

MINUTES

Niles City Council held its regular meeting of June 3, 2009 at 6:00p.m. in Council Chambers Safety-Service Complex in Niles, Ohio.

The meeting was called to order by President Marino, and the Clerk; Linda A. Yuhasz called the roll:

Lastic-P; Papalas-P; Scarnecchia-A; McCormick-P; Stredney-P; Papas-P; Wilkerson-P; Marino-P
It was moved by Stredney, seconded by Lastic to excuse the absence of Councilman Scarnecchia due to illness. Motion carried.

A motion was made by Stredney, seconded by Wilkerson to accept the Minutes of the regular meeting of May 27, 2009 and place them on file. Motion carried.

REPORTS AND COMMUNICATIONS

FROM The Auditor's Office

The Estimated Versus Actual Revenue thru May 2009

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

FROM The City Income Tax Office

The Monthly Receipts Totals thru May 2009

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

FROM Students and constituents of Niles

Letters expressing their concern with the proposed AMP Ohio coal plant.

It was moved by Papalas, seconded by Wilkerson to accept the letters and place them on file.
Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Jill Kraft, 1510 Clark Street: We have an issue in our neighborhood, we live on Clark Street and my neighbors live on Youll Street. We have a rental property 1458 Clark Street and we have had a problem with this gentleman with numerous calls to the police department. Several issues with four wheelers on Mt. Carmel property, in the street and up and down the street. We have had dog issues where we had the dog warden out there and he gave a citation. The police had to assist because he was not cooperating and then the dog disappeared. We had a lot of noise, partying and drinking going on. Our personal issue was theft of firewood, he came over where we store our firewood and we have lived here for twenty one years we store it behind our garage. My husband caught him stealing it one night and my husband let it go, he told him to not let it happen again. Well, it kept happening so we ended up moving the firewood. I do have a police report there were several calls on here, but unfortunately I didn't know that when you make a call that you have to leave an address. We just said that there were problems on Clark Street. About a month or two ago we had four wheelers all day long on a Saturday racing around Mt. Carmel School up and down the streets. There were four wheelers and mini bikes the whole thing. I made a call and I didn't think anybody came out because it continued. I called again and they said that they dispatched somebody and it still continued. Les Nagy happened to be over at bingo and the situation was so bad that he left bingo to go over and address the situation at the house. We found out that they got belligerent with him. We talked to the mayor

and Steve Papalás has been assisting us with this and they had a meeting with Skiffey's who owns the house. They sent him or her a letter addressing the situation and we were told that the tenant was going to be evicted by the end of March. She didn't want to evict him around the holidays, well this is June and he hasn't been evicted and we have already started making phone calls this year on him. This is a continuous problem and I know that there is a nuisance law and I am just trying to clarify what we need to do and where to go and what we can do about this. This isn't acceptable he is completely disrespectful to the homeowners. He was arrested for being belligerent to the police about two weeks ago.

Councilman Papalás: In addition to that we have had parking on the yards, and the insulators on the electric wires have been shot out. Pat Kelley saw somebody one night from over there and said something to them. This goes on and on. After we met with the landlord in your office, Mayor about the dog it disappeared. The dog problem was solved. This continues to boil and boil and I think that the letter was sent to the landlord, is that true Chief? The nuisance ordinance that we passed was meant for something like this, it has been executed now what is the next step?

Police Chief Simeone: Well I did speak to the landlord and I don't know where the calls are going that you said you called. We have only had three calls this year. The calls are still logged and if it is the right type of call that fits the requirement of the nuisance ordinance, in fact three of your calls were made with in two days of each other. I spoke to her and they were planning on evicting him. He is allowed to ride four wheelers on his property and he has permission from the landlord's brother to use the property across the street. We spoke and I told them that the four wheelers have to go away.

Mrs. Kraft: Why should they be allowed to ride those four wheelers and mini bikes around their yard? That is absolutely annoying, we didn't buy a house next to a race track and I mean it is all day.

President Marino: Terry what is the next step?

Law Director Dull: It is eventually going to get to the point where the assessment is against the landlord. Depending upon what is happening in court with this loud music charge, I could talk with the prosecutor to see how bad the situation is.

President Marino: Is our prosecutor permitted to send a letter?

Mr. Dull: Yes.

Councilman Papalás: I called Maurice Guarino last week and asked him to send someone over there about the four wheelers.

Mr. Guarino: He called me and I called and in the meantime they already sent some one up. I left my house and I went. They must have stopped then because the police were gone and everything was calm.

Mrs. Kraft: He has a scanner and he hears when the calls are dispatched. It is an operation.

Councilman Lastic: The next step would be to send the letter and they have to respond.

President Marino: The letter goes and then the landlord is fined and on a separate track Terry, the prosecutor can do something outside the scope of our nuisance ordinance?

Mr. Dull: That is what it sounds like, I will get the information from the Chief and we will sit down and see what we can do.

President Marino: I want to make sure that everyone understands what we are doing; the nuisance ordinance is going on its own what the police chief administers. Terry, you are with the prosecutor on a separate track regarding legal issues of noise and those matters.

Mrs. Kraft: My issue was that this letter was sent November 17, 2008 and we have already started making calls this year on the heels of this letter.

Councilman Papalas: This business of riding four wheelers in a neighborhood on property is nonsense also. No neighbor wants to put up with that for any length of time.

Laura Roberts of 158 Hartzell Avenue, Niles: I live two doors down from a house that had a major drug bust last fall. I have been down to the station three or four times talking about him. The man is still living there and our lives are miserable since he has lived there. The drug activity is still going on in that house. He has now moved in six adults and five or six kids. We have people parking on the streets and front yards. He has a dog that barks non stop. I had to put up fifty eight feet of fence because the kids are vandalizing the neighborhood. The kids play baseball in the street and don't move for the cars, they swear at you and they have done damage to the house next door. This is a person that has been a nuisance for three years and is slated to go to trial July 20th and I would like to know if you can give me any advice on if it is a third degree felony is there seizure of property? What are my rights? There is no supervision for these kids.

President Marino: Children that you believe are in neglect you would contact Children Services and make a report. They will send investigators out relative to minors and lack of supervision. Relative to the matter of forfeiture of property, Terry do you know?

Mr. Dull: I wish I knew more about this case. Maybe after the meeting I could get your phone number and find out more.

Councilman Stredney: Does he own or rent?

Laura Roberts: He owns it. It was a foreclosed house and he got it for a low price. The complaints go on. I have called the station numerous times and we have fights in the streets at two in the morning where he conducts his business. It continues to be a nuisance and there is nothing that I can do about it. We have been living this for three or four years now. What are my rights?

Karen Harris of 151 Hartzell Avenue, Niles complained about the same kids playing in the street and not moving for cars. They swear at people that ask them to move. She also complained about their block on Hartzell where everyone parks in the street and not their driveways. She said that it is a safety issue. She also complained about a couple houses that aren't cutting their grass. She also complained about the kids parking on both sides of the street in front of Washington School when they play soccer. She said that it was a safety issue.

Councilman Papalas said that the No Parking signs posted on the street were put there years ago and they used to work but now they don't ticket. Safety Guarino told her that he would talk to her after the council meeting.

Councilman Stredney said that the complaint on 132 Hartzell Avenue was already turned into the health department concerning the high grass.

Mayor Infante said that they will send extra patrols to that area on Hartzell Avenue.

Mary Lou Stump of 1459 Youll Street, Niles asked council why Niles was becoming a renter city instead of a homeowner city. She has rental property on both sides of her and neither one take care of the property. She asked what percentage of Niles was rental. Councilman Lastic and Councilman Papalas told her that it was not quite fifty percent. She asked if owners had to get a permit to rent their property. Councilman Papalas told her yes they had to get a permit and there was a fee for the permit. He also told her about the ordinances council has passed concerning rental property. With the help of the building inspector's office and the Planning Commission council has rezoned areas of town so that neighborhoods won't have to tolerate more apartment houses. He told her that council can't stop the renting of a single family home, but that the homes have to up to code and inspected by Mr. Yovich. The cost of the permit will have to be discussed again but rentals are a problem not just in Niles but everywhere. Most of the tenants are great people but the problems stem from a handful of people. Some people don't have the respect now that they once had towards property. President Marino told Ms. Stump that this is why the Nuisance Ordinance arose. Councilman Lastic told Ms. Stump that this process takes time.

COMMITTEE REPORTS

None

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. __ (Draft No. 12-09)

AN ORDINANCE AMENDING CODIFIED ORDINANCE NO.1131.01, REGULATING THE PERMITTED USES IN AN R-A SINGLE-FAMILY RESIDENCE DISTRICT, 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 Papas that this Draft be adopted.

YEAS: 6 NAYS: 0

This Draft has been adopted on the 3rd day of June, 2009.

ORDINANCE NO.____ Seconded Amended (Draft No. 13-09)

AN ORDINANCE AMENDING CODIFIED ORDINANCE NO. 1131.02 AND NO. 1131.05 (B) REGARDING ACCESSORY USES IN AN R-A SINGLE FAMILY RESIDENCE DISTRICT; AND, DECLARING AN EMERGENCY

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

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No. 13-09 has been adopted on the 3rd day of June, 2009.

ORDINANCE NO.____ (Draft No. 14-09)

AN ORDINANCE AMENDING CODIFIED ORDINANCE NO. 1133.01, REGULATING THE PERMITTED USES IN AN R-B RESIDENCE DISTRICT; AND, DECLARING AN EMERGENCY

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

Councilman Papalpas: This is further effort on our part to help protect the property values and population density in our neighborhoods.

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No. 14-09 has been adopted on the 3rd day of June, 2009.

ORDINANCE NO.____ (Draft No. 15-09)

AN ORDINANCE AMENDING CODIFIED ORDINANCE NO. 1133.02(E), REGULATING THE REQUIRED LOT AREA FOR CERTAIN TYPES OF DWELLINGS IN A R-B RESIDENCE DISTRICT; AND, DECLARING AN EMERGENCY

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

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No.15-09 has been adopted on the 3rd day of June, 2009.

ORDINANCE NO.____ (Draft NO. 16-09)

AN ORDINANCE AMENDING CODIFIED ORDINANCE NO. 1135.03(E), (F) AND (G), REGULATING THE REQUIRED LOT AREA, DWELLINGS DENSITY AND PARKING SPACE REQUIREMENTS FOR CERTAIN TYPES OF DWELLINGS IN A R-C RESIDENCE DISTRICT; AND, DECLARING AN EMERGENCY

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

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No. 16-09 has been adopted on the 3rd day of June, 2009.

ORDINANCE NO.____ (Draft No. 26-09)

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR A 9 CUBICLE SWITCHGEAR FOR THE HOWLAND SUBSTATION; 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 McCormick that this Draft be adopted.

YEAS: 6 NAYS: 0

This Draft No. 26-09 has been adopted on the 3rd day of June, 2009.

ORDINANCE NO.____ (Draft No. 27-09)

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL NATURAL GAS AGGREGATION PROGRAM WITH OPT-IN PROVISIONS PURSUANT TO ARTICLE 18-04, OHIO CONSTITUTION AND AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT WITH BUCKEYE ENERGY

BROKERS, INC. FOR CONSULTING SERVICES AND ANY OTHER REQUIRED REVICES RELATED TO NATURAL GAS AGGREGATION

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

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No. 27-09 has been adopted on the 3rd day of June, 2009.

ORDINANCE NO.____ (Draft No. 28-09)

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO A REAL ESTATE PURCHASE AGREEMENT WITH ANNA STROHMEYER FOR LANDS TO BE USED IN THE CONSTRUCTION OF A SANITARY SEWER OVERFLOW RETENTION TANK; AUTHORIZING THE APPROPRIATION OF FUNDS FOR SAID PURCHASE; AND, DECLARING AN EMERGENCY

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

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No. 28-09 has been adopted on the 3rd day of June, 2009.

RESOLUTION NO.____ (Draft No. 29-09)

A RESOLUTION AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR PROFESSIONAL SERVICES FOR THE DESIGN OF A SANITARY SEWER OVERFLOW RETENTION TANK; AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNENCUMBERED SEWER FUND TO THE SEWER FUND'S CONTRACTED SERVICES ACCOUNT; AND, DECLARING AN EMERGENCY

It was moved by Papas, seconded by Wilkerson to suspend the rule requiring three readings.

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No. 29-09 has been adopted on the 3rd day of June, 2009.

It was moved by Councilman Papalas, seconded by Councilman Stredney to add Draft Nos. 31-09 and 32-09 to the agenda. Motion carried.

ORDINANCE NO. __ (Draft No. 31-09)

AN ORDINANCE FOR THE PURPOSE OF ENACTING AN ADDITIONAL MOTOR VEHICLE LICENSE TAX IN THE AMOUNT OF FIVE DOLLARS UPON ALL MOTOR VEHICLES IN THE DISTRICT OF REGISTRATION, WHICH IS THE CITY OF NILES, PURSUANT TO SECTION 4504.17 OF THE OHIO REVISED CODE; AND, PROVIDING FOR THE EFFECTIVE PERIOD THEREOF, THE COLLECTION THEREOF, AND THE PURPOSE THEREOF

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

Councilman Papalas: Mr. Chairman, a couple of stipulations here, one is that this ordinance will not take effect in thirty days according to our law director. The second thing is and Dave Wilkerson is adamant about this and so is the mayor that this ordinance will not take effect if the county doesn't make a move with it. This ordinance will only take effect if the county takes action to collect the additional license plates fees. If they do take that action and we don't pass this ordinance we will not receive a nickel of that money on our city. By doing this however should the county enact an ordinance to pass license plate fees, to increase them we will see all that money and we will be able to use it and we will do so responsibly (inaudible) city.

Mayor Infante: For every five dollars it is about ninety thousand dollars for permissive tax to be used for streets.

Councilman Papalas: At this point our revenues are down and we need to be aware of that.

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No. 31-09 has been adopted on the 3rd day of June, 2009.

ORDINANCE NO. __ (Draft No. 32-09)

AN ORDINANCE FOR THE PURPOSE OF ENACTING A SUPPLEMENTAL MOTOR VEHICLE LICENSE TAX IN THE AMOUNT OF FIVE DOLLARS UPON ALL MOTOR VEHICLES IN THE DISTRICT OF REGISTRATION, WHICH IS THE CITY OF NILES, PURSUANT TO SECTION 4504.171 OF THE OHIO REVISED CODE; AND, PROVIDING FOR THE EFFECTIVE PERIOD THEREOF, THE COLLECTION THEREOF, AND THE PURPOSE THEREOF

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

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No. 32-09 has been adopted on the 3rd day of June, 2009.

MISCELLANEOUS REMARKS

Mayor Infante: For the next council meeting I will need a resolution from council for the CDBG 2009 program, the allocation is \$82,000 for road resurfacing in the designated areas.

Councilman Papalas: Terry, would you put that in as Council as a Whole?

It was moved by Councilman Papalas, seconded by Councilman Lastic to amend the Order of Business to place for Councils consideration Draft No. 33-09 on the agenda. Motion carried.

ORDINANCES AND RESOLUTIONS

RESOLUTION NO. ___ (33-09)

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE OHIO DEPARTMENT OF DEVELOPMENT ADOPTING A PROPOSED BUDGET FOR THE FY 2009 COMMUNITY DEVELOPMENT PROGRAM, INCLUDING THE COMMUNITY DEVELOPMENT PROGRAM AND ALLOTING THE FUNDS FOR THE FISCAL YEAR 2009 COMMUNITY DEVELOPMENT FORMULA ALLOCATION PROGRAM; AND DECLARING AN EMERGENCY

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

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No. 33-09 has been adopted on the 3rd day of June, 2009.

MISCELLANEOUS REMARK

Councilman Stredney asked Chief Simeone about the complaints of four wheelers on Summit Street. The complaints are for the hours of 11:00p.m. until 3:30a.m.

Councilman Wilkerson thanked Mr. Vigorito and Mr. Dull for the work they did on the corner of North Road and Main Street. They got rid of an eyesore and people are happy about it.

It was moved by Stredney, seconded by Lastic to adjourn the meeting at 7:03p.m.
Motion carried.

Linda A. Yuhasz, Clerk of Council

Robert Marino, Jr., President of Council