

MINUTES

Niles City Council held its regular meeting of October 6, 2010 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; Giancola-P; McCormick-P; Stredney-P; Papas-A; Wilkerson-P; Marino-P
It was moved by Stredney, seconded by Wilkerson to excuse the absence of Councilman Papas, Law Director Dull and Service Director Buccino. Motion carried.

It was moved by Stredney, seconded by Lastic to accept the Minutes of The September 15, 2010 meeting and place them on file. Motion carried.

REPORTS AND COMMUNICATIONS

FROM The City Income Tax Office

The Monthly Receipts Totals thru September, 2010

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

FROM The Ohio Division of Liquor Control

An application for a permit transfer to Red Dragon Convenient Mart
DBA Convenient Food Mart, 505 N. Main Street

It was moved by Stredney, seconded by Lastic to refer to the Safety Director and Chief of Police for their report and recommendation. Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Mr. Michael Sylvester from the Trumbull County Children Services addressed council about the levy on the November ballot.

COMMITTEE REPORTS

None

ORDINANCES AND RESOLUTIONS

RESOLUTION NO. ___ (Draft No. 46-10)

A RESOLUTION AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR SLUDGE DISPOSAL AND CHEMICALS FOR THE WASTEWATER TREATMENT PLANT; AND DECLARING AN EMERGENCY

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

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No. 46-10 has been adopted on the 6th day of October, 2010.

RESOLUTION NO.__(Draft No. 47-10)

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM VARIOUS DEPARTMENT ACCOUNTS TO THEIR RESPECTIVE GASOLINE ACCOUNTS; AND DECLARING AN EMERGENCY

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

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No. 47-10 has been adopted on the 6th day of October, 2010.

ORDINANCE NO.__(Draft NO. 48-10)

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$1, 100,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING THE CITY'S WATER SYSTEM BY THE CONSTRUCTION OF A PUMP STATION, WATERLINES AND NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY

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

Councilman Papalas asked Auditor Nader to explain this Draft for the public. Auditor Nader explained that this is a roll over of an old note.

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No. 48-10 has been adopted on the 6th day of October, 2010.

ORDINANCE NO.__(Draft No. 49-10)

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$3,250,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF IMPROVING THE CITY'S SANITARY SEWER SYSTEM, INCLUDING ALL NECESSARY APPURTENANCES, 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 Giancola that this Draft be adopted.

YEAS: 6 NAYS: 0

This Draft No. 49-10 has been adopted on the 6th day of October, 2010.

ORDINANCE NO.__(Draft No. 50-10)

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$3, 300,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF CONSTRUCTING, FURNISHING AND EQUIPPING A MULTIUSE INDOOR MUNICIPAL RECREATION FACILITY AND THE SITE THEREOF, INCLUDING ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY

It was moved by Papalás, seconded by Giancola to suspend the rule requiring three readings.

Councilman Papalás: I have gotten calls from a couple members of council and calls from the public on the wording of this, because it sounds like we are building a new center. In the future can we make this more clearly stated? This is for our present wellness center. Is there anything that you would like to explain on this, Chuck, the interest rate?

Auditor Nader: We don't know what the interest rate will be yet, but we pay at least a \$100,000 down every year. The interest on the \$3,400,000 is right around \$59,000 and we are also paying that down.

President Marino: It's \$59,000 in interest and the administrative fees are on top of that?

Auditor Nader: The administrative fees are paid out of G.O. Bond Retirement. The actual interest cost on this note is less than one percent.

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. 50-10 has been adopted on the 6th day of October, 2010.

ORDINANCE NO.__(Draft No. 51-10)

AN ORDINANCE GRANTING A LIMITED TEMPORARY EXCEPTION FROM THE MORATORIUM OF ORDINANCE NO. 32-98 REGARDING THE CONSTRUCTION OF BILLBOARDS WITHIN THE CITY TO "POINT OF SALE MARKETING, LLC"

A motion was made by Stredney, seconded by Papalas to amend Section 1, letter e to read 250 feet. Motion carried.

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

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No. 51-10 has been adopted on the 6th day of October, 2010.

It was moved by Stredney, seconded by Wilkerson to add Drafts 52, 53, and 54-10 to tonight's agenda. Motion carried.

ORDINANCE No.__(Draft No. 52-10)

AN ORDINANCE AUTHORIZING THE MAYOR TO CONTRACT WITH AMERICAN MUNICIPAL POWER INC. TO PROVIDE CERTAIN MANAGEMENT, TECHNICAL AND FINANCIAL SERVICES TO THE CITY OF NILES LIGHT DEPARTMENT AND DECLARING AN EMERGENCY

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

Mayor Infante: As you all know through the audit the Light Department got cited for not having enough unencumbered monies due to the fact that last year we got swamped by Gorsuch Power Plant where we get fifty five percent of our power. It ate up a lot of our unencumbered money, well just about all of it, \$3,500,000. I negotiated with AMP Ohio to come in and oversee our Light Department and help us get back on track. They will provide significant assistance to make the Light Department efficient, put us in a better financial position and give us the best practices that they know how to do in representing eighty eight communities in Ohio. At the end of last year when we were heading into this, we raised the industrial and commercial rates and I didn't raise the residential rates. AMP Ohio will help us cut spending, help us buy transformers, wire and help us save money because I am the first one that doesn't want to raise rates for our residential customers.

Councilman Papalas: What is going to happen if AMP Ohio tells you that we need to raise the rates?

Mayor Infante: Well we are going to have to raise the rates and look at it, we haven't raised the rates since 1988.

Councilman Papalas: What if they tell us that we have too many employees?

Mayor Infante: Well through attrition we will have to eliminate employees.

President Marino: Mayor, will this come in a report and will they let these things out to you as they are uncovering them?

Mayor Infante: Yes.

Councilman Papalas: How soon before they come in?

Mayor Infante: I am not sure, we will meet with them again once the ordinance is passed.

Councilman Papalas: The sooner we pass this, the sooner they come in. How long will they stay?

Mayor Infante: Until they come up with a final report on every area of the Light Department.

Councilman Papalas: Will they oversee the expenditures that come out of the Light Department?

Mayor Infante: I don't think, they will tell us how to buy bulk wire and may save some money by joining other communities and buying together.

Councilman Papalas: Couldn't some of this been done with our own personal?

Mayor Infante: We have been doing it for years, like I said. We have maintained the good shape in the Light Department and since 1988 we have not raised residential rates and have reduced them twice.

President Marino asked the Mayor that Council is kept informed of every detail of the services that AMP Ohio is providing to our Light Department. Council wants the information released to them when as soon as Mayor Infante receives the information.

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No. 52-10 has been adopted on the 6th day of October, 2010.

RESOLUTION NO.__(Draft No. 53-10)

A RESOLUTION TO MEMBERS OF THE UNITED STATES CONGRESS IN SUPPORT OF PASSAGE OF THE COMMUNITY REGENERATION, SUSTAINABILITY AND INNOVATION ACT OF 2009(H.R. 932/S. 453)

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

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No. 53-10 has been adopted on the 6th day of October, 2010.

ORDINANCE NO. __ (Draft No. 54-10)

AN ORDINANCE PROVIDING CERTAIN ADDITIONAL BENEFITS FOR NONUNION FULL TIME EMPLOYEES AMENDING IN PART, CODIFIED ORDINANCE SECTIONS 163.02(A) (5) (A), 163.03 AND 163.12 AND, DECLARING AN EMERGENCY

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

Councilman Papalas: This is a result of discussions we had some weeks ago, it's not what I would have liked to see. I think that we should have followed the tradition we had in the past of giving these people the same thing that union has gotten but, this is what we have here before us and I am sponsoring the ordinance. One of the great disappointments that I had out of all of this is the editorial in the Warren Tribune which I thought was remarkable in that it was as far off base as it could have been.

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No. 54-10 has been adopted on the 6th day of October, 2010.

MISCELLANEOUS REMARKS

Mr. Vigorito told council that there were twenty nine homes on the slate to be demolished.

Councilman Papalas asked if the traffic light on the corner of Washington and Vienna was broken and Mr. Hess informed him that it was backing up traffic because of the road resurfacing so they changed it to flashing. Councilman Papalas also asked Mr. Vigorito for an update on Smith Street. Neighbors of a Smith Street house were present at council and concerned about the condition of the front porch. Mr. Vigorito informed the resident to get the drywall off the front porch and clean it up. The neighbors are very concerned with the condition of Smith Street.

Councilman McCormick thanked Neil and the Street Department for the sign that they put up on Smith Street.

Councilman Stredney asked Mr. Fabrizio for a report on the smoke test on Washington Street and Sheridan Street. Councilman McCormick said that if he found problems we will notify the residents and if we found our problems we intend to fix them.

It was moved by Stredney, seconded by Giancola to adjourn the meeting. Motion carried.

Linda A. Yuhasz, Clerk of Council

Robert Marino Jr., President Pro-Tem