

MINUTES

Niles City Council held its regular meeting of August 18, 2010 at 6:00 p.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-A; Giancola-P; McCormick-P; Stredney-P; Papas-A; Wilkerson-P; Marino-P
It was moved by Lastic, seconded by Wilkerson to excuse the absence of both Councilman Papalas and Councilman Papas. Motion carried.

It was moved by Stredney, seconded by Wilkerson to accept the Minutes of the July 7 and July 15, 2010 meetings and place them on file. Motion carried.

REPORTS AND COMMUNICATIONS

FROM The Auditor's Office

The 2nd Quarter 2010 Status Reports

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

FROM The City Income Tax Office

The Monthly Receipts thru July 2010

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

FROM The Ohio Division of Liquor Control

A new permit request for Wing Warehouse

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

FROM The Trumbull County Commissioners

A letter concerning the annexation of 8.1623 acres of land from Wethersfield Township

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

FROM Robert J. D'Andrea

A letter regarding a zoning request for a home based business.

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

It was also brought to council's attention that the request by Mr. D'Andrea was brought to the planning commission on the August 11 meeting and was turned down.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Robin Norman of 222 Washington Ave. Niles: My concern is the increase of puddles of water in the center of our intersection and we just got our basement flooded again last Wednesday. We had this happen six years ago and had to spend an extensive amount of money to fix and repair the basement. We put a sump pump in, drywall and new carpet and were told by our insurance company that if we turned another claim in they would either raise our rates or drop our

coverage. Is there a way to check the sewers to see if they are clogged because they are not working properly especially at the intersection of Clinton and Washington. As a citizen I am concerned that this is going to happen frequently and I won't be able to finish my basement. My neighbor, Mr. John Wilson and several neighbors on our street had flooding as well.

Councilman McCormick: I kind of looked into this after a few calls last week and what I have been told is that we are going to make sure that these storm drains are cleaned out. The total amount of rain that we got was about 3.3 inches of rain in a two hour period is an amount equal to flood stage. It was too much water at one time for the system to handle and it had to go some where and it backed up. We should get these storm drains checked, jet them out and if they are not clear try to open them up. I will get a hold of somebody to talk about the one at Clinton and Washington to find out why it is not working.

Mr. Mark Hess: I want to say again that this was a major event. There were a lot of homes around that saw flooding and we haven't had that amount of flooding in (inaudible) years. I can't be that specific until I send someone to your house and find out what is going on.

Councilman Stredney: That wasn't the only one, right on the bend on Lincoln Avenue we were standing in water up to our knees. The new ones that we built on Bonnie Brae they were having problems too. We need to address this.

COMMITTEE REPORTS

None

ORDINANCES AND RESOLUTIONS

RESOLUTION NO. ____ (Draft No. 37-10)

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE TRUMBULL COUNTY ENGINEER AND THE CITY OF WARREN, OHIO FOR APPLICATION OF FUNDING FOR THE HEATON-NORTH ROAD MILL AND FILL IMPROVEMENTS PROJECT; AND DECLARING AN EMERGENCY

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

YEAS: 5 NAYS: 0

Draft No. 37-10 has received a first reading.

ORDINANCE NO. ____ (Draft No. 38-10)

AN ORDINANCE ACCEPTING THE ANNEXATION OF 8.1623 ACRES FROM WEATHERSFIELD TOWNSHIP OWNED BY BR PROPERTY GROUP, LLC AND AMENDING THE ACREAGE OF RESOLUTION NO. 02-10 AND ORDINANCE NO. 06-10 AND DECLARING AN EMERGENCY

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

YEAS: 5 NAYS: 0

Draft No. 38-10 has received a first reading.

ORDINANCE NO. ____ (Draft No. 39-10)

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT OR CONTRACTS, WITHOUT BIDDING PURSUANT TO OHIO REVISED CODE SECTION 735.051, FOR THE REPAIR OF THREE ODIC MIXERS AT THE WASTEWATER TREATMENT PLANT; AND DECLARING AN EMERGENCY

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

YEAS: 5 NAYS: 0

Draft No. 39-10 has received its first reading.

Councilman McCormick: This is something that I talked to Randy about and in relation to the storm we had last week. We have three basins down there to handle this water and we were only able to use two because the one basin doesn't have enough mixers to process this. We did have to bypass some water which required EPA notification and we should be able to utilize that plant to its fullest extent. Hopefully we can do something to get these mixers running and we need to do this under emergency measures. We don't know if we will have rain like this tomorrow or six months from now, but we should be prepared for it. At Randy's request I am imploring you to pass this ordinance.

RESOLUTION NO. ____ (Draft No. 40-10)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED GENERAL FUND TO AN ACCOUNT IN BUILDING AND ZONING; AND, DECLARING AN EMERGENCY

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

YEAS: 5 NAYS: 0

Draft No. 40-10 has received its first reading.

RESOLUTION NO. ____ (Draft No. 41-10)

A RESOLUTION AFFIRMING THE PAYMENT OF CERTAIN REQUISITIONS PAID IN THE YEAR 2010 IN EXCESS OF THREE THOUSAND DOLLAARS

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

YEAS: 5 NAYS: 0

Draft No. 41-10 has received its first reading.

Auditor Nader explained to council the recommendation from the state auditor concerning the Now and Then spending.

RESOLUTION NO. ____ (Draft No. 42-10)

A RESOLUTION AUTHORIZING THE APPROPRIATIONS OF FUNDS FROM THE UNAPPROPRIATED COMMUNITY DEVELOPMENT FUND, THE DRUG LAW FUND AND THE LAW ENFORCEMENT FUND; AND, DECLARING AN EMERGENCY

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

YEAS: 5 NAYS: 0

Draft No. 42-10 has received its first reading.

It was moved by Stredney, seconded by Giancola to adjourn this meeting at 6:23 p.m. Motion carried.

Linda A. Yuhasz, Clerk of Council

Robert Marino Jr., President of Council