

MINUTES

Niles City Council held its regular meeting of April 7, 2010 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-P; Giancola-P; McCormick-P; Stredney-P; Papas-P; Wilkerson-P; Marino-P

It was moved by Stredney, seconded by Wilkerson to accept the Minutes of the regular meeting of March 17, 2010 and place them on file. Motion carried.

REPORTS AND COMMUNICATIONS

FROM The Auditor's Office

The Estimated Versus the Actual Revenues thru March 2010

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

Motion carried.

FROM The City Income Tax Office

The Monthly Receipts thru March 2010

It was moved by Giancola, seconded by Lastic 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 2010

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

Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Mr. Michael Molinari, 505 Orchard Avenue, Niles: I have a question on our garbage pickup and what time they are suppose to be picking up trash in our neighborhood. Allied Waste picks up between 3:00 and 4:00 a.m. (inaudible) and waking up the entire neighborhood. I am curious what the ordinances are against that or for that and what contract we have with Allied Waste. Also what time frames are they suppose to pick up?

Mr. Burke: They are not supposed to start before 5:00 a.m.

Mr. Molinari: Then why are they in our neighborhood at three, three thirty or four o'clock every Monday and Tuesday mornings? I have called many times and I have talked to you personally many times.

Mr. Burke: I have called them and they tell me they have a tough time getting into the landfill in time. (Inaudible) I can call (inaudible).

Mr. Molinari: (Inaudible) all our neighbors complain about the same thing and nothing gets done about it. We have been complaining for years on this issue.

The conversation with Mr. Burke and Mr. Molinari was inaudible. Mr. Burke did tell Mr. Molinari that he would call Allied Waste tomorrow to see if something could be worked out.

COMMITTEE REPORTS

Councilman McCormick scheduled a Utilities Committee meeting for April 14, 2010 at 3:00 p.m. in Conference Room 1 at City Hall. He asked Mr. Buccino if he could attend the meeting. The meeting is about the MVSD rates.

Councilman Stredney scheduled a Safety Committee Meeting for April 14, 2010 at 3:30 p.m. in Conference Room 1 at City Hall. The meeting concerns a proposed zoning change for real estate in Niles.

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. __ (Draft No. 10-10)

AN ORDINANCE AMENDING, REPEALING AND CREATING NEW SECTIONS WITHIN TITLE 11, THE PLANNING AND ZONING TITLE OF THE CODIFIED ORDINANCES OF NILES, OHIO; REPEALING ORDINANCE NO. 17-07; AND DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

This Draft No. 10-10 has been adopted on the 7th day of April, 2010.

ORDINANCE NO. __ (Draft No. 16-10)

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH WEATHERSFIELD TOWNSHIP AND BR PROPERTY GROUP LLC WITH REGARD TO AN ANNEXATION OF 8.0728 ACRES OF LAND; AND, DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Giancola, seconded by Papas that this Draft No. 16-10 be adopted.

YEAS: 7 NAYS: 0

This Draft No. 16-10 has been adopted on the 7th day of April, 2010.

It was moved by Papalás, seconded by McCormick to add Draft No. 15-10 to the agenda. Motion carried.

RESOLUTION NO. __ (Draft No. 15-10)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED POLICE AND FIRE ½% TAX FUND TO THE FIRE DEPARTMENT'S GRANT ACCOUNT AND, DECLARING AN EMERGENCY

It was moved by Papalás, seconded by McCormick to suspend the rule requiring three readings.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Stredney, seconded by Papas that this Draft No. 15-10 be adopted.

YEAS: 7 NAYS: 0

This Draft No. 15-10 has been adopted on the 7th day of April, 2010.

MISCELLANEOUS REMARKS

Mayor Infante: We just got approval for Phase 2 of the Route 46 project (inaudible). We also received Community Block Grant money, ninety four thousand, twelve thousand more than last year. Our plan is to do streets in the designated areas (inaudible).

Councilman Papalás: When will the Vienna Avenue project begin?

Mayor Infante's answer was inaudible.

Mr. Dull: Tony Vigorito asked me to pass on his thanks for passing the zoning ordinance.

Councilman Papalás: I want to ask the police chief about the conversation we had the last council meeting and the issue that seems to never go away at the corner of Clark and Rhodes Avenue. Last week there were more calls that came in and according to the neighbors the police stopped on Wednesday or Thursday early evening, perhaps five o' clock and caught these people riding their vehicles there on the lot. I asked for reports today that I picked up just now and there is nothing here in relation to last week. My question is the calls were made. Were these dirt bikes confiscated? What is going on there and how long does this have to continue because I have reports from last year, and reports from the year before. For some reason it leaves people with the impression I am not saying that's what's happened, I am stating that it leaves people with the impression that this case in particular is selective enforcement. I really hope that is not the case. What are we going to do about it? Do you have anything on last week?

Chief Simeone: No, the only thing that I have is it doesn't say anything about catching them on bikes. It just says that they were advised and that they weren't to have the bikes on the street. I did talk to Terry Swauger today and he said if they are on their own property then they may (inaudible) a grey area. (Inaudible) with the noise and complaints that the residents are able to come down and file their own complaints with the law director. I have four incidences that we got the same call where the motorcycle or ATVS are on the street. By the time the officer got there, they were not there and they didn't see anybody. I have spoke to a couple officers and they even went up and (inaudible) not even with a complaint to see if something was going on

and they haven't caught anybody as of yet. Last year I spoke to Mrs. Skiffey who is the owner of the property and she told me that spring of this year they were supposed to have been moving. I don't know what spring means, but I have a call into her again to find out what is going to happen with that.

Councilman Papalas: Chief when we met with them two years ago she told us that they were leaving next March.

Chief Simeone: Last year when I met with her they were leaving in the spring. I can only tell you that if we don't catch them we can't do anything about them other than let them know that we are getting complaints. I have told the people up there that if you believe there is a problem and you are not satisfied with what we are doing in trying to catch them, then come down and see the law director or the prosecutor. They can file their own charges. I have suggested to them to take a video of it and bring it down and let him file charges. We can only be so many places at one time.

Councilman Papalas: The problem with that and we ran into that with the dog a year ago in December when the people finally pressed charges and he got rid of the dog; they are afraid of retribution. Have you seen the bottom of the page (police report) I don't know what that means?

Chief Simeone: That is just part of our report.

Councilman Papalas: Well they are very concerned, he went down the street a couple days ago and was shouting at the people and he is intimidating these people.

Chief Simeone: If we don't catch them and if they aren't willing to be witnesses on our side against him because of retribution and then we don't have any witnesses when it comes to court.

Councilman Papalas: We can't use the nuisance ordinance because they haven't been seen.

Chief Simeone: He didn't catch them on the motorcycle. He just stopped him and said that we have a complaint and you are not allowed on the street with them. The prosecutor says that being on your property with it is a grey area. He is going to have to do some more research on it. The only thing that it could be is a disturbance. The people that are calling have to be witnesses for us. That is where we are at. I know there is a gentleman out there that has sent emails and signed them but I don't know if he is willing to come to court.

Councilman Papalas: Let me speak to them and see what they decide. I heard about the fires too when I got back from where I was and I don't think they called the police or fire department. I told them that they have to help us out and make calls.

Chief Simeone: I think part of the problem there is that the other neighbors have fires also and I think that they don't want to open up a can of worms.

Councilman Papalas: Well there is a difference in having a small fire then having a six foot bon fire and burning parts of a picnic table.

Chief Simeone: That is where we are at with the ordinance, but I do have a call into the owner of the property and maybe she can shed some more light on what's going to happen.

Councilman Papalas: Well, if these folks decide if they are going to press charges with what is going on they may not stop at the person that lives there, they may go on to the homeowner as well.

Chief Simeone: I talked to the prosecutor today and our ordinance about riding on the street a minor misdemeanor has no ability to have the four wheeler forfeited. He is going to bring an ordinance in to the Safety Committee that's going to raise that to some other level so that if they are caught on the street that can be forfeited.

Councilman McCormick asked council about the bike path and Councilman Papalas told him that it is on the way. The contract has been awarded and trees have been brought down. Mayor Infante told Councilman McCormick that Mr. Mark Hess is in charge of the project.

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

Linda A. Yuhasz, Clerk of Council

Robert Marino Jr., President of Council