

MINUTES

Niles held its regular meeting of April 2, 2008 at 6:00p.m. in Council Chambers, Safety-Service Complex in Niles, Ohio.

There was a moment of silence in honor of our Service Director, Don Allen who passed away March 28, 2008.

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; McCormick-P; Stredney-P; Papas-P; Smith-P; Marino-P

A motion was made by Stredney, seconded by Papas to accept the Minutes of the regular meeting of March 19, 2008 and place them on file.

REPORTS AND COMMUNICATIONS

FROM The Auditor's Office

The Estimated VS Actual Revenues through the end of March 2008

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

Councilman McCormick: Chuck does this reflect what you talked to us about at the meeting the other day?

Auditor Nader: Yes, that would be the income tax on the first line. Comparing it to the projection last year and at this time last year we were projecting 29% of the total.

Councilman McCormick: So this estimation is what we expect for the entire year and roughly we expect over a quarter of the ...

Auditor Nader: Well usually the first quarter we get more, 30 or 32%.

Motion carried.

FROM The City Income Tax Office

The Monthly Receipts Totals through March 2008

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

President Marino: Be particularly careful attention to the delinquent amount of four hundred and fifty thousand dollars. Bob what was it last month?

Treasurer Bob Swauger: I want to say that it was four hundred sixty or four hundred seventy thousand.

President Marino: Do we see a trend of it going up or is it coming down?

Treasurer Swauger: It is coming down. The majority of the money that caused it to go up was from that new software that we installed and that is where two hundred sixty or two hundred seventy originally came into play. We have gotten that part down to two hundred twenty to two hundred thirty thousand dollars. When we first installed the software we were up over four hundred ninety dollars.

President Marino: That two thirty or two seventy is it reasonable to say that it is collectible revenue?

Treasurer Swauger: Most of it yes, there are some that eventually I might come to Council to write off, but it is minimal. The tax itself is fifteen hundred and the penalty is right around three thousand or thirty five hundred. We are looking at five to seven thousand uncollectable at this time.

President Marino: Five to seven thousand out of the two hundred and thirty thousand that is uncollectable.

Treasurer Swauger: Yes at this time, as far as we have investigated so far.

Motion carried.

FROM The Ohio Division of Liquor Control
A Transfer of a Liquor Permit
From Cicero's Food Inc to Vinayak of Niles DBA Robbins Beverage
445 Robbins Ave.

It was moved by Stredney, seconded by Papas to refer this to the Safety Director and Police Chief for further review. Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

None

COMMITTEE REPORTS

Councilman Stredney submitted the minutes of the last Safety Committee Meeting of March 26th to the Clerk.

President Marino submitted the minutes of the Roundtable from tonight's meeting to the Clerk.

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. ___ (Amended Draft No. 13-08)

AN ORDINANCE REPEALING AND RE-ENACTING CODIFIED ORDINANCE NO. 901.01 REGARDING THE NUMBERING OF BUILDINGS WITHIN THE CITY; AND, DECLARING AN EMERGENCY

It was moved by Stredney, seconded by Scarnecchia to give this Draft a third reading.

Councilman Stredney: At our last committee meeting we made a change in Section E which outlines the violations that go through the Fire Chiefs Office. This is what we were discussing but we just added it in our last committee meeting.

YEAS: 7 NAYS: 0

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

YEAS: 7 NAYS: 0

This Draft No. 13-08 has been adopted on this 2nd day of April, 2008.

RESOLUTION NO. _____ (Draft No. 16-08)

A RESOLUTION APPROPRIATING FUNDS FROM THE UNAPPROPRIATED SEWER FUND TO PROVIDE FUNDS FOR THE INSTALLATION OF RAW SEWAGE PUMPS AT THE WASTEWATER TREATMENT PLANT; AND DECLARING AN EMERGENCY

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

Councilman Papalás: Mr. Chairman this was brought up by Randy Fabrizio at our last Finance Committee Meeting at roundtable last week and this is a result of that meeting.

YEAS: 7 NAYS: 0

Rules were suspended.

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

YEAS: 7 NAYS: 0

This Draft No. 16-08 has been adopted on this 2nd day of April, 2008.

ORDINANCE NO. _____ (Draft No. 17-08)

AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR THE PURCHASE OF MAJOR EQUIPMENT FOR THE VIENNA ROAD SUBSTATION REPLACEMENT PROJECT FOR THE LIGHT DEPARTMENT; AND, DECLARING AN EMERGENCY

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

Councilman Papalás: Mr. Chairman this also was brought up at the last meeting, the ordinances tonight that deal with the light department total about eight hundred and forty thousand dollars and that has been budgeted.

YEAS: 7 NAYS: 0

Rules were suspended.

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

YEAS: 7 NAYS: 0

This Draft No. 17-08 has been adopted on this 2nd day of April, 2008.

ORDINANCE NO. _____ (Draft No. 18-08)

AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR THE SITE WORK FOR THE VIENNA ROAD SUBSTATION REPLACEMENT PROJECT FOR THE LIGHT DEPARTMENT; AND, DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

ORDINANCE NO.____ (Draft NO. 19-08)

AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR NEW ELECTRICAL WORK AT THE PHILLIPS MANUFACTURING PLANT IN CONNECTION WITH THE WALNUT STREET SUBSTATION REPLACEMENT PROJECT FOR THE LIGHT DEPARTMENT; AND DECLARING AN EMERGENCY

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

President Marino: How many times have we replaced the Walnut Street sub? Didn't we replace that a few years ago?

Mr. Newbrough and Mr. Kelly: No.

President Marino: When was it done?

Mr. Newbrough: The sixties, we think. The drawings were from the early sixties.

President Marino: Wasn't it replaced during the tornado or when it blew up?

Mayor Infante: No the transformer blew out and they had to replace the transformer.

President Marino: We just replaced the transformer? What are we doing here now?

Mr. Newbrough: On the corner of Walnut and Depot Street there is an old substation there. That is the one that has been there since the early sixties. There are two transformers there that serve four circuits out in the city. There is also a smaller substation existing on the Phillips Manufacturing property that belongs to the city that has one feed out to the city and two feeds into Phillips. We are replacing the substation at Depot Street and the one on Phillips property with the one we are building.

President Marino: You built a new one and are combining both, alright.

Mr. Newbrough: We need to replace the two feeds that come out of the existing substation into Phillips and that is what we hired a contractor here for.

YEAS: 7 NAYS: 0

Rules were suspended.

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

YEAS: 7 NAYS: 0

This Draft No. 19-08 has been adopted on this 2nd day of April, 2008.

ORDINANCE NO.____ (Draft No. 20-08)

AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR THE PURCHASE AND INSTALLATION OF A NEW SCADA SYSTEM AT THE ROUTE 422 SUBSTATIONS; AND, DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules were suspended.

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

YEAS: 7 NAYS: 0

This Draft No. 20-08 has been adopted on this 2nd day of April, 2008.

ORDINANCE NO.____ (Draft No. 21-08)

AN ORDINANCE PLACING A MORATORIUM ON THE AUTHORITY OF THE BUILDING INSPECTOR TO ISSUE PERMITS FOR INSTALLATION OF ANIMATED SIGNS WITHIN THE CITY; AND, DECLARING AN EMERGENCY

It was moved by Papalas, seconded by Scarnecchia to give Draft No. 21-08 a first reading.

Mayor Infante: I think that it is best to go for a first reading in my opinion because I hate to deter people from moving into the community with the new businesses that want to put these signs up. I don't see the harm in them personally maybe some of you do, Tony does but I think we should take our time on it.

Councilman Papalas: In the course of the conversation he had mentioned that one of the signs on the business district maybe being too bright at the intersection. He has been communicating with those people with a lot of cooperation. He has discovered that there are settings, he is not sure what those settings are yet, but there are other stipulations concerning these signs and because they are new we do not know what they are. So all he wants to do is have time to sit down and ask the companies about some of these formulas that they have on brightness, color and so forth. If we need ordinances concerning that he will let us know. I want to stress on Tony's behalf that this is not an effort to shut this down. This is an effort to tone it down and regulate it a little bit. He wants to be able to understand it before people come to him for a permit.

YEAS: 7 NAYS: 0

Draft No. 21-08 has received its first reading.

ORDINANCE NO.____ (Draft No. 22-08)

AN ORDINANCE AMENDING SECTION ONE OF ORDINANCE NO. 48-07 REGARDING THE ABATEMENT OF CRIMINAL ACTIVITY NUISANCES TO SPECIFY THAT ACTIVITIES IN VIOLATION OF THE OHIO REVISED CODE WILL ALSO BE CONSIDERED CRIMINAL ACTIVITY NUISANCES FOR PURPOSES OF SAID ORDINANCE; AND, DECLARING AN EMERGENCY

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

Councilman Papalas: This ordinance is the result of the Chief requesting a little bit of adjustment on the Nuisance Ordinance that we just recently passed. I think that we have all agreed that it be tweaked as we go along and this is one of those instances. Chief is this okay the way that it reads?

Police Chief Simeone: Yes.

YEAS: 7 NAYS: 0

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

YEAS: 7 NAYS: 0

This Draft No. 22-08 has been adopted on this 2nd day of April, 2008.

RESOLUTION NO.____ (Draft No. 23-08)

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 2008 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.

Mr. Mark Hess: I requested this at the last meeting this is a resolution that is going to allow the mayor to sign an agreement with the WRTA. That has been agreed to for the next calendar year. The City of Niles will be receiving three hundred ninety one thousand six hundred sixty seven dollars. All three communities have agreed to it this is just a formality in the process to get it signed.

YEAS: 7 NAYS: 0

Rules were suspended.

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

YEAS: 7 NAYS: 0

This Draft No. 23-08 has been adopted on the 2nd day of April, 2008.

MISCELLANEOUS REMARKS

Fire Chief Brown thanked Council for passing the house numbering ordinance.

Mr. Jim Newbrough: I have a better answer to your question you asked earlier, we did in fact come to Council last year in the spring to buy the major equipment and last fall for the (inaudible) for that project. That project is on going and we hope to have that completed by the end of this month.

President Marino: I knew that I remembered Walnut Street.

Mr. Newbrough: All that I am asking tonight is to be able to go out for bid a private contractor to make the inside connections at the Phillips Manufacturing Plant when we are finished with the substation.

Treasurer Swauger clarified a misprint in the paper. He wants to make sure that everyone knows that buy outs are earned income and are subject to income tax.

Mr. Mark Hess: The Stevens Park water shed project is getting ready to start so the contractor will be stringing pipes. The big pipe is a fifty four inch pipe and you will probably see it as you are driving the neighborhoods of Bonnie Brae. The one thing to keep in mind is that we are putting big pipe in an existing neighborhood. We are going to try to minimize the effect on property owners to the extent that we can but it is just the nature of the beast. It is a big pipe that is going in an existing neighborhood with a lot of underground utilities. We are working closely with the utility company and we are going to try to get things relocated and try to make it so that the resident's inconveniences are at the very minimum. If you get any calls just direct them to me.

Councilman Papalas introduced two Niles McKinley High school students that are participating in Youth Day.

It was moved by Stredney, seconded by Papalas to adjourn the meeting at 6:25p.m. Motion carried.

Linda A, Yuhasz, Clerk of Council

Robert Marino Jr., President of Council