of their software.

Mr. Tom Telego thanked council for giving the city the ability to move forward with the technology project.

Councilman Papalas scheduled a round table meeting for June 12, 2007 at 9:00 a.m. at City Hall. It will be held in the first floor conference room to discuss the Garfield Elementary School Property and the Shaker Heights ordinance.

Councilman Cox: I just wanted to congratulate everyone on their elections.

It was moved by Stredney, seconded by Wilkerson to adjourn this meeting at 6:30 p.m. Motion carried.

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

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**Stephen Papalas, President Pro Tem**

