

## MINUTES

Niles City Council held its regular meeting Wednesday, October 4, 2006 at 6:00 p.m. in Council Chambers, Safety-Service Complex, Niles, Ohio. The meeting was called to order by the President Pro-Tem, Stephen Papalas, and the Clerk; Linda A. Yuhasz called the roll.

Lastic-P; Papalas-P; Scarnecchia-P; Cox-P; Stredney-P; Papas-P; Fuda-P; Marino-A. It was moved by Scarnecchia, seconded by Fuda to excuse President Marino. Motion carried.

It was moved by Fuda, seconded by Papas to accept the Minutes of the meeting of September 20, 2006 and place them on file. Motion carried.

## REPORTS AND COMMUNICATIONS

FROM: The Auditor's Office  
Estimated versus Actual Revenues through September, 2006.  
It was moved by Scarnecchia, seconded by Lastic to accept the report and place it on file. Motion carried.

FROM: The City Income Tax Office  
Receipts for the month of September, 2006.  
It was moved by Fuda, seconded by Papas to accept the report and place it on file. Motion carried.

FROM: Ohio Division of Liquor Control  
A transfer of a permit to Talia L. Longberry DBA Cakes with Character & More from Lillian & Orville White DBA Daffy's Place.  
A transfer from Grandpas Inc DBA My Grandpas to Tekr Co. DBA Tims Place  
It was moved by Scarnecchia, seconded by Fuda to refer to the Safety Director and the Chief of Police and also to accept and place them on file. Motion carried.

## COMMITTEE REPORTS

Councilman Fuda: We are having a Utilities Committee Meeting, Wednesday along with the Finance Committee Meeting, is that good for you Randy?

President Pro-Tem Papalas: The Finance Committee Meeting will be at 3:15 p.m.

Councilman Fuda: We wanted to combine them.

Councilman Scarnecchia: Also on Wednesday at 3:30 p.m. we will be having another Safety Committee Meeting in regards to our pet situation. We had one last week and we

appreciate the response that we are getting from all different departments, Welfare Departments, even veterinarians in trying to solve this problem. We will have the next one next Wednesday and hopefully we can draft legislation on that.

A motion was made by Lastic, seconded by Scarnecchia that Council supports the Bond Levy. Motion carried.

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

Mr. Duane Ulery of 1504 Bellvue Drive, Niles, Ohio: Mr. Mayor and members of the Administration and Council, my wife and I are here tonight primarily being inspired by our little granddaughter, Mia who will be four years old next month. Well you know when she comes over to visit her grandparents, she and her grandfather we go for a little bike ride. To set the record straight she does have training wheels on her bicycle. Well I am getting a little upset with her falling because of the hazardous sidewalks. So I would hope that the City consider implementing an inspection program throughout the city not just in my neck of the woods but the entire city. Wherever you find any hazardous conditions I would hope that you would aggressively have a policy to replace those sidewalks. I would rather you be proactive than reactive. I know ultimately you would have to check with the legal department and it may end up being the property owner's responsibility. Be that as it may, nine out of ten people are not going to respond. I rather it be taken care of than somebody get hurt and I don't mean a child on a bicycle but a lot of people who walk. I have people in my neighborhood walking in the street because those sidewalks are in poor condition. I am talking Bellvue, Phillips; I am talking Cleveland I believe that is the street over by Shepherd of the Valley. That whole area, and gentlemen I am not talking a side walk dropping a couple inches, I am talking four to six inches. Some people have gravel thrown down. This is 2001 and it is those little things that by rectifying them can keep this Niles a blue ribbon community. Thanks for listening.

Councilman Scarnecchia: I know that the Mayor and his administration have been trying to stay on top of that. What department does that fall under as far as inspecting the sidewalks and issuing citations?

Mayor Infante: Past practice is that somebody calls in to complain the Engineer Department sends a letter out to the homeowner.

Councilman Scarnecchia: We don't go looking for.....?

Mayor Infante: No.

Councilman Fuda: We have had a few people who were sued because somebody got hurt when they fell on their sidewalks. That happened three or four times in the First Ward. Then they did fix the sidewalk.

President Pro-Tem Papalas: We do have some properties where we are responsible. There is one on Federal Street near Vienna that is replacing an entire stretch. I think I know what sidewalk you are talking about on South Cleveland, but it is the responsibility of the property owner and they are notified when we get a complaint. If you give us the address.....

Councilman Scarnecchia: Perhaps we can have someone like the meter readers that walk the whole city sort of list when they come across one that is really bent out of shape.

Councilman Fuda: First of all Tommy do we have a policy that addresses that?

Mayor Infante: We have city ordinances that home owners are responsible for sidewalks. I'll look at the rest of the ordinance to see what it said

Councilman Scarnecchia: Unless they are informed, they will not do anything about it. We need some way of informing them by someone.

Mayor Infante: I'll take that in consideration, we have had grants in the past in certain areas.

Councilman Scarnecchia: I know that you stay on top of that, but I know that there is a lot of it.

Mayor Infante: We have one on the east side where we are doing a lot of sidewalk repair through a grant. But it has got to qualify.

Mr. Ulery: Just for a point of information that could be put on their taxes an assessment could be made couldn't it, paid out over a number of years?

President Pro-Tem Papalas: I don't know how you do that, Mr. Dull has to check on that or he has to look it up.

Mr. Terry Dull: I know that there is a procedure, but it takes quite a bit of action from city council and some other matters. It's generally tacked on and as the Mayor said it's the property owner's responsibility. We would probably look at that first.

Mr. Duane Ulery: Just get back with me. I have no problem siting the particular areas because I don't want my granddaughter to get hit and personally walking I don't want to fall. I don't want to wait until an accident happens.

President Pro-Tem Papalas: Mr. Ulery that is perfectly fine if we don't give the name, a location on Hartzell Avenue a couple years ago, we had to have somebody take care of a sidewalk, same thing.

Councilman Fuda: Park Avenue, Steve, it happened on Park Avenue this summer.

Councilman Scarnecchia: In a lot of the older sections tree roots are bringing them up and destroying them.

Mr. Duane Ulery: Thank you very much.

President Pro-Tem Papalas: Thank you very much for bringing it to our attention.

Mr. Richard Tock, 420 Sayers Avenue, Niles, Ohio: Mayor, members of Council and members of the Administration, I am not here to complain believe it or not. I am here to encourage and keep the Building and Zoning people on guard. They are doing a good job with the slum housing in this town. We are encouraged with what is happening. I am very happy to say that I represent a few of our neighbors. If you have been in the neighborhood you know, we are very concerned and we don't like what is happening, Mr. Papalas gets a call or Mr. Cox or somebody. We are very pleased with the way that Building and Zoning are going at it. I have been reading in the paper that some people have had some difficulties and there have been some law suits. I want to encourage and don't let the law suits scare you. We have some people on the west side of Niles that are on your side. We are very very pleased with what they are doing. We want you to keep up the good work.

President Pro-Tem Papalas: Thank you very much, thanks for your support. The Building Inspector and Mr. Yovich and Health department under Mr. Burke have been doing an excellent job in that field. I myself want to thank them.

### **ORDINANCES AND RESOLUTIONS**

#### **ORDINANCE NO. \_\_\_ (Draft No. 59-06)**

**AN ORDINANCE AMENDING THE ZONING DISTRICT CLASSIFICATION FOR MULTIPLE PARCELS OF REAL ESTATE WITHIN THE FOURTH WARD OF THE CITY; AMENDING THE ZONING MAP TO CONFORM TO THE NEW CLASSIFICATIONS; AND, DECLARING AN EMERGENCY.**

It was moved by Fuda, seconded by Cox to table this Draft until the Public Hearing. Motion carried.

#### **ORDINANCE NO. \_\_\_ (Amended Draft No. 69-06)**

**AN ORDINANCE ENUMERATING CERTAIN ANIMALS THAT WILL BE PROHIBITED WITHIN THE CITY LIMITS; AND, DECLARING AN EMERGENCY**

It was moved by Scarnecchia, seconded by Papas to give this Draft a second reading.

**YEAS: 6    NAYS: 0**

Councilman Scarnecchia: Mr. Dull, in this ordinance are horses included?

Mr. Dull: Yes, horses are included, that being the suggestion of Mr. (inaudible).

Councilman Fuda: We have a few people that do have horses. What do they do with their horses? Are they grandfathered in or do they have to remove those?

Mr. Terry Dull: I believe the recommendation from Mark is that they are going to be grandfathered in. I think that they are going to discuss that at the Safety Committee Meeting next week.

Amended Draft No. 69-06 has received a second reading.

### **MISCELLANEOUS REMARKS**

Mayor Infante: Most of you know that Auditor and my good friend Neil Buccino retired as auditor. I want to congratulate him for the good job he has done for the past fifteen years. He was probably the best auditor the city has ever had. Most of you know we have moved forward, financially sound ever year for fifteen years. He is going to be missed by all of us. Yesterday I appointed Chuck Nader as interim Auditor until the precinct committee people meet on October 25<sup>th</sup>. Chuck has been with the city for twenty two years, as the accountant. He has worked right along side Neil. Chuck will do a great job; I think he will fall right into the footsteps. I want to welcome Chuck to the community of Niles as Auditor for the first time.

Mr. Charles Nader: Thank you Mayor, hopefully we can keep the ship going the same way it's been going. Our office is always open and always has been. Any questions or any body needs anything, call our office anytime. Thank you for welcoming me.

Mr. Maurice Guarino: I just want to welcome Chuck aboard too. He always has done a good job in anything I have asked him to. Welcome aboard Chuck.

President Pro-Tem Papalas: Chief we had an issue with trucks parked in driveways in residential neighborhoods. Your department did a good job, thank you for that. Would you relay that also? Terry you had talked to us previously about sheriff's sales for these lots where we are now mowing the lawn because we tore houses down. Have you done any research on that yet?

Mr. Terry Dull: I was getting some information on where the situations where we have had houses torn down. Steve is getting a list for me of those houses so that we can verify what's going with the ...whether the taxes are paid or not. We want to make sure that our credits in line so we will be in good shape there. In regard to mowing yards, Mike's office has always done a very good job of making sure that we get the bills up to the county and that gets tacked on to the taxes. The taxes are getting paid. The one I was concentrating on now was the ones that are demolished, generally those people are gone

and we want to see where we stand there. Steve is putting that list together for me and then I will report back to you.

President Pro-Tem Papalas: Thank you very much.

Councilman Scarnecchia: I also want to welcome Mr. Nader. He comes from a family of very good standing. They always have been active in the community and I am sure that Mr. Nader will do a fantastic job. Of course he has a very good deputy auditor.

Councilman Stredney: I would like to welcome Mr. Nader to our establishment here. Police Chief I would like to say thank you by the way I had about twelve calls from the police department. They did a heck of a great job this last week with the problem with the semi trucks on the street and the driveways. I have left a few messages for the problem we had last week at 222 Washington, but no has got back to me and I don't know if we have any word from the city yet. I was hoping to get an answer here today but I see no one is here to answer it, for Mr. Norman on 222 Washington.

Mayor Infante: Mark is working on it, right Randy.

Mr. Randy Fabrizio: We had root control out (inaudible) they were out to do it again. Mark had some dye testing done and it didn't show any storm water getting into the (inaudible).

Councilman Papas: I would just like to welcome Chuck.

Councilman Fuda: I want to welcome Chuck. Chuck has been a great help to me over the last fifteen years and I think you will do an excellent job as an Auditor.

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

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

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**Stephen Papalas, President Pro-Tem**

