

MINUTES

Niles City Council held its regular meeting of February 4, 2009 at 6:00p.m. in Council Chambers, Safety-Service Complex in 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; McCormick-P; Stredney-P; Papas-P; Wilkerson-A; Marino-P
A motion was made by Lastic, seconded by Stredney to excuse the absence of both Councilmen Scarnecchia and Wilkerson. Motion carried.

A motion was made by Stredney, seconded by Papas to accept the Minutes of the regular meeting of January 21, 2009 and place them on file. Motion carried.

REPORTS AND COMMUNICATIONS

FROM The Auditors Office

The 4th Quarter 2008 Status Report

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

FROM The Office of the Building Inspector

A letter recommending zoning changes.

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

Law Director Dull: The next step would be that the Safety Committee look at these and Council as a Whole could also sponsor it. We have specific language to look at.

Councilman Stredney: I was planning on having a Safety Committee Meeting next Wednesday and that would be a good time to bring those in.

FROM The City Income Tax Office

The Monthly Receipts Totals for January 2009

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

FROM The Ohio Division of Liquor Control

Permits and Transfers of permits from: NAUS, Convenient Food Market, Red Lobster and Olive Garden

It was moved by Stredney, seconded by Papas to refer these permits to the police chief and the safety director for their report and recommendation. Motion carried.

From Mayor Ralph Infante Office

Appointments to various boards

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

FROM The Office of the Building Inspector

The Housing Code Monthly Report for January 2009

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

Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Mr. Daryl Hornberger of 205 Neil Street, Niles: I was taking my grandchildren to the middle school at 6:45 a.m. during the last heavy snowfall and I saw children walk on the road. I saw a kid ride a bicycle on the icy road. Nobody was going the speed limit and children were walking on the road because there was no place for them to walk. I approached the city, Trumbull County and tried to get hold of the State. It actually turns out that the State is responsible for cleaning that sidewalk. I was not aware of that. When I talked to Frank Fuda he said that it was not our responsibility anymore that it was now the State of Ohio.

Mr. Mark Hess: That bridge is a state bridge and they are responsible to replace it but the city is responsible for routine maintenance. It used to be that the county was responsible for maintenance because it was a bridge over water. Now the bridges that are on state routes are the States' responsibility to do major repair or replace and it is the city's responsibility to maintain.

Mr. Hornberger: Our city street department did not know that because I brought the same complaint to them and they referred me to Trumbull County. I called the commissioners and I got a hold of Frank.

Mr. Hess: The street department did come to me and we got that straightened out.

Service Director Buccino: We just purchased a new snow blower for that.

Mr. Swauger, Niles: I would like to address Federal Street to you; it is all iced up with a couple inches of ice.

Service Director Buccino: That is also being addressed; there is a problem with the water draining out. The sewage department was over there opening up the catch basins and we are working on it. (Inaudible)

Mr. Hess: We are thinking that we might have to extend the sewer another block because there is not a sewer there, it ends a block before that.

COMMITTEE REPORTS

Councilman Stredney scheduled a Safety Committee Meeting on February 11, 2009 immediately following the 3:15p.m. Council Meeting.

Councilman Stredney: We had Traffipax come in before the council meeting tonight. I would like to thank them. They requested to do a presentation for the city. I thank the public for coming out; it was a very informational meeting letting City Council know what other communities are looking at when they are facing these decisions. As of now just so every one knows there is no thoughts of an agenda, no thoughts of an ordinance coming out about this, we just wanted to be more informed.

Councilman Papalas: I want to state that I am not in favor of this and if anybody on City Council wants to know...

President Marino: I don't have a vote but I to and I shared this with councilmen that I am opposed to this.

Mayor Infante: Like Ed said this was a presentation tonight, this wasn't to say that we are going to do it or we are not going to do it. This was a presentation that the Safety Committee allowed them to come down here and explain to us. If we want to get into a discussion I could give a lot of discussion on both sides, but I am not willing to do that. If everybody wants to do that then we will do that.

President Marino: My thoughts are that if you are going to have a presentation then there might be the potential to entertain it, if you are not going to have a presentation and you never brought it up there would never have been a roomful of people who are concerned about it. That is just my thoughts on it and I am not going to say another word.

Mayor Infante: That is how the process works, it went through council as a committee and it came to us and we brought it to council to Safety as a committee and then had a presentation tonight and the public was here. We heard, there are pro and cons. We could either leave it in committee or we could discuss it at a further date.

Councilman Papalas: Well normally if there is a councilman who is interested in a topic he floats it among the council members. If the majority of them are in favor of it then we gather the information and I was disappointed because I don't think it went that way. I don't know of any councilman in favor of it.

Mayor Infante: Well I thought the process goes to the committee chairman, maybe I am losing it.

Councilman McCormick: I think that we are getting away from something here. If we have pre conceived notions on what we want to approve and not approve before we even listen to someone present them, I don't think that is right. I think that we should work with an open mind and after we have heard it and you are not in favor of it then that is fine. We didn't request these folks to come, they asked us if they could and you never know if you turn someone away before you hear what they have to say you might miss out on something. I am not saying that I am for it; I am saying that I don't have a problem spending forty five minutes here listening to a program from someone.

President Marino: With all due respect I think that we have all read enough, heard enough in the press and whatnot concerning the reaction to other communities and what took place with these. We will let it go with that.

ORDINANCES AND RESOLUTIONS

RESOLUTION NO. __ (Draft No.03-09)

A RESOLUTION APPROPRIATING VARIOUS SUMS OF MONEY FOR VARIOUS DEPARTMENTS OF THE CITY OF NILES, OHIO FOR THE 2009 CALENDER YEAR; AND, DECLARING AN EMRGENCY

It was moved by Papalas, seconded by Stredney to give this Draft a first reading.

Councilman McCormick: Chuck is this going to put you in a bind if this doesn't get approved tonight or two weeks from now? Should we consider a special meeting to get this through for you?

Auditor Nader: I would say that it is not going to put us in a bind but we do have certain things that we want to get started, that are timely. Waiting two more weeks is not going to defeat everything it will just push things back two weeks and one of them is one of the sewer projects. If we are trying to be timely for the sewer projects and other things that follow from that, then this needs to pass in a timely manner. A special meeting is fine, if it inconveniences Council and you want to wait the two weeks then that is fine also.

Councilman McCormick: A question for Randy, how imperative is that you get the sewer...

Mr. Randy Fabrizio: We are trying as hard as we can to get our project going and getting it shovel ready as we can for the end of the year. I don't know if you read the paper but they are looking for projects by November to be shovel ready. We want to have everything ready to be near first in line as possible for the economic stimulus package. It doesn't seem that the water and sewer infrastructure is going to get the attention that the roads are. I want to be first in line but we will work with the schedule we are given. When ever you give us the money we will work as fast and diligently as we can.

President Marino scheduled a Special Council Meeting for February 11, 2009 at 3:15 p.m. in the first floor conference room at City hall.

YEAS: 5 NAYS: 0

Draft No. 03-09 has received its first reading.

It was moved by Papalás, seconded by Lastic to add Draft No. 04-09 to the agenda. It will be sponsored as Council as a Whole. Motion carried.

Councilman Papalás: Why didn't this get a sponsor?

Councilman Stredney: I think they ran out of time last week and Terry Dull never got a call back.

Mr. Mark Hess: The County is actually getting over three million dollars. Niles and Girard are part of that award. This is federal money, the Neighborhood Stabilization Program and it is administered by the Ohio Department of Development. We were really following the lead of the County and they got us the legislation last week and I made a couple of calls to Councilman Scarnecchia but then the mayor suggested that in come in as Council as a Whole. By that time at the end of the day on Friday it did not have a sponsor. The law director sent it out because there is a deadline on the application.

ORDINANCE NO.____(Draft No. 04-09)

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A JOINT COOPERATING AGREEMENT WITH TRUMBULL COUNTY COMMISSIONERS AND THE CITY OF GIRARD FOR A NEIGHBORHOOD STABILIZATION PROGRAM; AND, DECLARING AN EMERGENCY

It was moved by Stredney, seconded by Papalás to give this Draft a first reading.

YEAS: 5 NAYS: 0

Draft No. 04-09 has received its first reading.

MISCELLANEOUS REMARKS

Mr. Mark Hess: I want to say to the street department that this has been a tough winter, we had a lot of freezing and a lot of snow and cold weather and it affects the way the roads are. I think for the most part they did a fantastic job.

Councilman Lastic: I agree, a week ago I saw two city workers with snow plows on the viaduct. The very next day we got four or five inches of snow and they were working to clear it and the very next day (inaudible) hoping for a break.

Councilman McCormick: I got a call from a resident from the Fourth Ward over on the Emma Street area complaining about cats again. Do we have any legislation available that controls that at this time so that I can answer her question?

Councilman Stredney: As it stands right now we can pick them up but we have no where to take them. If council wants to approve more money for a building because right now we have no where to take these animals.

Mayor Infante: The animal control officer has suggested several times that we require licenses for cats. I don't think we want to do a leash law; we have been through all that. We can license them but we need a place to take them.

Councilman McCormick: It is still a live issue that we are aware of and we are looking at a solution.

Mayor Infante: We still need to look at the law because cats aren't involved in our laws like dogs are and I know that they (inaudible). It is something that we need to re-visit.

It was moved by Stredney, seconded by McCormick to adjourn the meeting. Motion carried.

Linda A. Yuhasz, Clerk of Council

Robert A. Marino Jr., President of Council

