

MINUTES

Niles City council held its regular meeting of October 21, 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-P; McCormick-P; Stredney-P; Papas-P; Wilkerson-P; Marino-P

A motion was made by Stredney, seconded by Lastic to accept the Minutes of the regular meeting of October 7, 2009 and place them on file. Motion carried.

REPORTS AND COMMUNICATIONS

FROM State Representative Tom Letson

A letter asking councils support on the Veterans Bonus Initiative

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

Motion carried.

FROM The Ohio Division of Liquor Control

A new permit request from Niles CVS

It was moved by Scarnecchia, seconded by Wilkerson to refer to the service director and police chief for their report and recommendation. Motion carried.

FROM The Delphi Retirees

A copy of a resolution supporting the retirees

It was moved by Papalas, seconded by Lastic to accept the resolution and take it under advisement and take action on it at the next council meeting. Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Mr. David Betras of 1491 Barbie Drive, Boardman, Ohio 44512: I am the chairman for the Mahoning County Democratic Party and I am here today I think you all have a copy of the resolution that I would like you all to pass opposing Issue 3. I would like a moment of your time as to why I think Issue 3 is bad. I am not here today to explain to you the virtues or to demonize gambling in Ohio, there are adequate arguments on either side of that. What I am here today to (inaudible) is that if we are going to do gambling this is the worst plan that we could have. I am going to try to not get too emotional but I don't understand how you bring 34,000 jobs into a state and the area of the state that has suffered the longest for thirty years doesn't even get an opportunity of one of those jobs, not one. We have for thirty years suffered in the Valley from bad policies from NAFTA and (inaudible) and have decimated our manufacturing base and those were our politicians in Washington. Now we have someone in Ohio that is bringing the plan up that bypasses the Valley once again. I understand Mr. Gilbert and Penn Gaming not wanting to invest their dollars in the Valley but it is a separate issue when they block our own business people, because under Issue 3 we are permanently blocked. Permanently blocked from anywhere, Warren, Columbiana County, Mahoning County we are permanently blocked. Lest we forget the Wal-Mart in Liberty where 4000 people applied for 350 minimum wage jobs with no benefits! That is how bad we are hurting in this area and they have written themselves a sweet heart deal. They are hoping that we are so desperate that we will jump for it. Their tax rate is 33%. What this body has got to understand is that everywhere else in the country the most money they make on slot machines is 50%. Their gaming license is 50 million. Everywhere

in the country its 2-5 hundred million for gaming license. What is aggravating me the most is that they dealt the Valley out again and I don't know how much as a region we have to sit back and take it but this time we can have our Waterloo Moment. We can say I don't care if it's gambling or picking up piddly sticks, we are the children of immigrants. Our ancestors came here with nothing, my grandparents came here with nothing in their pockets and they built a life. They educated their children and their grandchildren and I am one of them. All I ask of Washington, Columbus, or Cleveland is a fair shake. We don't need handouts from Cleveland. The money they are giving Trumbull County, they are giving the City of Niles nothing, you get nothing city! The City of Youngstown is getting three million and that council unanimously opposed it. Mayor Jay Williams is one of the four co-chairs opposing Issue 3. They are going to give Trumbull County and your school district \$123.57 per student. Guess what they get right away, they get an immediate injection into their economy, the jobs, the money; six hundred million dollars will churn thru that casino and they are going to give Trumbull County I think four or five million. I don't need pennies from anyone, Cuyahoga County is going to get fifty million dollars. It's failing in Columbus and they need the Valleys vote to off set it so that they can build the casino in Columbus that is a kick in our pants. It is not about gambling it is about passing us up and standing together as a region and saying no more to Mahoning Valley! When I am down in Columbus I hear them complaining that the state's unemployment rate is nine percent well come up to the Valley. We will show you how to govern with nothing, we will show you how to make a dollar stretch into five. I am sorry that all these other areas are (inaudible), it isn't us versus them, but when we were on our knees I didn't see Cleveland, Columbus, Cincinnati or Toledo passing a law that gave us something to the exclusion of them. This is unfair and an insult to the Valley. I am asking this body and I have Mike Costarella here a councilman of the City of Girard and Girard is set to pass a resolution opposing it. I am not against gambling, I am against laws and policies that deal us out. For too long we are passed over and forgotten about and until we as a body of politics say no more, no more looking over the Valley it is going to continue happening to us again and again. I ask of this body please pass it. If some of you are in public finance, whatever money they give Trumbull County don't ask me ask your auditor about a concept called residual budgeting. I can assure you that whatever that money the casino gives you in three or four years from now Trumbull County that is, it will get taken out somewhere else and we will be right back where we are at with no shot to get jobs! I get aggravated when they bypass us and I get tired of it. I am going to scream about it and I am going to continue to scream about it until they pay attention and don't give us handouts just give us an opportunity at fairness. Thank you.

President Marino: Terry Dull called me about 5:20p.m. with a personal emergency and is not here this evening and has the resolutions with him. By rule Mr. Betras the only thing council can do is take it under advisement for our next council meeting.

It was moved by Papalas, seconded by Scarnecchia to take this resolution under advisement and council may consider a special council meeting. Motion carried.

Councilman Scarnecchia: Mr. Betras did they ever give an explanation of why they bypassed us?

Mr. Betras: Yes I asked and they said that they didn't want to invest our money in the Valley. I asked why our own businessmen can't and he said that he doesn't want the competition that is how much they feel about us. I think we were a bargaining chip to Jeff Jacobs because if you look at the State of Ohio there is not one casino that is going to be built east of Cleveland. Yet, there is a million people in this part of the state that are going to live closer to an out of state casino than an in state casino. Which means if you live in Mahoning, Columbiana or Trumbull

County you are going to Mountaineer, you are not going to travel an hour and a half to Cleveland and your money is still leaving the state? They dealt us out and you want to know why, as a region we always vote for it and they took us for granted again! Until as a region we stand together arm and arm as a Valley, Mahoning Valley and say no more we will get paid attention to. If we just rubber stamp this stuff they are going to continue to shove stuff down our throats. I don't have to remind you that our judge in Youngstown our federal judge, you had great Trumbull County residents up for it and they cut them all out and appointed someone from Cleveland.

Councilman Scarnecchia: If we do come up with the resolution I hope that we state in the resolution why, its not that we are against gambling I would like that to be heard.

Councilman Lastic: I would like to know about this \$123.00 a student.

Mr. Betras: Yes they are going to give Trumbull County, the Niles City Schools \$123.57 per student.

Councilman Lastic: How many years?

Mr. Betras: Every year, if all four casinos are built and perform to the level that they say to perform. We won't get that for years and ask someone who deals with the Ohio Lottery. You all work in public finance and you all know what happens with the money that the court collects and puts up, if the court collected more money we could use this money some where else. The same thing is going to happen here. The governor is against Issue 3. I wouldn't be doing this if the governor wasn't against it.

Mr. Mark Hess: How come Youngstown gets three million and Niles gets nothing?

Mr. Betras: Any city over eighty thousand gets a cut with the county (inaudible). I got news for them in 2010 Youngstown is not going to have eighty thousand. Youngstown will be in the position like everyone else.

Councilman McCormick asked President Marino if council could set up the meeting to discuss these resolutions.

It was moved by Papalas, seconded by Scarnecchia that by order of Niles City Council there will be a Special Council Meeting in Mayor Infante's Office on Friday, October 23, 2009 at 3:00p.m. for the express purpose of consideration for the resolution concerning State Issue 3 and the Delphi Retirees resolution. Motion carried.

Councilman Papalas: The reason that we have to do it this way is because if we go with this resolution now and vote on it with no one sponsoring it then anybody at council could bring in a resolution at any time and expect it to be passed that night. That does nothing but disrupts our meeting and is against all of our rules. This works out fine.

Mr. Mike Costarella, Girard City Councilman: I want to say about the importance of what you are doing. In the debate that occurred with Mr. Gilbert he was asked by (inaudible) considering it again would you have considered us? Mr. Gilbert said if I would have known the blow back we were going to get by not including the Valley I certainly would have. So by making the statement and the fact that this is so poorly done, we have all been thru this four times (inaudible). The next time they come around perhaps one of two things will happen, our state legislators will

have to put something out that is better represented. The next person will know that we better include the Valley. I appreciate what you are doing.

COMMITTEE REPORTS

None

ORDINANCES AND RESOLUTIONS

ORDINANCE NO.____ (Draft No. 53-09)

AN ORDINANCE REGULATING THE USE OF MOBILE COMMUNICATION DEVICES WHILE OPERATING A MOTOR VEHICLE

It was moved by Stredney, seconded by Lastic to table this Draft.

YEAS: 7 NAYS: 0

Draft No. 53-09 has been tabled.

RESOLUTION NO.____ (Draft No. 55-09)

A RESOLUTION OF SUPPORT FOR THE TRUMBULL COUNTY PLANNING COMMISSION'S APPLICATION FOR THE MOSQUITO CREEK WATERSHED BALANCED GROWTH PLAN

It was moved by Papas, seconded by Lastic 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. 55-09 has been adopted on the 21st day of October, 2009.

ORDINANCE NO.____ (Draft No. 56-09)

AN ORDINANCE AMENDING CODIFIED ORDINANCE NO. 1137.05 TO SET A MAXIMUM PERCENTAGE OF LOT COVERAGE FOR BUILDINGS AND IMPERVIOUS SURFACES WITHIN A B-1 HIGHWAY COMMERCIAL DISTRICT; AND, DECLARING AN EMERGENCY

It was moved by Stredney, seconded by Papas to table Draft Nos. 56-09, 57-09, 58-09, 59-09, 60-09, 61-09, 62-09, 63-09, 64-09, 65-09, 66-09 and 67-09.

Mr. Vigorito: Upon going over the ordinances with Terry Dulls Office we found that there were seven other ordinances that were mistakenly not put in to the group. So, he asked me tonight to hold off on these ordinances and to cancel out the public hearing so we wouldn't have to have

two separate hearings on the additional seven. We will get them reorganized back to the next meeting and I will be here.

Councilman Scarnecchia: Are these that we are just tabling now are these identical to what is going to come in next time or are they going to change?

Mr. Vigorito: Yes, again because there were seven that were accidentally omitted.

Councilman Scarnecchia: We will get all new?

Mr. Vigorito: Yes you will get a complete new draft with all new (inaudible) and run them all together.

Councilman McCormick: We will get these back as is plus an additional seven?

Mr. Vigorito: Right.

Councilman Papalas: I have a question on the one ordinance that dealt with kennels, is this grandfathered?

Mr. Vigorito: That was one of the questions that were left up to council by the Planning Commission. We had asked if there would be a sunset on it, a year or two whatever council wanted to give or eliminate the sunset and grandfather any kennels that are already in they could stay.

YEAS: 7 NAYS: 0

Draft No. 56-09 thru Draft No. 67-09 is tabled.

RESOLUTION NO.____ (Draft NO. 68-09)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED HOSPITAL SELF-INSURANCE FUND (HSIF) TO THE HSIF CONTRACTED LABOR ACCOUNT AND, DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

This Draft No. 69-09 has been adopted on the 21st day of October, 2009.

ORDINANCE NO__ (DraT No. 69-09)

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH CSX TRANSPORTATION, INC. FOR THE

DESIGN AND CONSTRUCTION OF THE 5TH STREET BRIDGE; AND, DECLARING AN EMERGENCY

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

Councilman McCormick: Is this where they are going to build the bridge (inaudible) and then we will be responsible for maintenance?

Mr. Hess spoke about how CSX is going to upgrade the bridge and it is part of the National Gateway Project. It involves upgrading the railroad lines going thru six states including Ohio. The 5th Street Bridge is a foot and a half too low. It is a CSX Bridge but they have gotten us involved in the discussion. They are going to build the bridge at their cost and in fifty years we are going to maintain it.

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. 69-09 has been on adopted on the 21st day of October, 2009.

ORDINANCE NO. __ (Draft No. 70-09)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS TO SELL USED CITY-OWNED ITEMS; AND, DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

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

Councilman McCormick: Is this going to be conducted with sealed bids or an auction?

Mayor Infante: We advertise out and we get bids to open up to the highest bidder.

YEAS: 7 NAYS: 0

This Draft No. 70-09 has been adopted on the 21st day of October, 2009.

President Marino: For planning purposes note that the Public Hearing on November 18th 2009 has been cancelled.

MISCELLANEOUS REMARKS

Safety Director Guarino: Council in reference to Draft No. 53-09 I have telephone numbers here if you would like to call up there yourself and talk to them. I talked to (inaudible) the acting chief of police, I have his telephone number. I talked to the prosecutor's office and I am waiting for them to get back with me. I talked to the safety director and I have all these numbers and you can call yourself. Terry Dull and Terry Swauger were supposed to have contacted their prosecutor and I don't know right now if they did. If you want the numbers I will give them to you any time you want. I hope that you do your homework and get this ordinance passed.

Mr. Vigorito updated council on the fence at the Royal Mall. He was in contact with a representative of Vesta Corporation who didn't remember any negotiations concerning the fence. They are going to look at it and try to get it included in next year's budget. Mr. Vigorito gave them notice concerning the existing fence, he told them to get it cleaned up and painted.

Chief Simeone: I met with Councilman Wilkerson and members of Mauro Circle and the meeting went very well. We both shared some information, concerns and possibly some things that could be corrected. I also spoke to a member of the police department. I have some information too if anybody wants to ask about the cell phone issue.

Councilman Papalás: I don't think we left this clearly enough for the meeting on Friday, we bring this in we are going to be voting on this as Council as a Whole. We need a caption on it or somebody wants to put their name on it.

President Marino: Correct, all your names will be listed as Council as a Whole. Is there anybody that doesn't want their name listed? Are you okay with both of them, Council as a Whole? You can amend it there.

Councilman Scarnecchia asked Chief Simeone about the nuisance ordinance. He wanted to know if we are following this ordinance since he has been reading about the calls at Mauro Circle and the Royal Mall. Chief Simeone said yes he has had meetings with the landlords and spoke to them. Chief said that the ordinance is very labor intense and sometimes you don't have the people to go further. Councilman Scarnecchia said that was brought up and that Chief Simeone were there to follow through. Chief Simeone said that he was the one doing the work because if not you would have to pay people overtime. Chief Simeone told Councilman Papalás that he has sent about thirty letters out and the landlords have all cooperated.

Councilman Stredney told council that he didn't know if he could attend the Special Council Meeting on Friday but that he supports both resolutions.

It was moved by Stredney, seconded by McCormick to adjourn the meeting at 6:40p.m. Motion carried.

Linda A. Yuhasz, Clerk of Council

Robert Marino Jr., President of Council

