

## **MINUTES**

Niles City Council held its regular meeting of February 6, 2013 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-P; McCormick-A; Stredney-P; Merlo-P; Wilkerson-P; Marino-P  
It was moved by Giancola, seconded by Stredney to excuse the absence of Councilman McCormick. Motion carried.

Councilman McCormick arrived later during the meeting at 6:20 p.m.

It was moved by Stredney, seconded by Lastic to accept the Minutes of the regular meeting of January 16, 2013 and place them on file. Motion carried.

## **REPORTS AND COMMUNICATIONS**

FROM The Auditors Office

The Estimated versus Actual Revenues thru the year 2012

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

FROM The City Income Tax Office

The Monthly Receipt Totals thru January 2013

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

## **MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL**

Jean Waris of 925 Youngstown Warren Road, Niles: I hoping that someone can explain something to me, on May 18, 2011 council passed a new massage parlor ordinance. We had an interest in seeing whether it was enforced and Warren struggled to pass their massage parlor ordinance. They passed theirs last January. We became aware in early summer that the massage parlor in Niles was not closing at the new time. So, we met with the mayor and he said that he would look into it and it is now closing when it is suppose to. We also found out that there was not an application even for a massage parlor license and technician. So, he had asked us for a template for the application and we provided that. About two weeks ago we decided we wanted to check with Niles and Warren to see what the status was concerning the licensing. We met with Warren and they showed us the application with the license and they had closed one establishment because one of the technicians did not have her educational requirements (inaudible). We went this morning to Niles and there was no license and the file is incomplete because the supporting documents aren't even there. I guess what I really don't understand is this establishment is still open and they don't have any license and I don't understand how that could be!

Councilman Papalas: Did you discuss this with the safety director?

Jean Waris: We just found out about it today.

Mayor Infante: We have the application all made out and it was sent to them certified so we got the copy back. They came down and met with us and we told them the criteria to follow to bring

it in order. We told them they weren't going to get a license until you meet all that criteria and then I think Terry is working on one part of it to make sure that everything will be complied with the ordinance that was passed. I know it has been about a year, but we are working toward it. We have a whole file on it.

Jean Waris: So my question is why are they open if they don't have a license?

Mayor Infante: Well we didn't set up but we are now and I don't want to say it but we are now getting ready to go and inspect it. It is something that I didn't want to say here, but we are getting the groups together.

### **COMMITTEE REPORTS**

None

### **ORDINANCES AND RESOLUTIONS**

#### **RESOLUTION NO.\_\_(Draft No. 02-13)**

#### **A RESOLUTION AUTHORIZING THE EXECUTION OF THE HOUSING REVOLVING LOAN FUND ADMINISTRATION AGREEMENT WITH THE OHIO DEVELOPMENT SERVICES AGENCY (ODSA), AND DECLARING AN EMERGENCY**

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

**YEAS: 6    NAYS: 0**

Rules are suspended.

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

**YEAS: 6    NAYS: 0**

This Draft No. 02-13 has been adopted on the 6<sup>th</sup> day of February, 2013.

#### **ORDINANCE NO.\_\_(DRAFT No. 03-13)**

#### **AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR QUALIFICATIONS AND ENTER INTO CONTRACT FOR A QUALIFIED CONSULTANT TO CONDUCT A COMPREHENSIVE ANALYSIS OF ALL FEASIBLE ALTERNATIVES TO ELIMINATE THE BYPASS AT THE WASTEWATER TREATMENT FACILITY AND ANY OVERFLOWS THAT MAY EXIST IN THE CITY'S WASTEWATER COLLECTION SYSTEM; 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 Stredney, seconded by Merlo that this Draft be adopted.

**YEAS: 6    NAYS: 0**

This Draft No. 03-13 has been adopted on the 6th day of February, 2013.

President Marino: Neil when you decide when your selection is would you let me know?

Mr. Buccino: Yes.

**RESOLUTION NO.\_\_(DRAFT No. 04-13)**

**A RESOLUTION REPEALING RESOLUTION NO. 45-12; APPROVING A REVISED INTERGOVERNMENTAL AGREEMENT WITH THE TRUMBULL COUNTY TRANSIT BOARD FOR THE CITY TO PROVIDE TECHNICAL AND PLANNING ASSISTANCE TO THE BOARD IN OPERATING THE COUNTY TRANSIT SYSTEM; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY; 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. 04-13 has been adopted on the 6th day of February, 2013.

**RESOLUTION NO.\_\_(DRAFT No. 05-13)**

**A RESOLUTION TEMPORARILY ADDING ADDITIONAL DUTIES TO THE POSITION OF THE GRANTS AND DEVELOPMENT COORDINATOR AND INCREASING THE MONTHLY COMPENSATION OF SAID COORDINATOR RETROACTIVE TO JANUARY 1, 2013; AND, DECLARING AN EMERGENCY**

Councilman Papalas: I would like to make a motion to amend this ordinance in Section 3 where it states \$2000 per month, I would like to make a motion to amend that to \$1557.00 per month. Councilman Lastic seconded the amendment. Motion carried.

It was moved by Papalas, seconded by Giancola 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. 05-13 has been adopted on the 6<sup>th</sup> day of February, 2013.

### **MISCELLANEOUS REMARKS**

Law Director Dull: Ronald and Connie Sisco have looked into filing an application with the county to place their farmland over on 1408 Vienna Road in Niles in what is called an Agricultural District; it's a specific section of the Ohio Revised Code. That procedure requires approval by the county and also requires the city to pass legislation to have that application approved as well. This does not change the zoning it is only for tax purposes. The requirements are for us to have a public hearing and also for us to pass legislation. This is under a bit of a time crunch; it needs to be accomplished before the beginning of March.

Councilman Papalas: Terry I would like that legislation to come in as Council as a Whole. Ron Sisco approached me with this and I also got the application in my council mail. I called the county auditor and this has been in effect for many years. The Sisco's are deceased now and the title of the property has gone into Ron and his sisters name so this application has got to be filed again. It is a renewal and Lordstown does this all the time because they have several farms there. The Sisco Farm is the only farm we have here in our community. Going all the way back to when the government set this up to make farms exempt from nuisance complaints and assessments. The Sisco's have always been very good citizens, neighbors to all of us. It has been no problem there and this ordinance is no problem. I would like to have this considered by Council as a Whole.

President Marino scheduled a Public Hearing for February 20, 2013 at 5:45p.m. in Council Chambers for the Application for Placement of Farmland in an Agricultural District for Sisco Farm. It was moved by Papalas, seconded by Wilkerson. Motion carried.

Mr. Swauger updated council on the test pilot ACH for the Utility Department that will start in the next week or two. The city has about fifteen residents that have signed up to be a test pilot. In the second quarter the city should be able to offer automatic payments to the residents of Niles.

Councilman Stredney asked council if there was a plan that they could start to set up regarding Garfield School should the school not sell. Councilman Stredney did not want to go another year of complaints of safety issues, overgrown grass issues, and health issues. He has been to the school and there have been a couple fires set. If the city has to tear it down it will cost a fortune. Law Director Dull was going to draft legal options to see what other options the city has without spending a fortune on the old school. President Marino asked Mr. Vigorito if the zoning for Garfield School got reverted back to residential and Mr. Vigorito said no, the Planning Commission gave the recommendation to council but nothing happened. The old Garfield School is scheduled to be auctioned in April. Mr. Dull is going to look back in the Planning Commission books to see if a Public Hearing is necessary and draft a resolution.

It was moved by Stredney, seconded by Papalas to schedule a Public hearing on March 20, 2013 at 5:45p.m. in Council Chambers to amend the property known as 101 Third Street B-2 Neighborhood Commercial District to R-A Residential District. Motion carried.

President Marino asked Mr. Dull to call the auctioneer or whoever holds it and let them know what council's plans are.

It was moved by Merlo, seconded by Giancola to adjourn the meeting.

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Linda A. Yuhasz, Clerk of Council

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Robert Marino Jr., President of Council