

MINUTES

Niles City Council held its regular meeting of December 2, 2009 at 6:00p.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-A; Papalas-P; Scarnecchia-A; McCormick-P; Stredney-P; Papas-P; Wilkerson-P; Marino-A
It was moved by Wilkerson, seconded by Papas to excuse the absence of Councilmen Lastic, Scarnecchia and President Marino. Motion carried.

A motion was made by Stredney, seconded by McCormick to accept the Minutes of the regular meeting of November 18, 2009 and place them on file. Motion carried.

REPORTS AND COMMUNICATIONS

FROM The Auditor's Office

The Estimated VS Actual Revenues thru November 2009

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

FROM The Auditor's office

The 3rd Quarter 2009 Status Report

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

FROM The Niles Municipal Court

The Probation Report for 2009

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

FROM The City Income Tax Office

The Monthly Receipts Totals thru November 2009

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

FROM The Law Offices of Friedman & Rummell

A letter concerning a petition for annexation of BR Property Group

It was moved by Stredney, seconded by McCormick to refer the letter to the Mayor's Office and the Law Director. Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

President Pro-Tem Papalas welcomed Pack 135 to the council meeting.

COMMITTEE REPORTS

None

ORDINANCES AND RESOLUTIONS

RESOLUTION NO.____ (Draft No. 74-09)

THE RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED GENERAL FUND TO THE HEALTH DEPARTMENT'S GRANTS ACCOUNT AND, DECLARING AN EMERGENCY

It was moved by Stredney, seconded by Wilkerson to give this Draft a second reading.

YEAS: 5 NAYS: 0

Draft No. 74-09 has received a second reading.

RESOLUTION NO.____ (Draft No. 75-09)

A RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION AND TO EXECUTE CONTRACTS IN CONNECTION WITH THE OHIO PUBLIC WORKS COMMISSION FOR A PROGRAM YEAR 2010 OHIO PUBLIC WORKS COMMISSION PROGRAM, FUNDING THE TRU-SR 46 ROADWAY IMPROVEMENTS; PHASE 2 AND DECLARING AN EMERGENCY

It was moved by Stredney, seconded by Wilkerson to give this Draft a second reading.

YEAS: 5 NAYS: 0

Draft No. 75-09 has received a second reading.

ORDINANCE NO.____(Draft No. 76-09)

AN ORDINANCE AUTHORIZING THE MAYOR AND SERVICE DIRECTOR TO ENTER INTO AN AGREEMENT WITH EVERFLOW EASTERN PARTNERS, LP FOR A NON-DEVELOPMENT OIL AND GAS LEASE FOR CITY-OWNED PROPERTY; AND DECLARING AN EMERGENCY

President Pro-Tem Papalas: Mayor could you tell us where the land is for this?

Mayor Infante: The Altobelli property, between the park and his property.

President Pro-Tem Papalas: Isn't there one in that area now?

Mayor Infante: There is one on the park property now and they got about ninety eight percent of the signatures and five roads will be used.

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

YEAS: 5 NAYS: 0

Draft No. 76-09 has received a first reading.

RESOLUTION NO.__(Draft No. 77-09)

A RESOLUTION AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR THE NEW SANITARY SEWER OVERFLOW FACILITY; AND DECLARING AN EMERGENCY

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

Councilman McCormick: Randy did we secure the funding for that as anticipated?

Mr. Randy Fabrizio: The last word I had from the Representatives Office is that we are going to receive approximately fifty percent of the anticipated construction costs from federal grants and we were turned down for the other fifty percent for stimulus money, so we have to go looking.

YEAS: 5 NAYS: 0

Draft No. 77-09 has received a first reading.

ORDINANCE NO. __ (Draft No. 78-09)

AN ORDINANCE REPEALING A MOTOR VEHICLE LICENSE TAX ENACTED BY ORDINANCE NO. 21-09; AND, DECLARING AN EMERGENCY

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

President Pro-Tem Papalas: This ordinance is the result of a pledge we made to the community in June that if the license plate fee increase didn't take place in the county we would rescind our own. The reason we passed this is because we wanted the funds to come directly to Niles not to be used by the county. We have had other developments that we just learned about. These developments we discussed at the meeting in the mayor's office.

Mayor Infante: We found out that to rescind it, it won't take effect until 2011. We didn't know that the Bureau of Motor Vehicles logs in their computer system throughout the state of Ohio ninety days prior to the end of the year. You are allowed to renew your license three months ahead of time. They are going to start charging that ten dollars. At our Finance Committee Meeting today we thought that we would get this ball rolling and we are going to collect another a hundred and eighty thousand dollars that will sit in Permissive Tax Fund. We talked about scheduling a public hearing to get their input on it and putting some projects together to see if the public would be interested in letting us use that money for a project. If there is a big outcry and they want the ten dollars rebated, we will have to find a solution in refunding it through a utility bill. There are nineteen thousand licensed motor vehicles in Niles that get registered every year. Our intentions were great and now we are trying to be honest and let everyone know. You couldn't rescind it before the election and three months prior to the end of the year they set their computers up throughout the state.

YEAS: 5 NAYS: 0

Draft No. 78-09 has received a first reading.

ORDINANCE NO. __ (Draft NO. 79-09)

AN ORDINANCE REPEALING A MOTOR VEHICLE LICENSE TAX ENACTED BY ORDINANCE NO. 22-09; AND, DECLARING AN EMERGENCY

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

YEAS: 5 NAYS: 0

Draft No. 79-09 has received a first reading.

MISCELLANEOUS REMARKS

Mayor Infante: AMP Ohio has cancelled out the coal power plant and the main reason is the thirty seven percent increases to build it. All the communities involved have spoken and do not want to go forward but they are still going to look into alternatives.

Mr. Anthony Vigorito: The Edison Place is getting started on and they said that they will have it completed within one year. We finally got the first four demolitions with the stimulus money that we were given and we have five more in the process now.

It was moved by Stredney, seconded by Wilkerson to adjourn the meeting at 6:20 p.m.
Motion carried.

Linda A. Yuhasz, Clerk of Council

Stephen G. Papalas, President Pro-Tem