

MINUTES

Niles City Council held its regular meeting, Wednesday, May 16, 2007 at 6:00 p.m. in Council Chambers, Safety-Service Complex in Niles, Ohio. The meeting as called to order by President Robert Marino, and the Clerk; Linda A. Yuhasz called the roll:

Lastic-P; Papalas-P; Scarnecchia-A; Cox-A; Stredney-P; Papas-P; Wilkerson-P; Marino-P

A motion was made by Papas, seconded by Lastic to excuse the absence of Councilman Scarnecchia and Councilman Cox. Motion carried.

It was moved by Stredney, seconded by Papalas to accept the Minutes of the regular meeting of May 2, 2007 and place them on file. Motion carried.

REPORTS AND COMMUNICATION

From the Cemetery Department

The April 2007 Sales Report

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

From the City Income Tax Office

The monthly receipts thru April, 2007

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

A letter from Mayor Ralph Infante requesting a Round Table meeting with council and the representatives of Neptune

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

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Sharon Spencer of 21 ½ Crandon Ave., Niles, Ohio: This is in regards to three years of trouble with a basketball hoop, a portable one, on the property of the Presbyterian Church. I have addressed the police department, Mr. Dull, and the Mayor's Office. It is to the point where something has got to be done. Mother's Day morning really was the worse. I got woke up at five thirty in the morning. There were kids out there playing basketball. I called the police department and told them who I was. He waited approximately ten minutes, he called me back and asked me if they were still there but by that time they were walking away. In the mean time, ten minutes they did not send any one to the church again. This is an on going thing. In fact this is the garbage on a daily basis that I have to pick up out of my driveway. Every day after school I have to remove my car from my driveway to the front of my house which is like the alley way going into the church so these kids can play basketball. I am not paying ten thousand dollars for a car to be used by a basketball.

Police Chief Simeone: I have spoken to Mrs. Spencer several times; I have spoken to Atty. Dull we have talked to the minister at the Presbyterian Church. The complaint has felled on deaf ears he said that he puts it up there for kids to play and it is not his responsibility. We have increased patrols up there. I have asked the officers on a regular basis to go through there. There are kids there late at night, it is a problem. I have been there and I have seen the garbage and I know what is going on. I just spoke to Atty. Dull and what we are going to do is send a letter to the session of the Presbyterian Church and ask them to remove the basketball hoop because it is being a nuisance. That is the only thing that we can do. One of the problems with the officers going up there is that the church as given them permission to play there up until dark or ten o'clock or when the curfew starts kicking in and that becomes a problem.

Mrs. Spencer: The thing is up until ten o'clock at night alright I will go along with you, but we are talking one, two, three o'clock in the morning. These kids are out there and some of them are only fifteen, sixteen year old kids. We call the police sometimes as Bruce will tell you one time it took thirty one minutes to answer a call. By then the kids have left. There were six kids there and all of them were under the age of sixteen. They couldn't catch them in the act because they didn't answer the call. Now I have lived there three going on four years I think I should be able to go to bed at night. I am sure all of you like to go to bed and go to sleep at night. But to be woken up all night long and then they tell the children to bounce the ball softly. Would you like to tell me how you bounce a basketball softly?

Chief Simeone: Mrs. Spencer is right. I can't dispute anything that she is saying. We have tried with the church, the minister has refused. So, our next step is to ask them to remove. I just got complaint from another neighbor. It is just not you that they are bothering. We have been trying, I did address the problem of the officers taking their time to get there, and that was addressed. So this is the next step that we are going to try to do.

President Marino: Mrs. Spencer if you don't see some results in the next few weeks, Bruce's office is open.

Chief Simeone: Don't even wait. If it continues please call. I talked to the supervisor on duty right now and I told him that on a regular basis after nine o'clock I want it patrolled through there. So, if it continues please call we will address it and hopefully we will get the letter to the church.

Jackie Zook of 20 Higley, Niles, Ohio: Higley Street is not getting any better. We had (inaudible) about four times; we had almost the whole entire neighborhood fight up there. We had two (inaudible) up there last week. The person was actually taunting the kids to come in their yard to start a fight so it would happen on their property. The last council meeting you talked about speeding, the police were up there for about three days (inaudible). I don't know what happened about the fencing but that still is not taken care of.

Building Inspector Vigorito: I did check on that. The pool is four foot high it doesn't need a fence. There is a fence around it that doesn't have to be in place because the pool is already four foot high.

Mr. Mike Burke: I got a complaint on 30 Higley and I got a complaint on 45 Higley. They were in total compliance. 30 Higley was handled at last council meeting (inaudible). Everything in the yard was gone. We talked about the windows, tires, everything was completely done.

Mrs. Sherry Coleman of 45 Higley Ave. Niles, Ohio: (Inaudible) they slowed down for a few days that was it after that they started back up. We did see a couple patrolmen down there, but they were sitting at the end of the road, dead end and when you come down our road you see them sitting there. Of course anyone in their right mind is going to put on their foot on the brake and go down the street slow. (Inaudible) we would like a patrolman back out there. We don't want our kids to get hurt. She flies up and down the street and we all have children (inaudible). I don't want my kid to get killed; I don't want to have to bury my child or anybody else's kid in the neighborhood. I don't want to have to (inaudible) with this lady. Nobody is helping us here.

President Marino: I don't necessarily agree that nobody is helping you here. Niles has over twenty thousand residents and we only have x number of police officers. I think that the chief is doing the best he can with the manpower he has. You can agree with that or you don't have to agree with it ma'am. That is a simply fact.

Chief Simeone: If you know who the speeding is coming from please see me after council and we will have an officer at her house tonight to talk to her. I don't know if you are willing to tell us who it is and we can go there and talk to them.

Councilman Papalas: The last council meeting the name of those people came up and I spoke with that lady on the phone because she was puzzled as to why a police officer was in the front of her house at the very end of the street. I explained what occurred and I don't know if everybody knows her, but she is up in years. She can take care of herself. She and her daughter live there and nobody in that neighborhood has approached her about speeding. If you know her I certainly don't think that she has been speeding. Other people may have in the neighborhood but it is not this lady. I really think that if the police had to go up there as many times as they did, I don't know what it is going to take but the neighbors need to learn how to get along. That is what this comes down to.

Mr. Gary Coleman of 45 Higley Niles, Ohio: Why should we have to go approach neighbors first of all? Shouldn't that be an officer's job to go do that instead (inaudible)? We shouldn't even have to go to the neighbors. We should be able to call law enforcement to be up there and they should go do their job that is their job. If that is the reason she hasn't slowed down I'll approach her that is not a problem.

President Marino: I understand that.

Safety Director Guarino: Mr. Coleman the police were up there like you said and it did slow down. They can't be there seven days a week twenty four hours a day. You are right you shouldn't have to go knocking on anybody's door. The Chief just asked to give the name and he would send some on either to speak with them. I don't know what else to tell you.

Mr. Coleman: Is there a way of putting a speed sign in the yard to make them slow down?

Mr. Guarino: A speed sign in the yard?

Mr. Coleman: You know the ones that have the digital printout that tells how fast you are going? I can guarantee you that she runs 56mph going up Higley Street, the dead end street.

Mr. Guarino: I have to agree with Mr. Papalas the same lady that you are thinking about I don't think she would be speeding. The woman or the granddaughter, give the name to the chief and he will take care of it.

Rudolph Gallucci of 1937 James Street Niles, Ohio: I grew up on Higley Street and that happens to be my step mother I believe. The car that she drives if you floored that thing at the bottom of the street it couldn't hit fifty or sixty miles per hour up the street. I have more suspicion that this (inaudible) car which would be my step sister. As far as them asking for a policeman to be down there, I grew up on Higley. I went down Higley one time 30mph myself and one of the houses I don't know which it was came up and told me to slow down, which I did. I went back down to twenty five and I was only doing thirty when I got yelled at. Whoever's child that is makes it a point that every time I come down the street yells at me to slow down no matter how fast I am going, I am getting a little tired of it. I grew up on Higley Street my whole life and I am one of the most likely people to be speeding on Higley Street and never had any trouble. There is no way the cops can really watch Higley, in my opinion, just like he said if you park at the end of the street you can see them. If you park at the old Al's Tire you can see them. It is hard to enforce so approaching them sounds like the best bet and if it is my half sister I will have a word with her myself.

Mike Williams of 562 Stanton Niles, Ohio: I have a question about Iowa Park, why isn't that park up to code. See I have kids in my neighborhood that just moved in and they are hood rats that is what they are. I have gotten into a confrontation with them twice now. Once because they mouthed off to my wife and told my wife to "F" off and then once they said it to me. My neighbor two houses down have been bothered with them. Maybe there is something that these kids can do, fix that park back up where I grew up, that park was there. We use to be able to go up there and play basketball and now it is run down. There is nothing for these kids to do but terrorize the neighborhood. There must be fifteen kids over there. You will be coming down the road in your vehicle and they will not move out in front of you. I blew the horn one day and they just stood in the middle of the road. One guy had to stop his truck and physically get out and move one of the kids off

the street. I have called the cops last Saturday because for fun and games they take an aluminum baseball bat and smack (inaudible) stones across the street towards the houses. School has ended and I work at four o'clock in the morning and I am not putting up with it. I will call 911 a hundred times if I have to. If I have to keep calling I will get physical with.

President Marino: I would ask that you speak to the Chief after the Coleman's are done after the meeting and let him know the address.

Mr. Williams: Chris Mannella was down the house Saturday. It wasn't a dire emergency but we had asked the kids to quit with the rocks. They are going to hit something or someone. Chris came and they scattered. When they see a cruiser on the road they scatter. I don't know who the kid was that was smacking the baseball bat that was the first time that I had seen him. I think if they fixed the park back up maybe the kids would go up there and play basketball and do something. There is nothing for those kids to do. The ball field are now housing. Garfield School is now owned by whomever. There is nothing for these kids to do, just standing in the middle of the road. That is my main concern. (Inaudible) I did respect my elders and these kids don't respect their elders. They are using the language that they are using, teenagers around my four year old daughter and she repeats it. I wanted to know about the park. The Fourth Ward Councilman I know he is not here, Ray Cox he isn't here and he is our councilman. But, that park has been abandoned for years.

Councilman Papalas: Something that we will have to ask Carmen about.

Mayor Ralph Infante: We did update that park about ten or fifteen years ago but then it just got to be too much of a hassle, damage was being done. So, what do you do? You try to move all your playgrounds to Waddell Park, Stevens Park, and Kennedy Park. You work on three and keep your eye on them and hope that they don't get vandalized or do you go back to the neighborhoods and get vandalized. There are two sides to every story.

Mr. Williams: I only live three blocks away from there. I mountain bike with my kids and to stop right there would be ideal than to ride my mountain bike clear over here to Waddell, Kennedy Park or to Stevens Park.

Councilman Lastic: Is there any thing there now?

Mr. Williams: There use to be two basketball hoops (inaudible) they blacktopped it and had swing sets there. Just fix it up so maybe the kids will do something besides (inaudible).

COMMITTEE REPORTS

None

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. ___ (Draft No. 33-07)

AN ORDINANCE APPROVING THE AMENDMENT TO SECTION VI, E, AUTHORIZATION STATEMENT TO DESIGNATE, OF THE CURRENT APPROVED SOLID WASTE MANAGEMENT PLAN FOR THE GEAUGA-TRUMBULL SOLID WASTE MANAGEMENT DISTRICT

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

YEAS: 5 NAYS: 0

ORDINANCE NO. ___ (Draft No. 34-07)

AN ORDINANCE FOR THE PURPOSE OF ADOPTING AND IMPLEMENTING THE PROCEDURES SET FORTH IN CHAPTER 5722 OF THE OHIO REVISED CODE IN ORDER TO FACILITATE THE EFFECTIVE REUTILIZATION OF NONPRODUCTIVE LAND SITUATED WITHIN THE BOUNDARIES OF THE CITY OF NILES; AND, DECLARING AN EMERGENCY

Councilman Papalas: This deals with our Land Bank Program that we are attempting to institute and I move for a first reading.

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

YEAS: 5 NAYS: 0

MISCELLANEOUS REMARKS

President Marino: Gentlemen I would ask to be excused from the next council meeting which will be June 6th as I will be out of town. We have one other meeting in June and then our summer recess.

Mayor Infante: Two things, hopefully we will get a lot of attendance from council at Wednesday's Round Table Meeting. We got representatives from Neptune coming in. We are working to replace our water meters and our electric meters. The electric meters never been replaced in the City of Niles and the water meters about seventeen years ago. Neptune goes a long with the billing office which gives us the ability to send bills out. Right now it will be able to read the meters right now and it lets you know if you are on vacation. It can tell if there is a leak in the house and it will come up in our billing office. It is going to be a good program, very interesting. So maybe we can get a lot of attendance. Secondly we got word today we received a grant for a storm sewer project on Potomac and Mistletoe. It was for three hundred and seventy two thousand dollars. Once that process goes through probably later in the year Mark will be starting that.

Safety Director Guarino: Council around the first of the year I had a meeting with our Fire Chief Brown and we had a discussion on when the last the fire hydrants were

checked. He said that he really didn't know but it has been a really long time. Since then I asked him to get a program ready and he is about ready with the program and he wants to discuss (inaudible).

Fire Chief Brown: The Safety Director and the Service Director have wanted these hydrants tested and yes they need to be tested. I have been working with Randy. I got some parts coming so that we can test some hydrants with the least amount of affect to residents without doing a lot of flow. Being mindful of my councilmen I am going to do a week in the First Ward, a week in the second, a week in the third. I like to spread things out so that everything is equal. We may not be able to do everything in a year; it may take a couple of years. I mean the Water Department does a good job already. They do test a lot of them, but over a year or two year period I would like to test every hydrant and just have an on going program.

Mr. Guarino: Thank you Gary. When will that start?

Fire Chief Brown: Right after the first of June. We have an agility test coming up next week. So probably right after the first of the month we will start doing it.

Mr. Terry Dull: Steve on that (inaudible) project I spoke to the attorney that is helping us last Thursday. I put a call in today to see if he had anything new and he hadn't gotten back to me but I will follow up (inaudible).

Councilman Papalas: Thank you.

Auditor Nader: I would like to congratulate all the victors in the election and wish every one a happy and safe Memorial Day.

Councilman Papalas: Mr. Chairman I have copies of the Shaker Heights Housing Code that I passed out to the council members and I have some extra copies here. As soon as school is out in June maybe we will get together and look this over. There are some pretty good things in here that we could use.

It was moved by Papalas, seconded by Lastic to adjourn this meeting at 6:32 p.m.

Linda A. Yuhasz, Clerk of Council

Robert Marino, President of Council

