

MINUTES

Niles City Council held its regular meeting of September 1, 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-P; Giancola-A; McCormick-P; Stredney-P; Papas-P; Wilkerson-P; Marino-P
It was moved by Stredney, seconded by Papas to excuse the absence of both Councilman Giancola and Mayor Infante. Motion carried.

It was moved by Stredney, seconded by Lastic to accept the Minutes of the August 18, 2010 meeting and place them on file. Motion carried.

REPORTS AND COMMUNICATIONS

FROM The Auditors Office

The Estimated Versus Actual Revenues thru August 2010

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 Total thru August 2010

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

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Robin Norman of 222 Washington Ave. Niles: I was here a few weeks back and brought up the problem of the sewer issue on our street My councilman Ed Stredney has followed up with me and a representative of the engineers office came to the house and found some issues to be taken into consideration and I just want to know what transpired from last week.

Councilman Stredney: The representative from the engineer's office, Mr. Hess is not here tonight. The only information that I know and was discussed is getting down there with the jets and cameras and possibly doing the smoke test.

Robin Norman: I know that they were down at the intersection some time last week, but I don't know what took place. Has there been any jetting or smoke test?

Mr. Buccino: I think there has been jetting but as far as smoke tests they are waiting on (inaudible).

President Marino told Robin Norman that her best bet would be to meet at City Hall with Councilman Stredney, Mr. Hess, Mr. Fabrizio and Service Director Buccino about their plan. There was no one at the meeting tonight to discuss this with her or answer her questions.

Mr. Randy Fabrizio told council and Robin that he was told by the Mayor to get prices on smoke testing.

Mr. Charles Johnstone of 145 Sheridan Ave. Niles: I have problems with my sewers on Sheridan Avenue and every time there is a down pour my sewers back up. I know for a fact that the storm sewers are tied in with the sanitary system. There is no other way that it could be. It comes up through my sanitary drain and floods my entire basement. I go through this two or three times a year. I have to take everything out of my basement, scrub it with Clorox . (A portion of Mr. Johnstones statement was inaudible.) Mr. Johnstone talked to other people in his neighborhood with the same problem. The neighbors are on fixed incomes and can't afford to put a back flow valve in. They can't make the council meeting because they are elderly. When I first moved into my house 16 years ago I didn't have this problem. In the last five years it has gotten worse. My other problem is with the dogs and cats, especially the cats. I know that this is an ongoing problem and this is getting ridiculous. I have talked to the dog warden about this but he isn't on full time. I have no idea why he isn't on full time. I have dogs in the neighborhood that aren't tied up or licensed. (A part of his statement was inaudible). I want to know why the animal control person isn't full time. I have been to the mayor's office about this and he told me to come to council.

Service Director Buccino: I think that when the police officers show up on the scene, they are able to cite the person if they physically see the dog.

Law Director Dull: That is the problem that with out any identification, I can sympathize with your problem but if we try to take them to court that is our problem; we have to prove whose dog it is. I think it was great that you came here to pass this information on and maybe it will be considered by the mayor.

Mr. Johstone: If it's a matter of money why don' t they make it so they license the cats, they license dogs? Why can't you pay for cats? If the cats can roam the city in everyone's yard then make them license the cats so you can find out who owns it and fine them for it. Something has to be done it has been a problem for a long time and it just keeps getting pushed off on the back shelf.

Mr. Brian O'Malley of 310 Washington Ave. Niles: It seems that there is a serious problem especially on the west side of the street. Of all the people I have talked to who are getting water live on the west side of the street. (A part of Mr. O'Malley's statement is inaudible). I question whether sewer lines have been tied in with storm drains because of the amount of sewage that we have to clear from our basements after flooding. This needs to be addressed immediately, we are all hard working citizens who pay their taxes and this is a serious problem. If this isn't going to be taken care of then that's a good reason to have people move out of the city.

President Marino: I don't think any one in here said that.

COMMITTEE REPORTS

Councilman Papalas scheduled a Finance Committee Meeting for September 8, 2010 at 2:45 p.m. in the mayor's office.

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 Papas, seconded by Stredney to suspend the rule requiring three readings.

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No. 37-10 has been adopted on the 1st day of September, 2010.

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

AN ORDINANCE ACCEPTING THE ANNEXATION OF 8.1623 ACRES FROM WEATHERSFIELDTOWNSHIP 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 Papalás, seconded by Lastic to suspend the rule requiring three readings.

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No. 38-10 has been adopted on the 1st day of September, 2010.

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 McCormick, seconded by Lastic to suspend the rule requiring three readings.

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No. 39-10 has been adopted on the 1st day of September, 2010.

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 Papas, seconded by Lastic to suspend the rule requiring three readings.

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No. 40-10 has been adopted on the 1st day of September, 2010.

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

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

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

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No. 41-10 has been adopted on the 1st day of September, 2010.

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 Papas, seconded by Wilkerson to suspend the rule requiring three readings.

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No. 42-10 has been adopted on the 1st day of September, 2010.

MISCELLANEOUS REMARKS

Councilman Papalas made a motion to sponsor Building Inspector Vigorito request for an appropriation of \$15, 000 from the general fund to an account in the Building and Zoning Department as long as Auditor Nader approves it. The sponsor will be Council as a Whole.

It was moved by Lastic, seconded by Stredney to adjourn this meeting at 6:30 p.m.
Motion carried.

Linda A. Yuhasz, Clerk of Council

Robert Marino Jr., President of Council