

## **MINUTES**

Niles City Council held its regular meeting Wednesday, May 3, 2006 at 6:00p.m. in Council Chambers, Safety-Service Complex, Niles, Ohio. The meeting was called to order by the President, Robert Marino, and the Clerk; Linda A. Yuhasz called the roll:

Lastic-P; Papalas-P; Scarnecchia-P; Cox-A; Stredney-P; Papas-P; Fuda-P; Marino-P.

It was moved by Stredney, seconded by Fuda to excuse Councilman Cox. Motion carried 6-0. It was moved by Papalas, seconded by Stredney to accept the Minutes of the Public Hearing of April 19<sup>th</sup> and place them on file. Motion carried 6-0. It was moved by Scarnecchia, seconded by Papas to accept and place on file the Minutes of the regular meeting of April 19<sup>th</sup>, 2006. Motion carried 6-0.

## **REPORTS AND COMMUNICATION**

FROM: The Auditor's Office

The First Quarter 2006 Status Report and the Estimated versus Actual Revenues thru April 2006.

It was moved by Scarnecchia, seconded by Papalas to accept the report and place it on file. Motion carried 6-0.

FROM: The Office of the Building Inspector

The Housing Code Monthly Report for April 2006.

It was moved by Papalas, seconded by Papas to accept the report and place it on file. Motion carried 6-0.

FROM: The Cemetery Department

The April Cemetery Sales Report 2006

It was moved by Scarnecchia, seconded by Stredney to accept the report and place it on file. Motion carried 6-0.

FROM: The City Income Tax Department

The monthly receipts for April 2006.

It was moved by Stredney, seconded by Papas to accept the report and place it on file. Motion carried 6-0.

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

Mr. Robert Allen Lumley, Sr., 106 Neil Street : We still have a problem on the corner of Arlington and Neil Street. Today at 1:30p.m. a car went through at 35 miles per hour with no chance to stop. A week and a half ago a kid on a bicycle went through the intersection; he had

the right of way and was missed by about six inches by a car that swerved. There was no chance for that car to stop. Someone is going to get killed.

President Marino: Mr. Lumley with all due respect if someone is crashing a stop sign and running through it, short of placing a policeman there twenty four hours a day I don't know how a municipality could prohibit that from happening. As for the boy on the bicycle, if somebody crashes it they are responsible for the consequences. Our police chief is out of town this week, Director Guarino do you have a status report on this?

Director Guarino: The Chief did send people over there but like you said we can't be there twenty four hours. I think the Chief checked to see how many accidents were there and I don't think he could find any accidents.

President Marino: Are these people cutting through?

Mr. Lumley: Yes, they are running the stop sign. It's not a rolling stop but a blatant like there was no stop sign there. Now, I'll say this, the last time I spoke about this I asked if you could put a patrol car at the end of Sparkle to see what's going on. It's mainly done between 11:00 and 3:00 p.m. I know a patrol car can't be there all the time, but any of the patrol cars didn't show up there till after 7:00p.m. The one patrol car was way up in the parking lot and they wouldn't be able to see that intersection.

President Marino: When is the Chief coming back, Monday? Mr. Guarino could you make arrangements to hold a meeting with Mr. Lumley, yourself and the Chief in his office? Mr. Lumley are you available Monday or Tuesday of next week?

Mr. Lumley: I am retired.

President Marino: After the meeting would you speak to Mr. Guarino so he could make arrangements for you and who ever else you would like to join the Chief and the Safety Director. I am sure Officer Marhulik, our traffic officer will be there also. Rather than those of us who are not law enforcement officers try to solve the problem for you, we can get you downstairs to meet with the folks in charge of that to try and come to a resolution as quickly as possible. If you could just bear with us until the Chief gets back with us next week.

Mr. Lumley: I could just say it's not my problem, but what happens when a kid gets killed. How do you explain it? How do you explain it to their parents?

President Marino: You can't.

Mr. Lumley: It's bad enough with how some of the bicycles and skateboarders are now, but to out and out go through stop signs. I have seen a lot of cars that come to a rolling stop, but they still have a chance to stop. At thirty five miles per hour they don't slow down until they get up to Main Street. Another thing is that we have a boom box problem again. This can be at two or two thirty in the morning.

President Marino: Not to sound like a broken record, but any concerns you have with safety or something that would require the assistance of the police department I would bring that to their attention when you meet with them next week. It would also be helpful to have a specific time, like you said around two o'clock written down for the police. If you want, license plate numbers.

Mr. Lumley: If I have to I will get my video camera out.

President Marino: If you recognize a license plate number and you record those for the police department bring them to the meeting next week.

Brenda A. Perrine, 117 West Church Street, Niles, Ohio: I also have a problem with the boom boxes and the noisy mufflers. We have a problem with speeding on West Church Street. We also need to have the flashing lights at the intersection of Church and Arlington removed and put back the way they were. A full stop and green and red light there. The light was changed about three years ago and in that time I know that there have been at least nine accidents. If you have nine accidents in three years logic should tell you that something is wrong. People are not seeing the red flashing light. They are not seeing it. When we moved down here well over thirty years ago it wasn't long before we found out what town you obey the traffic laws in. Niles was known for being very lax. There is a solution to speeding. There is a solution to all of our problems. It has to take cooperation of council and all your departments. We do care.

President Marino: May I interrupt you for a moment. With all due respect there is not one employee, elected official, law enforcement official that doesn't take their responsibility very seriously as we all do. With regards to targeting neighborhoods, our law enforcement officials are all over the place. We get annual reports outlining the number of calls, the calls for service and they continue to grow every year. In my opinion, our men in law enforcement are doing the best they can. With regard to the speeding and what not if I recall correctly you were to make arrangements to come down to meet with the Chief to address your concerns, did you do that?

Ms. Perrine: I had health problems that prevented me from doing that.

President Marino: Well I would encourage you like I did Mr. Lumley. There is not one of us in here that can physically address your concern. The folks that can address your concern are the Safety Director, Chief of Police, traffic officer and or the Captain in charge of the turn. When Mr. Lumley makes arrangements to meet with department heads and what not, you too can join him and share with them your concerns relative to the crashing of red lights. I asked about the red light two meetings ago inquiring as to what we were going to do with it. I wanted to make sure it stays there. If there are nine crashes or what not I believe there is a warrant we go by at intersections that dictate whether we put signs up or put a red light back on. If that is the case the Chief can talk with the Engineering Department and Mr. Hess and they can come to an amicable solution in terms of whether to put it on or off. Your first course of action would be to meet with those folks and I would encourage you to meet in a group because this needs to be a neighborhood thing. Then if you do not get the resolution that you want, by all means you can come back and express your concerns again because this is an open form of government, which is what we are about.

Ms. Perrine: Once again I will say that things have not changed in over thirty years.

Jody Lawrence, 43 N. Chestnut Street, Niles, Ohio: I also am here to complain about the speeding on Church Street and Chestnut. I live close to the corner of Chestnut. I have three children and we are wondering what is going on with the trucks. The semi trucks are there every day. Is it a truck route? These trucks are not slowing down at the intersection of Church and Chestnut. Cars will come out from Church onto Chestnut and these trucks will go zooming down the road, they are not paying attention. There are children that were almost hit by a truck not too long ago. I am tired of it. When these trucks do try to stop all you here are loud screeching noises from their brakes, it goes on all the time. I am concerned not only for my children but for all the other children in the neighborhood. The cars that speed down the street, when they get past the intersection of Warren Avenue where the blinking light is they just ...it's like they are on a race track. All that is there is a stop sign, not a light or anything. Something needs to be done. There are ongoing accidents all the time. I have been there for almost seventeen years now and someone is going to end up getting killed. I am bringing this to you along with their complaints because it's time that something gets done before something serious happens. Thank you.

President Marino: Ms. Lawrence, as I told the other two you are welcome to join Mr. Lumley and Ms. Perrine in their meeting with the Safety Director, Police Chief, Traffic Officer and the Captain of the turn to express your concerns. Give them some time to come up with solutions. You are welcome to come back to continue to voice your concerns. Thank you.

### **COMMITTEE REPORTS**

There will be a joint Finance and Utilities Meeting on May 10, 2006 at 3:00p.m.

### **ORDINANCES AND RESOLUTIONS**

#### **ORDINANCE NO. \_\_\_\_ (Draft No. 28-06)**

#### **AN ORDINANCE AMENDING CODIFIED ORDINANCE NO. 1157.11 REGARDING GROUP RESIDENTIAL DEVELOPMENTS IN R-B, R-C, B-2 AND B-3 ZONING DISTRICTS; AND, DECLARING AN EMERGENCY**

It was moved by Scarnecchia, seconded by Papalas to give this Draft a first reading.

**YEAS 6    NAYS: 0**

This Draft No. 28-06 has been given a first reading.

### **MISCELLANEOUS REMARKS**

President Marino: Councilman Fuda congratulations on your primary victory and onward to the general election.

Councilman Lastic: Congratulations, Frank.

Councilman Papalas: I also would like to congratulate Frank.

Councilman Scarnecchia: I would like to congratulate Frank I know the First Ward is going to miss him. I think that is the first number they have on their auto call. It was brought to the Law Director's attention that we have an ordinance that was issued in 1939. Someone came in and tried to use it. That was the fee to register all bicycles in the Mayor's Office. As we know over the years we have not required the bicycles to get license tags. So, if it's the pleasure of Council and we would have to ask the Law Director if we could rescind this ordinance or does Council want to think about this for awhile? I recommend that we rescind it.

President Marino: As the Chairman of the committee you are permitted by rule of Council to introduce the repeal of Ordinance No.6191-39.

Councilman Scarnecchia: Section 373.14 is the section. I am asking that it be rescinded because it hasn't been used in more than fifty years. How do we go about rescinding?

President Marino: You direct the Law Director to prepare legislation to appeal the ordinance.

Mr. Terry Dull: There is also a companion ordinance 373.13 that would go with it.

Councilman Scarnecchia: Okay Terry you will prepare that? Two other things, Safety Director Guarino, I see that we have our ice cream truck on the street and I was wondering if this year you could continue to do background checks on these people. Would you check that out? Secondly, I know that we turned over the Edison Property to the Churches for Housing, but there are some big weeds over there. Are they responsible for the cutting of those?

Mayor Infante: We just cut it yesterday. The city cut it yesterday.

President Marino: The Churches for Housing were notified that the grant fell through this year; they have to reapply for next year.

Councilman Scarnecchia: So, we are going to be responsible for the weeds?

President Marino: It's my understanding that we agreed to take care cutting the grass.

Councilman Scarnecchia: Well, we will take it as it grows. Thank you.

President Marino: Mr. Guarino with the ice cream truck, are those employees allowed at the park? I think they were out there. Did you already take care of that? Very good, thanks Tom.

Councilman Stredney: I would like to congratulate Frank over there. Nice job. Somebody sent me a website that touched on some of the predator stuff that we were talking about one meeting. For anyone interested its [www.familywatchdog.us](http://www.familywatchdog.us). Just click in your city and address and it will hone in on your house and it will show you who lives around you that is a predator.

President Marino: I signed up and they send me e-mails on people moving in and people moving out. I get an e-mail every other day.

Councilman Papas: I just want to congratulate Frank also.

Councilman Fuda: I got a couple complaints on kids playing basketball with portable hoops. Does our ordinance prohibit kids from playing basketball on the streets? It came up once before.

Councilman Scarnecchia: It was on Bentley Avenue, I came up on it and there were little children out on the street playing hoops because the basketball hoop was on the street. When I say little children, the one girl must not have been over six.

Councilman Fuda: Do we have an ordinance on that Terry?

Mr. Terry Dull: Not specifically on the hoops, it's a general ordinance that says you are not allowed to interfere with traffic.

Councilman Fuda: I didn't talk to the lady she left a message on my machine. Do you want to address the public with something in the newspaper?

Mayor Infante: Well for some people it's a nuisance and for some people its not. It depends on what street you live on. We have to address it individual. If somebody had an individual complaint we would send the police out and let them know that they can't have it there.

Councilman Fuda: Are we starting to cut the grass in the retention ponds yet? I guess someone is dumping garbage in there.

Mayor Infante: They were cut on top they couldn't get down below.

It was moved by Fuda, seconded by Papas to adjourn this meeting. Motion carried 6-0.

---

**Linda A. Yuhasz, Clerk of Council**

---

**Robert Marino, President of Council**

