

MINUTES

Niles City Council held its regular meeting of April 3, 2013 at 6:00 p.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; Merlo-P; Wilkerson-P; Marino-A
It was moved by Stredney, seconded by Wilkerson to excuse the absence of President Marino.
Motion carried.

It was moved by Stredney, seconded by Lastic to accept the Minutes of the regular meeting of March 20, 2013 and place them on file. Motion carried.

REPORTS AND COMMUNICATIONS

FROM The Auditors Office

The Estimated Versus Actual Revenues thru March, 2013

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

FROM The Office of the Building Inspector

The Housing Code Monthly Report for March, 2013

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

FROM The City Income Tax Department

The Monthly Receipt Totals thru March, 2013.

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 Belleria Pizza, 602 Robbins Avenue

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

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Anthony Beltz of 530 Sodom Hutchings Road, Vienna: I am Vice President of Local 4564 Phillips Manufacturing in Niles. I would like to thank the mayor, police chief and council for sending a letter to our company's owner in Nebraska we don't know what the results are but it is greatly appreciated. Second I would like to thank Terry Dull for the letter and having it signed by everyone. As far as I know we had an unemployment meeting on March 18, 2013 and we were denied unemployment due to the fact that a member of ours crossed the line so there was work available. It was not because there were permanent replacements or just replacements, that was not the issue. So, we were denied unemployment and on April 1st we had a meeting with all of our members and we voted unanimously to end the strike effective immediately. We sent a letter to our human resource officer and it states that the union makes an unconditional offer to return all striking employees back to work. As of this date we still haven't heard a word from Phillips and they are in shock. We are going to see where we are right now and as of right now

we are ending our strike. We would like to thank the City of Niles for their support; you have been good and thank you council.

President Pro-Tem Papalas: Thank you and glad that you are back.

Mr. Barry Steffey, 511 West Third Street, Niles: I just want to thank Mayor Infante for taking time from his busy schedule last week to meet with myself and Michael Cline as we outline some of the projects we are working on here to help bring some positive attention to the downtown area over the next several months. I have given each of you a copy of our events calendar through October of this year. There are several events from the wine tasting at Ciminero's to the car show at Stoneyard to the Harry Stevens Day celebration the same day that the parade goes on. We really appreciate the mayor's time and he was very gracious with his time. We came to a better understanding of how we can become effective working to enhance the city and be effective working with our city leadership. Thank you for that mayor.

COMMITTEE REPORTS

Councilman McCormick scheduled a Utilities Committee Meeting for April 10, 2013 at 4:00 p.m. in the 1st floor conference room at City Hall. Councilmen Merlo and Lastic along with Councilman McCormick will be there. He invited anyone else who is interested to attend for the purpose of utility bills and a repair of a transformer. He requested Mr. Newbrough and Mr. Telego to attend also.

ORDINANCES AND RESOLUTIONS

ORDINANCE NO.____ (Draft No. 16-13)

AN ORDINANCE APPROVING THE RECODIFICATION, EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF NILES, OHIO, AND THE DECLARING OF AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

This Draft No. 16-13 has been adopted on the 3rd day of April, 2013.

RESOLUTION NO.____ (Draft No. 17-13)

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A TEMPORARY EASEMENT TO THE TRUMBULL COUNTY COMMISSIONERS FOR THE RECONSTRUCTION OF THE OLIVE STREET BRIDGE; AND, DECLARING AN EMERGENCY

It was moved by Stredney, seconded by Lastic to suspend the rule requiring three readings. Councilman Stredney: Are they taking some of the land and (inaudible)?

Mr. Mark Hess: This is the WWTP property and they need some of that property for construction. They are removing 190 feet of fence and it is a temporary easement that begins when construction starts and ends when construction ends. They are going to give the city twenty four hundred dollars and are going to take down the existing fence and put a new fence up at the end of construction.

Councilman McCormick: Is there a projected start date yet?

Mr. Hess: They are looking at next June, a year from this summer. This is federal and state money and they are early in the process.

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

This Draft No. 17-13 has been adopted on the 3rd day of April, 2013.

RESOLUTION NO. __ (Draft No. 18-13)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM UNAPPROPRIATED FOOD SERVICE; GENERAL AND POLICE & FIRE ½% FUNDS; AND, DECLARING AN EMERGENCY

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

Councilman Stredney: Where are we moving it to?

Auditor Nader: We are taking money that wasn't appropriated and putting it into specific accounts in these three funds. In Food Service we were short in the account to pay the state taxes, for the Police Department we had a wrecked cruiser and money came in from the insurance company so we are appropriating it for them to use. In the court we had an employee retire and this money is his retirement incentive that was not put in the fund.

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

This Draft No. 18-13 has been adopted on the 3rd day of April, 2013.

RESOLUTION NO. __ (Draft No. 19-13)

**A RESOLUTION AUTHORIZING THE CASH TRANSFERS FROM THE FEMA GRANT FUND;
AND, DECLARING AN EMERGENCY**

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

Auditor Nader explained to Councilman Merlo that when we had flooding three or four years ago the city collected money for the services we provided. The money sits in the FEMA Fund so now we are going to disperse it to which ever fund it belongs to.

Councilman McCormick: How did you determine how much went to each fund? There is a lot going into the sewer fund I see.

Auditor Nader: Tom Telego did the breakdown because he was the FEMA Supervisor on site. This is money that was actually expenses, if the flood water hit the WWTP and equipment was ruined they reimbursed us for the equipment we replaced.

Councilman McCormick: Oh I remember the incident, thank you.

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

This Draft No. 19-13 has been adopted on the 3rd day of April, 2013.

RESOLUTION NO. __ (Draft No. 20-13)

**A RESOLUTION AUTHORIZING THE APPROPRIATIONS FROM THE UNAPPROPRIATED
STREET, LIGHT AND SEWER FUNDS, FOR A CITYWIDE RADIO UPGRADE; AND,
DECLARING AN EMERGENCY**

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

Councilman Stredney: What upgrades are we required to make with the FCC?

Mayor Infante: The new band a high frequency that we have to go into. The whole state does.

Councilman McCormick: Is that an upgrade of our present equipment or is that new equipment?

Mayor Infante: New equipment, Weathersfield Township got a grant for \$250,000 so we are going in with them (inaudible).

Councilman McCormick: So our present method is done?

Mayor Infante: We have to by law.

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. 20-13 has been adopted on the 3rd day of April, 2013.

MISCELLANEOUS REMARKS

Chief Hinton handed out nuisance abatement packets to the councilmen.

President Pro-Tem Papalas asked Chief Hinton about 251 North Road the cars parking on the street, sidewalk and on their lawn. It looks terrible and the neighbors are complaining. This was taken care of quickly before.

Chief Hinton told council that there was a citation given last week at that address.

President Pro-Tem Papalas: They were parked there again today and I got the complaint

Chief Hinton: I will follow up on it.

Councilman Lastic asked Mr. Burke if he followed up on Sheridan Avenue. Mr. Burke said that the prosecutor will not let him inside the house. The outside of the house is not straightened out either. (Mr. Burke's conversation was inaudible.)

Councilman McCormick: I went over and discussed this with Mike Burke the other day and it looks like according to our code if anyone has a chance to get into the house it might be Tony. I think we need to look at that a little closer and check with the attorney and see what he thinks about that. I know according to Mike our own attorney stated that it is difficult when the person owns the house. I know that Mike has been working on it.

Mr. Burke: I talked to the prosecutor this morning and he said the same thing. He has an attorney (inaudible). The people that own that house don't want anyone in that house. (Inaudible)

Councilman Merlo asked Safety Director Guarino about the junk vehicles at the Sheridan Avenue house. Director Guarino said that he sent the officers over and they ticketed the vehicles and they had ten days to get license plates. If they do not then they get towed. Councilman Merlo told Director Guarino that the ten days should be up so Director Guarino was going to check on it.

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

Linda A. Yuhasz, Clerk of Council

Stephen Papalas, President Pro-Tem

