

## MINUTES

Niles City Council held its regular meeting Wednesday, April 4, 2007 at 6:00 p.m. in Council Chambers, Safety-Service Complex, Niles, Ohio. The meeting was called to order by 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; Wilkerson-P; Marino-A  
It was moved by Papalas, seconded by Papas to excuse the absence of President Marino.  
Motion carried.

It was moved by Lastic, seconded by Scarnecchia to accept the Minutes of the regular meeting of March 21, 2007 and place them on file. Motion carried.

## REPORTS AND COMMUNICATIONS

Ohio Division of Liquor Control  
To Northeast Petroleum of Ohio  
501 Vienna Ave. Niles  
Transfer from McQuaid Distributing & Marketing Inc.  
501 Vienna Ave. Niles

To Lone Star Steakhouse & Saloon of Ohio Inc.  
Including the patio  
5555 Youngstown Warren Road Unit 714 Niles

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

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

## MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Mr. Frank Burke 165 Oak Knoll, Niles: I am here on behalf of the Niles Historical Society. The property is owned by the City of Niles and they have commissioned our Society to maintain and keep up the property. In order to do this we have to raise funds

and this year our annual noon luncheon is being held on April 18<sup>th</sup> at Ciminero's Banquet Center. Our guest speaker is going to be Lou Tabor whom I imagine some of you people know. He is going to give a story on his life. The luncheon will be held at noon and the tickets are fifteen dollars and I have a few of them if anyone is interested. You could call me, the Historical Society or Audrey John for tickets. This would help us out a lot if we could have seventy five people there.

Mrs. Cecelia Banks 30 Higley, Niles and Debra Garcia: 33 Higley Ave Niles:

Mrs. Banks: We are having a problem with the loud music on our street. We called the police and by the time the police get there, it is a half hour or sometimes they don't come, they hung the phone up on her the other day. We have four wheelers that are coming on our street, this happened over the weekend. Yesterday, one of the neighbors said that a police went to her house and wanted to search her garage. I didn't tell them her address and she came over with a policemen's card and said that the policeman told her that I called them. I didn't know that they are supposed to be telling them who called to begin with. We live on the last street and we have the woods right behind us they think they can get away with it. We call the police but it takes forever for them to get there. Sometimes they tell us they have more important things to do. My house and their house are right across from each other at the top of the street and they come up on top of the street and rev it on two wheels and they go down and go up. Some of them have scanners and they know when the police are coming and they get out of there, nothing gets done about it. I have been told to videotape it and I have it videotaped. I had a problem last year with the one and I ended up here in court with my husband with his loud music, the kid and spring is here, summer is coming and it is going to start all over again. My husband is on three years probation, he is not even allowed to look at them. The kid is getting in front of our house and doing it when my husband has been outside for the last week and a half. We needs some help up there.

President Pro Tem Papalas: I have spoken with Mrs. Banks and told her to come here and have her remarks put in the minutes of the meeting. Mrs. Banks, when I reported this to the Chief and the Safety Director I didn't mention your name so I don't know how ....

Mrs. Banks: The policeman did.

President Pro Tem Papalas: No, no one mentioned your name at all.

Mrs. Banks: She came over and told me what is this and she handed me the policeman's card. Well the houses on our street that have these four wheelers or have the four wheelers coming to their house doing this are number 53 and number 65 of Higley Avenue.

President Pro Tem Papalas: I gave one of the wrong addresses to the Chief and I am sorry.

Safety Director Guarino: Ma'am the chief of police sent our police department up there this past week for address 53 and address 59 which you just told us was the wrong

address. The chief is on it. What I would like to know from you ma'am is that you said that one of our dispatchers hung up on you. Do you know what the date and time was?

Mrs. Banks: It was on Sunday and the time I am not aware of and her name was Melissa.

Mr. Guarino: She hung up on you?

Mrs. Banks: Yes.

Mr. Guarino: She didn't say excuse me I have another call?

Mrs. Banks: No and her husband called back to talk to her again and he told her do not hang up on me this time.

Mr. Guarino: I will definitely check on this and the Chief will definitely have more patrols up there. We have a problem with these dirt bikes. They are not just over there, they are all over.

Chief Simeone: I would like you to come down tomorrow to speak with me so I can have a supervisor look into your complaints. Like the safety director said we are up there to help with the residents. The officer even went to one of the residents on the other side, we are trying, and we are getting complaints all over town. It sounds like you know who the one person is, if you know who they are let us know and we will take care of it.

Mrs. Banks: Well the one lady came on my porch yesterday and she told me. I told her that the four wheelers have been coming from your yard onto the street and I will be calling the police. She said well I talked to the police about you too and they know about you. We can't hear our TV and our windows rattle in the summer time. I am going to just keep getting on the phone and calling the police every time it happens. One is at house number 65. The house is at 53, they are having people come to their house through the woods. They have an opening in the back of their yard and they come through the back of the woods behind the bowling alley. That is how they get on their property and then they are coming over on the street.

Chief Simeone: We are having problems on that street; in fact we have had them on Fifth Street. They are coming all the way down the tracks and getting access to just about everywhere. The bad part about it is that we can't get in the woods to stop them, but we know the houses and when Councilman Papalas talked to us we sent officers up right away.

Mrs. Banks: When we call can we tell dispatch to call the policeman on their cell phone instead of over the dispatch? They have scanners in the house and they know when they are going to come and as soon as they hear the police are coming they run.

Chief Simeone: Is that for the music or the four wheelers?

Mrs. Banks: The four wheelers.

Chief Simeone: Yes we will try everything that we can. If I can talk to you later and get some names and tomorrow if you come down and speak to one of my supervisors about the complaint you have with the dispatcher we will look into that.

It was decided that Mr. and Mrs. Banks would come down to the police station on Monday, April 9<sup>th</sup> to meet with Chief Simeone.

Debra Garcia: I also have a complaint about on July 28, 2006 I called Children Services Board on the Coleman children and I have gotten no results. The children will urinate anywhere, they litter constantly. I have spoke to them, forgive me for saying this but I do not want to be the "B" of the neighborhood. They have no respect for property, for adult voices. We take care of our homes, we don't want to move out of here but we need something done and it seems like nothing is ever being done.

Chief Simeone: Well we don't have any control over Children Services, but I will call them tomorrow and find out where their investigation is at and I will talk to a supervisor up there and see if they can give you a call. I will get your phone number after council.

Debra Garcia: Okay. I also have another complaint about neglected animals. This is also from the Coleman Family.

President Pro Tem Papalas: Is that at 45 Higley Street?

Debra Garcia: Yes it is.

President Pro Tem Papalas: Mr. Burke, could you please pay that house a visit? I was going to call you today and I didn't get a chance. Just stay on the curb and you will know what we are talking about. It is not just the animal it is other stuff that is in the yard. You will have a field day over there.

Mr. Mike Burke: Okay.

Debra Garcia: You have got that right, thank you. If something can be done, I do not want the children punished. The youngest child cannot speak but he can say swear words. He cannot speak understandable; the girl who is seven does sexual acts in the street. It is just going on constant; I don't want three thirty to come along. They are like dogs. They urinate, two boys one is a Coleman and one I am not familiar with their name. They urinate anywhere.

Chief Simeone: I will get a hold of Children Service's and see if they can get back to you to see where the investigation is.

Councilman Scarnecchia: I have a question for the chief. We are getting into the season now where you are going to be getting all these calls about loud music. I know the men

on the road are really busy and this is the time of the year between everything that is going on; could it also be a policy that perhaps that if we get the address when they call and the police department if they can't make it out there to call them at that time? By the time you do get out there they disappear sometimes. Is that possible or is it too much to ask?

Chief Simeone: No it is not. In fact we do have a policy to do follow up. A lot of time people don't want to give us their name they will call and make the complaint.

Councilman Scarnecchia: Are they giving the address of where the loud music is being played?

Chief Simeone: Oh yeah they give the address but if we get up there and there is nothing going on they can either talk to the people but other than letting them know that there was a complaint. If it is not going on by the time that we get there, other than letting them know there is a complaint there is not a lot....

Councilman Scarnecchia: I am saying that at the point when they make the call, if your dispatchers see how busy they are and everybody is out on call can they not call the resident with the loud music is coming from to tell them that we have been notified and we will have a man up there. This way they will disband right away instead of waiting for the police to get there.

Chief Simeone: You are sort of defeating your purpose then if we get up there and they are still doing it then we can address it in a different way.

Councilman Scarnecchia: I know how many calls you get.

Chief Simeone: Well we want an officer to go no matter how long it takes them, if they are busy and they can get to it. We have to prioritize the calls there is no other way of doing it than setting some time of priority on calls. Sometimes calls get pushed back a little because of different accidents, injuries.

Councilman Scarnecchia: Thank you for answering my question.

### **COMMITTEE REPORTS**

None

### **ORDINANCES AND RESOLUTIONS**

**RESOLUTION NO. \_\_\_ (Draft No. 14-07)**

**A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNENCUMBERED SEWER FUND TO THE CONTRACTED LABOR**

**ACCOUNT IN THE SEWER DEPARTMENT; AND, DECLARING AN EMERGENCY**

It was moved by Papas, seconded by Stredney to table this resolution. Motion carried.

**ORDINANCE NO. \_\_\_ (Draft No. 15-07)**

**TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACTS FOR THE REPLACEMENT AND INSTALLATION OF RAW SEWAGE PUMPS AT THE WASTEWATER TREATMENT PLANT; AND, DECLARING AN EMERGENCY**

It was moved by Scarnecchia, seconded by Papas, 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. 15-07 has been adopted on this 4<sup>th</sup> day of April, 2007.

**RESOLUTION NO. \_\_\_ (Draft No. 16-07)**

**A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNENCUMBERED WATER FUND TO THE CONTRACTED LABOR ACCOUNT IN THE WATER DEPARTMENT; AND, DECLARING AN EMERGENCY**

It was moved by Scarnecchia, seconded by Stredney 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. 16-07 has been adopted on this 4<sup>th</sup> day of April, 2007.

**ORDINANCE NO. \_\_\_ (Draft No. 17-07)**

**AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR THE 2007 STREET RESURFACING PROGRAM; AND, DECLARING AN EMERGENCY**

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

**YEAS: 6    NAYS: 0**

Rules are suspended.

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

**YEAS: 6    NAYS: 0**

This Draft No. 17-07 has been adopted on this 4<sup>th</sup> day of April, 2007.

**ORDINANCE NO. \_\_ (Draft No. 18-07)**

**AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR THE PURCHASE OF A REPLACEMENT FOR THE 55 FOOT WORKING HEIGHT LINE TRUCK FOR THE LIGHT DEPARTMENT; 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 Scarnecchia, seconded by Stredney that this Draft be adopted.

**YEAS: 6    NAYS: 0**

This Draft No.18-07 has been adopted on this 4<sup>th</sup> day of April, 2007.

**ORDINANCE NO. \_\_ (Draft NO. 19-07)**

**AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR THE PURCHASE OF MAJOR EQUIPMENT FOR THE WALNUT SUBSTATION REPLACEMENT PROJECT FOR THE LIGHT DEPARTMENT; 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 Scarnecchia, seconded by Papas that this Draft be adopted.

**YEAS: 6 NAYS: 0**

This Draft No. 19-07 has been adopted on this 4<sup>th</sup> day of April, 2007

**ORDINANCE NO. \_\_\_ (Draft No. 20-07)**

**AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO A THREE YEAR CONTRACT FOR SUPPLEMENTAL TREE TRIMMING SERVICES FOR THE LIGHT DEPARTMENT; 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. 20-07 has been adopted on this 4<sup>th</sup> day of April, 2007.

**ORDINANCE NO. \_\_ (Draft No. 21-07)**

**AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR THE PURCHASE OF A 150 KW DIESEL GENERATOR FOR THE SAFETY COMPLEX; AND, DECLARING AN EMERGENCY**

It was moved by Scarnecchia, seconded by Cox to suspend the rule requiring three readings.

**YEAS: 6 NAYS: 0**

Rules are suspended.

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



**YEAS: 6 NAYS: 0**

This Draft No. 21-07 has been adopted on this 4<sup>th</sup> day of April, 2007.

It was moved by Scarnecchia, seconded by Stredney to place Draft No. 22-07 on the agenda.

**RESOLUTION NO. \_\_ (Draft NO. 22-07)**

**A RESOLUTION APPROVING THE AGREEMENT BETWEEN THE CITY AND THE OPBA DISPATCHERS UNIT REGARDING A NEW LABOR CONTRACT; AND, DECLARING AN EMERGENCY**

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

**YEAS: 6 NAYS: 0**

Rules are suspended.

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

**YEAS: 6 NAYS: 0**

This Draft No.22-07 has been adopted on this 4<sup>th</sup> day of April, 2007.

**MISCELLANEOUS REMARKS**

Mayor Infante: If Council will allow me to bring in the AFSCME Contract at the next council meeting, if it is completed. We are not that far off in two weeks from now we might be, so just in case we do have it ready if we can bring it in as Council as a Whole.

President Pro Tem Papalas: Yes sir.

At this time Mr. Guarino introduced to council Mike Biddlestone our new policeman.

Mr. Mike Biddlestone: I would like to introduce my self personally. I would like to take this opportunity to personally and formally thank Mr. Mayor as well as Mr. Allen for my hiring, Mr. Guarino and Chief Simeone. Council thank you for this opportunity, I appreciate the introduction and I recognize a lot of your faces. For those that don't know me I have grown up in Niles my entire life, I am a home town boy. I am twenty six years old and like Mr. Guarino said I am a newly wed. I am juggling a lot of new things in my life, a new career and a new wife. Thank you all for this opportunity and I look forward to serving the city.

Mr. Swauger: Normally we have our income tax report for you but we have been having some computer issues the last two days and we haven't been able to get the delinquency total yet. We will give you a full report; we will have that for you at the next meeting. Just so you know we are ahead of last year, we are moving in the right direction.

Councilman Lastic: The project on the Taft, Roosevelt area is moving along very smoothly. There were a couple glitches but they are ironing them out.

President Pro Tem Papalas: This past weekend I was on Higley Street and I was very disappointed the last couple of years the way the neighborhood seem to of begun to deteriorate, because of a few residents that have moved in there. I don't think Higley Street is the exception; we have many neighborhoods like that. Higley Street, Oak Knoll Avenue we have a very small number of people in town who move in and think that they have the right to trash their neighborhoods, not just their yards but their neighborhoods. To drive four wheelers through the yards, to cuss out their neighbors, to try to intimidate people walking on the street as I was; it happened to me. I was tempted to call the police at that point but I thought no I will have my peace Wednesday night. It is like the old west over there. Those people on the porch after I left, Mrs. Banks was telling me must of seen me talking to her and they started the jibber jabber. They cranked up this car as loud as they could; it had no muffler or needed one anyway. They finally tore down the street with the neighbors cheering and folks cheering on the porch. It is just a bad situation. It is no ones fault in here except that I think we need to stress the importance of maintaining our neighborhood. We have taken great strides in our Housing Ordinance. The police department follows up on our calls. Chief, the fellows were there the day I called. Perhaps if we had patrols go up and down a couple of those streets more often it would help. We need to do more. All of us need to get into the neighborhood and see what is going on because it is not good. In some places it is not good we have got to do something. The only way to do it is listening to the neighbors and have them come here. We have got to do it. It was just an awful situation; it wasn't like that two years ago. I know the neighbors on Oak Knoll are going through the same thing. I will be talking to you about some other places in the neat future too chief. We just need to talk. It is no failure of the police department. We put a place out in one area, tear a house down in one area there are two others to deal with later.

Councilman Scarnecchia: On what you just spoke of is true I would like to ask that the Safety Committee and the council members, we have done this before, let's pick a Saturday, a time and a date and let's go for a walk in some of these neighborhoods. I think if they do see if we as councilmen are there, concerned maybe that will do some good, I don't know. I will talk with the Safety Committee and see what they say and if I do I will let all the councilmen know. Thank you.

Councilman Cox: I would just like to welcome the new fellow on board, good luck.

Councilman Wilkerson: On May 6<sup>th</sup> (inaudible) Jeff Gilmour and Doug Littleton are putting on a (inaudible) this is the third year for the fishing tournament that they are going to have over at the high school at Mosquito Creek. It is going to involve a lot of

kids and a lot of adults. A prelude to that is on the 22<sup>nd</sup> is a big cleanup, it will be at Kennedy Park at ten o'clock and we are going to go up to the high school around Kennedy Park and over to the Eastwood Mall and try to do a real good clean up. I would like to thank Mr. Burke for taking care of issues that I had, one of the businesses in the area had a lot of trash and he got right on it and took care of it real quick.

It was moved by Stredney, seconded by Cox to adjourn this meeting at 6:35p.m.

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

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**Stephen Papalas, President Pro Tem**

