

MINUTES

Niles City Council held its regular meeting, Wednesday, August 15, 2007 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-A; Scarnecchia-P; Cox-P; Stredney-P; Papas-P; Wilkerson-P; Marino-P
A motion was made by Papas, seconded by Lastic to excuse the absence of Councilman Papalas. Motion carried.

A motion was made by Lastic, seconded by Stredney to accept the Minutes of the regular meeting of June 20, 2007 and place them on file. Motion carried.

REPORTS AND COMMUNICATIONS

From The Division of Liquor Control

A letter to Niles City Council notifying council that all permits to sell alcoholic beverages will expire on October 1, 2007.

A motion was made by Stredney, seconded by Papas to accept the letter and place it on file. Motion carried.

Councilman Scarnecchia suggested that council forward the letter to the police chief and safety director for a screening of liquor permits.

Councilman Stredney's motion was amended to refer the letter to the police chief and the safety director. Motion carried.

FROM The Ohio Division of Liquor Control

New Liquor Permits:

McQuaid Distributing & Marketing Inc

501 Vienna Ave. Niles, Ohio

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5020 Youngstown Warren Rd. Niles, Ohio

Jay Jays BBQ LLC

DBA AJ Peppers

5125 Youngstown Warren Road Niles, Ohio

Janec II LLC

DBA Fat Es Attic Bar & Grille Eastwood

5555 Youngstown Warren Road

Niles, Ohio

E & R Beverage Inc

DBA Charlie's Beer & Wine

5614 Youngstown Warren Road Unit A

Niles, Ohio

Transfer:
TO Imanarmo LLC
DBA Fast Fuel
5990 Youngstown Warren Road
Niles, Ohio
FROM Talia L Longberry
DBA Cakes with Character & More
1328 Robbins Ave. Niles, Ohio

Councilman Scarnecchia asked council and the administration if anyone knew what time the beer permit is allowed at gas stations and one o' clock was the answer he was given. A motion was made by Scarnecchia, seconded by Wilkerson to refer the permits to the safety director and the police chief for their report and recommendation. Motion carried.

FROM The Cemetery Department
The June 2007 Sales Report
It was moved by Stredney, seconded by Wilkerson to accept the report and place it on file. Motion carried.

FROM The City Income Tax Department
The Monthly Receipts for June and July 2007
It was moved by Stredney, seconded by Papas to accept the reports and place them on file. Motion carried.

FROM The Auditor's Office
The Second Quarter 2007 Status Reports
It was moved by Stredney, seconded by Wilkerson to accept the report and place it on file. Motion carried.

FROM The Auditor's Office
The Estimated Versus the Actual Revenues through July 2007
It was moved by Stredney, seconded by Papas to accept the report and place it on file. Motion carried.

FROM Shari R. Granger
531 Belmont Ave.
Niles, Ohio
A letter asking the City of Niles to compensate her for the destruction of her lawnmower

Councilman Scarnecchia: Question, Mayor has this been investigated thoroughly?

Mayor Infante: No we just sent it over to the insurance company. First of all there was a lot of activity on that Belmont Avenue area and had we didn't have a water break there. MVSD had a water break there and East Ohio Gas put a new gas line in the devil strips all along the two block area. When we talked to the foreman and I think Randy can verify it, there was something that was done there I think two years ago.

Mr. Mark Hess: She is referring to the Belmont Sanitary Storm Sewer Project and we were never involved in it. She is getting confused in what work was actually done there. I know that when I got involved in it (inaudible).

Mayor Infante: Brian added dirt around the box or whatever, but we never had a water break there.

Mr. Hess: That was never part of the Belmont Sanitary Sewer Project and I don't (inaudible).

Mayor Infante: Well I think that she has called down to the secretary a few times and then she writes up and gives it to Brian because she insinuating it was the Water Department.

Mr. Randy Fabrizio: The other point that I would like to make is if she broke it on the curb box, the curb boxes are not on people's private property (inaudible).

Mayor Infante: It boils down to any way she knew it was there for two years sticking up, just don't turn around and put a lawn mower where a box is going to break it off.

Mr. Randy Fabrizio: Well maybe after the meeting I can get that name and address and follow up.

Mayor Infante: We already turned it over to the insurance company; we are not dealing with it any more.

Councilman Scarnecchia: Have you heard from the insurance company?

Mayor Infante: No not yet, I will.

Councilman Lastic: It is already turned over Ralph?

Mayor Infante: I told her that I would do that. She kept insinuating that it was Niles Water Department and it wasn't.

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

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Mr. David Anderson of 2132 Gardenland, Niles, Ohio: I was here two months ago and I felt that I got blown off totally. (Inaudible) There are a lot of people here tonight and the petition that I (inaudible) about half of Niles citizens. Apparently there is something being done wrong here. You also had big problems last Saturday at the concert down at Eastwood Mall Field. I understand the (inaudible) police chief called and the Howland residents and (inaudible). Its becoming Noise, Ohio not Niles, Ohio, it really is.

(Inaudible) it can't be. It is ridiculous to not be able to go out in your own back yard at a certain time. You are talking about setting a time, time is not the problem. They can play all night we don't care. It is the noise that is the problem not the time. May I pass these out? (Mr. Anderson had petitions)

President Marino: Go ahead.

Mr. Anderson: I know that I am not contributing to anybody's campaign or any like that but that has nothing to do with it. Neither are these people right here and they have a right to quiet also.

President Marino: Dave you don't have to make insinuations like that.

Mr. Anderson: I don't know what to do any more. I apologize but I don't know what to do any more.

President Marino: Mr. Guarino made a remark that to Mr. Scarnecchia at the last meeting that they were going to have a meeting. Mr. Guarino do you want to bring everybody up to date on that?

Safety Director Guarino: We had a meeting with the Safety Committee Chairman there are some irons in the fire and some thoughts on the (inaudible), thinking about it and we will have another meeting with the committee in the near future. I don't know if there is anything you would like to add to that Tom?

Councilman Scarnecchia: Well I think at one time at that meeting the Chief was going to investigate all the surrounding areas on noise levels and hours allowed to do that. We haven't heard back from him yet, right?

Director Guarino: He has been on vacation.

Mr. Anderson: Are we addressing the time or are we addressing the....?

President Marino: Actually they are not addressing anything. What I heard here was the Director and the Safety Chairman have the Police Chief doing an investigation on ordinances and he is on vacation. When he gets back from vacation I would assume that the Safety Committee Chairman, Director and the Chief will get together and formulate a proposal to the members of Council to consider. Mr. Scarnecchia is that out of order to assume that is what you are thinking?

Councilman Scarnecchia: Correct.

Mr. Anderson: Since the last council meeting it has definitely gotten louder.

Councilman Papas: What nights are you talking about?

Mr. Anderson: Last (inaudible) Friday, Saturday they had a rap group and I know that Ralph has told them that rap groups (inaudible) language. That was inside.

Councilman Papas: Exactly.

Mr. Anderson: Anytime that he has it inside play all night we don't care, we can't hear it. When he has it outside the week before that it was Friday and Saturday and the week before that it was Friday and Saturday. They start around eight o'clock and it goes until one o'clock in the morning.

Councilman Papas: I'll tell you what, we are going to look into this but we are not going to shut any business down.

Mr. Anderson: I am not asking you to shut down.

Councilman Papas: Yeah you are.

Mr. Anderson: There is a difference. I am asking you to turn it down.

Councilman Papas: I think that you are.

Mr. Anderson: The people will let them play all night if they turn it down we don't care. We complain about the noise not the (inaudible).

Councilman Papas: I live pretty close there and it doesn't bother me.

President Marino: Rather than get into a debate on council floor the Chair has decided that this is in the hands of the Police Chief at this time and until the Chief reports back to the Director and the Chairman we are not going to go back and forth and chase our tails at a meeting, we will wait to hear from him.

Mr. Larry Connelly of Gypsy Lane, Niles, Ohio: Similar to (inaudible) this is the first time down here. First thing I want to say is you guys doing a heck of a good job in everything else. The noise is a problem; this is my wife, Rose, this is only the second council meeting that she has been to. She was so mad Sunday night with the country music thing or whatever that I thought I was going to have to take her to the hospital. You had the Rib Fest this year and it really wasn't bothersome (inaudible). I was hoping that some where we could find a common ground, Mr. Wilkerson where (inaudible) and pulling us out of the neighborhood. There has got to be something, somewhere this called the old common ground. We give up something, they give up something. I think the whole thing going until midnight is a bit of a stretch, but I think it is more the volume fact. If we could find a way just to, I don't know Mr. Wilkerson if you heard it Sunday night or not but it was horrible up in our end of Gypsy

Councilman Wilkerson: Yes I heard it and they are going to talk about what they can do about the noise levels and time.

Mr. Connelly: There is in here a compromise; I hope that you all can find it. We have a neighbor across the street that just came out of a five valve heart bypass and this was really upsetting to them. There is a lot of older people up where we live. I have nothing against music, I enjoy listening to it. I don't want to be listening to a football game and I can't hear the football game in a room where I have surround sound because I am hearing the music, sorry guys. There has got to be something (inaudible) that's all. You guys have a nice night. Mr. Wilkerson I hope that you (inaudible) there are some upset people over there.

Councilman Wilkerson: I received a few phone calls and they are going to work on it.

Councilman Scarnecchia: Mr. President and gentlemen in the neighborhood, one thing that I have learned this year is there is no magic bullet to correct this. I thought there was. I agree with you that some where we can find a common ground some how. I don't know if we are going to make everyone happy but at least we are going to calm things down. We have a residential section and we have business people and that is what they are all there for to live and to work. So, some how, some where we have to find a ...

Mr. Connelly: The Rib Fest used to be a problem but someone's toned that down and it is okay. (Inaudible) it's not taking our scalps off like Sunday night did. You just have to find something there guys, hopefully.

Mr. Ralph Lodwick, 1989 Bianco Ave. Niles, Ohio: I live a considerable distance from McMenemy's, every knows where Bianco Ave. is. I had my doors shut, my windows shut that is storm doors, storm windows, and I could actually hear the music through the walls of my house. Now if anybody hear would like to come over and step in my shoes for the night (inaudible) and go through what I go through with the windows down and the doors shut and the sound coming through my house, it is not very pleasant.

COMMITTEE REPORTS

None

ORDINANCES AND RESOLUTIONS

None

MISCELLANEOUS REMARKS

Fire Chief Brown: I want to report that the Fire Department with a lot of help from Randy and the Water Department we checked well over half of the hydrants in Niles and as far as I know we didn't get even one complaint about getting residue. We tried to keep it minimal and intrusive as possible but well over half of the hydrants was tested in the City of Niles. I am still compiling my whole list and deciphering their writing. I figure we are going to be on a program like this every year, so at least every other year we will have at least half the hydrants tested in the City of Niles.

Mr. Randy Fabrizio: (Inaudible) was hoping to have a (inaudible) Finance Committee (inaudible) to possible bring up some new legislation.

President Marino: Yes, contact him he will be back in town next Wednesday or Thursday.

Mr. Fabrizio: Hopefully we can have a meeting and get some legislation scheduled for next council meeting. Thanks gentlemen.

Councilman Lastic: There is a Building and Grounds Meeting Next Monday at nine o'clock in the conference concerning the Park Place (inaudible). Terry if you can make it, Mayor is welcome and Mark, Teddy (inaudible).

Councilman Wilkerson: Councilman Papalas asked me if we could have a meeting on August 27th at 5:00p.m. in conference room to go over the Criminal Nuisance Ordinance, if that was possible for the Safety Committee.

Safety Director Guarino: I assume that you want the Chief of Police there and the Safety Director?

Councilman Wilkerson: Yes.

It was moved by Stredney, seconded by Papas to adjourn this meeting at 6:30p.m.

Linda A. Yuhasz, Clerk of Council

Robert Marino, President of Council