

**MINUTES**

Niles City Council held its regular meeting of December 15, 2010 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-P;Papalas-P;Giancola-P;McCormick-P;Stredney-P;Papas-P;Wilkerson-P;Marino-A  
It was moved by Stredney, seconded by Lastic to excuse the absence of President Marino.  
Motion carried.

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

**REPORTS AND COMMUNICATIONS**

FROM The Niles Planning Commission

A letter recommending the Vacation of Portion of Liberty Street  
Reference Draft No. 65-10

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

A motion was made by Stredney, seconded by Papas to schedule a Public Hearing for February 2, 2011 at 5:45p.m. Motion carried.

**MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL**

None

**COMMITTEE REPORTS**

None

**ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO.\_\_(66-10)**

**AN ORDINANCE GIVING CONSENT AND COOPERATION TO THE OHIO DIRECTOR OF TRANSPORTATION FOR THE RESURFACING OF A PORTION OF SR 46 AND A PORTION OF SR 169;AND AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACTS NECESSARY FOR THE PROJECT; AND DECLARING AN EMERGENCY**

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

Mr. Mark Hess told council that this resurfacing contract will be Robbins Avenue from Main Street to Vienna Avenue. The city's share of this 2011 project will be 20%.

**YEAS: 7    NAYS: 0**

Rules are suspended.

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

**YEAS: 7    NAYS: 0**

This Draft No. 66-10 has been adopted on the 15<sup>th</sup> day of December, 2010.

**ORDINANCE NO.\_\_\_\_ (Draft No. 67-10)**

**AN ORDINANCE GIVING CONSENT AND COOPERATION TO THE OHIO DIRECTOR OF TRANSPORTATION FOR THE RESURFACING OF A PORTION OF SR 46/169 OVERLAP; AND AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACTS NECESSARY FOR THE PROJECT; AND DECLARING AN EMERGENCY**

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

Councilman Stredney: Are we paying for this up front next year or in 2015?

Mr. Hess: No we pay when construction starts.

**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. 67-10 has been adopted on the 15<sup>th</sup> day of December, 2010.

**ORDINANCE NO.\_\_\_\_ (Draft No. 68-10)**

**AN ORDINANCE TO AUTHORIZE THE EXECUTION OF AN AMPGS REPLACEMENT ENERGY SCHEDULE WITH OPTIONAL PREPAY WITH AMERICAN MUNICIPAL POWER, INC. AND DECLARING AN EMERGENCY**

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

Councilman McCormick asked Mr. Newbrough what the replacement energy schedule was. Mr. Newbrough said that the schedule was the amount of energy that is allotted each city for its power project. Councilman McCormick asked if we needed less power because of the shut downs the city has experienced. MPGS was originally a coal fired plant and after the engineering study was done they found out it wasn't going to work out cost wise. Now they are going to build a gas fired plant and the allocations are going to be the same as it was back two years ago, Mr. Newbrough explained.

**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. 68-10 has been adopted on the 15<sup>th</sup> day of December, 2010.

**RESOLUTION NO. \_\_\_\_ (Draft No. 69-10)**

**A RESOLUTION AUTHORIZING THE YEAR-END TRANSFERS; AND, DECLARING AN EMERGENCY**

It was moved by Stredney, seconded by Papas 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. 69-10 has been adopted on the 15<sup>th</sup> day of December, 2010.

**RESOLUTION NO. \_\_ (Draft No. 70-10)**

**A RESOLUTION ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2011; AND, DECLARING AN EMERGENCY**

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

Auditor Nader thanked everyone involved in working with him to get the budget ready for council. Councilman McCormick noted that the 2011 budget is approximately four and a half million dollars less than last year and wanted to know where the biggest budget cuts were. Auditor Nader told him that it was across the board and that they cut quite a bit in the Light Department. Mayor Infante told Councilman McCormick when asked about work force cuts that they would occur through attrition.

**YEAS: 7    NAYS: 0**

Rules are suspended.

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

**YEAS: 7    NAYS: 0**

This Draft No. 70-10 has been adopted on the 15<sup>th</sup> day of December, 2010.

**RESOLUTION NO. \_\_ (Draft No. 71-10)**

**A RESOLUTION AFFIRMING THE PAYMENT OF CERTAIN REQUISITIONS PAID IN THE YEAR 2010 IN EXCESS OF THREE THOUSAND DOLLARS; AND DECLARING AN EMERGENCY**

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

**YEAS: 7    NAYS: 0**

Rules are suspended.

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

**YEAS: 7    NAYS: 0**

This Draft No. 71-10 has been adopted on the 15<sup>th</sup> day of December, 2010.

**RESOLUTION NO.\_\_\_\_ (Draft No. 72-10)**

**A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED GENERAL FUND TO VARIOUS DEPARTMENTS' ACCOUNT(S); AND, DECLARING AN EMERGENCY**

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 Giancola, seconded by Wilkerson that this Draft be adopted.

**YEAS: 7    NAYS: 0**

This Draft No. 72-10 has been adopted on the 15<sup>th</sup> day of December, 2010.

**RESOLUTION NO.\_\_\_\_ (Draft No. 73-10)**

**AN ORDINANCE ESTABLISHING A MORATORIUM ON THE ISSUANCE OF LICENSES FOR NEW MASSAGE ESTABLISHMENTS WITHIN THE CITY; AND, DECLARING AN EMERGENCY**

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

Councilman McCormick: Terry, how long does this last?

Law Director Dull: For the present time it is for as long as we need to in order to work on the legislation. (Inaudible)

Councilman McCormick: So, this doesn't expire after a year, this is here until we get done what we need to do?

Law Director Dull: As long as we are making a study (inaudible).

President Pro-Tem Papalas: I thought we did something like this many years ago?

Mayor Infante: Mr. Burke and I were looking at the ordinance on tattoos and ear piercing and massage parlors were not included, so we recommended this to council.

**YEAS: 7    NAYS: 0**

Rules are suspended.

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

**YEAS: 7    NAYS: 0**

This Draft No. 73-10 has been adopted on the 15<sup>th</sup> day of December, 2010.

**MISCELLANEOUS REMARKS**

Mayor Infante thanked everyone for their cooperation this year, he thought the year went fairly well and we lived within our budget.

Safety Director Guarino thanked the street department for doing a good job with the snow removal.

Mr. Vivolo read a thank you from the Christmas in the Park 2010 Committee and the list of donors will be on file in the Clerk of Council's Office. Councilman Stredney told Mr. Vivolo what a great time he had at Christmas in the Park.

Councilman Stredney moved to accept the Nilis City Council 2011 meetings schedule and place it on file and Councilman Wilkerson seconded the motion. Motion carried.

Councilman Stredney told council that the Street Department did a great job with the snow removal as he received no complaints from citizens.

A motion was made by Stredney, seconded by Papas to adjourn the meeting. Motion carried.

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Linda A. Yuhasz, Clerk of Council

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Stephen Papalas, President Pro-Tem

