

MINUTES

Niles City Council held its regular meeting of May 27, 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
It was moved by Stredney, seconded by Papas to excuse the absence of Councilmen Scarnecchia and Wilkerson. Motion carried.

A motion was made by Papalas, seconded by Lastic to accept the Minutes of the regular meeting of May 6, 2009 and place them on file.

A motion was made by Stredney, seconded by Papas to accept the Minutes of the May 20, 2009 Public Hearing and place them on file. Motion carried.

REPORTS AND COMMUNICATIONS

FROM The Cemetery Dept.

The April 2009 Sales Report

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

FROM The Ohio Division of Liquor Control

Transfers of Liquor Permits

From Palisades Baseball To HWS Baseball DBA The Mahoning Valley Scrappers

From Thomas Butcher DBA Summit Café to Stephanie Langenberg DBA Summit Café

A motion was made by Stredney, seconded by Papas to refer the transfers to the Safety Director and Police Chief for their report and recommendation. Motion carried.

FROM Desiree and Herbert Holbrook

A letter expressing their concern about coal plants emissions.

Councilman Papalas advised the Holbrook's to get in touch with AMP Ohio.

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

FROM Mr. James Leskovec

A letter to the Treasurers Office expressing his dissatisfaction with a fifty dollar fine for filing late.

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

FROM Pamela Hall

A Proposal concerning a public playground in the center of Davis St., Lafayette, Washington and Vienna Ave.

It was moved by Stredney, seconded by Papas to refer the proposal to the Law Director for his report and place it on file. Motion carried.

Pamela Hall of 835 Vienna Avenue, Niles, Ohio spoke to council concerning her proposal of the Davis Playground. She would like to purchase the property and maintain it. Ms. Hall complains

that the property is not maintained now and the rodents, mosquitoes and trash dumping create a health and safety issue.

Councilman Papalas: If I remember a couple years ago there was a neighbor that tried to buy that and you were in the meeting, Ed.

Councilman Stredney: Yes this is how this all got started, this still belongs to the Department of Defense.

Councilman Papalas: We know that we discussed that at the meeting.

Councilman Stredney: Well she is just keeping it refreshed and to see what the city can do because there are road blocks when she tries as a citizen. I know some time ago we had communications with somebody through the government but I don't know if that is lost.

Councilman Papalas: My understanding was because of the sewers that crisscross that area it couldn't be purchased.

Councilman Stredney: That I don't know, from my understanding of the meeting we never heard back from the Department of Defense on what they were willing to do with it. You can't build on it our engineers said that.

Councilman Papalas: Well maybe we ought to try the Congressman's Office.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

None

COMMITTEE REPORTS

None

ORDINANCES AND RESOLUTIONS

RESOLUTION NO.____(Draft No.25-09)

A RESOLUTION IN SPECIAL RECOGNITION OF AMY YEATER

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

YEAS: 5 NAYS: 0

This Draft No. 25-09 was adopted on the 27th day of May, 2009.

ORDINANCE NO.__(Draft No. 26-09)

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR A 9 CUBICLE SWITCHGEAR FOR THE HOWLAND SUBSTATION; AND, DECLARING AN EMERGENCY

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

Councilman McCormick: We had a committee meeting on that and Jim explained everything. This is the substation out on Rt. 46 and 422 in that area. This is the work horse of the area and all the other switchgears have been approved in that area and now this one can be taken out and re-vamped. It is important that this be in working order.

YEAS: 5 NAYS: 0

This Draft No. 26-09 has received its first reading.

ORDINANCE NO. ___(Draft No. 27-09)

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL NATURAL GAS AGGREGATION PROGRAM WITH OPT-IN PROVISIONS PURSUANT TO ARTICLE 18.04, OHIO CONSTITUTION AND AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT WITH BUCKEYE ENERGY BROKERS, INC. FOR CONSULTING SERVICES AND ANY OTHER REQUIRED SERVICES RELATED TO NATURAL GAS AGGREGATION

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

Councilman Papalas: I have a question that I want to ask Neil, last year it seemed to me that we didn't get the deal that we could have gotten. Other cities around us were lower, they got lower deals.

Service Director Buccino: We had to make a deal by the end of October and the offer was going to expire by November 1st. We should expect a better deal than last year with this Buckeye Brokers.

Councilman Papalas: I just had difficulty understanding that because McDonald's rate was much lower than what we got and so was Howland.

Service Director Buccino: Well maybe they were in Trumbull County's group rate.

Councilman McCormick: It is all dependent on when you do it, if we would have done it in June it may have cost us more last year. If we would have done it a month later it may have cost us less. When you make a deal with them they buy futures that day. Whatever the futures are that is what dictates your rate. Everything is dependent on what the market is and when you negotiate your deal.

Councilman Papalas: The point is people called me and I am sure they called everyone else here and asked why their rates were higher than everybody else. Let us watch this closely, I don't think we watched this close enough last year.

Councilman McCormick: Some people thought that they were forced to take this rate and that was not the case. You can negotiate your own rate, we just wanted a back up at that time and that is why we went with them.

Councilman Papalas: Is this the agency we had last year?

Service Director Buccino: No last year we went directly to the supplier. This is the same agency that is contracted by Trumbull County.

YEAS: 5 NAYS: 0

This Draft No. 27-09 has received its first reading.

ORDINANCE NO.__(Draft No.28-09)

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO A REAL ESTATE PURCHASE AGREEMENT WITH ANNA STROHMEYER FOR LANDS TO BE USED IN THE CONSTRUCTION OF A SANITARY SEWER OVERFLOW RETENTION TANK; AUTHORIZING THE APPROPRIATION OF FUNDS FOR SAID PURCHASE; AND, DECLARING AN EMERGENCY

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

YEAS: 5 NAYS: 0

This Draft No. 28-09 has received its first reading.

RESOLUTION NO.__(Draft No. 29-09)

A RESOLUTION AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR PROFESSIONAL SERVICES FOR THE DESIGN OF A SANITARY SEWER OVERFLOW RETENTION TANK; AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNENCUMBERED SEWER FUND TO THE SEWER FUND'S CONTRACTED SERVICES ACCOUNT; AND, DECLARING AN EMERGENCY

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

YEAS: 5 NAYS: 0

This Draft No. 29-09 has received its first reading.

RESOLUTION NO.__(Draft No. 30-09)

A RESOLUTION OF SUPPORT FOR THE RETENTION OF THE OLIVE STREET BRIDGE

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

YEAS: 5 NAYS: 0

This Draft No. 30-09 has been adopted on the 27th day of May, 2009.

Council moved to put Drafts No. 12-09, 13-09,14-09, 15-09 and 16-09 on June 3rd, 2009 agenda.

MISCELLANEOUS REMARKS

President Marino: Tony whatever happened to the owner of the Garfield School? We raced to help them get that and I drive by and the grass is high.

Mr. Vigorito: It is still owned by the McQuiad Corporation. Everything fell through when I wouldn't let them just move into the place, they haven't done anything more. I mentioned to a couple of the councilmen that we should revert zoning back to R-A so that they will have to come back in for requests.

Councilman McCormick: I spoke to Mr. Burke about that tonight and he has attempted to reach the individual that has owned it more than once.

Mr. Burke's comments could not be heard.

President Marino suggested to Councilman McCormick that he get together with Mr. Vigorito and the owner concerning reverting it back to R-A.

President Marino asked Mr. Burke about the cardboard recycling. Mr. Burke said that he would call Allied Waste and ask them to bring bins down. Councilman Papalas said that Allied Waste is not picking up the recyclables every week.

Councilman Lastic: Tony that house on Belle Terre is going to come down, right?

Mr. Vigorito: The injunction just got dropped and we are going to bring it in to the Board of Control this week.

Councilman Papalas thanked Mr. Burke for doing a good job and taking care of all the calls.

It was moved by Stredney, seconded by McCormick to adjourn the meeting at 5:33p.m. Motion carried

Linda A. Yuhasz, Clerk of Council

Robert A. Marino Jr., President of Council

