

MINUTES

Niles held its regular meeting of April 16, 2008 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; Scarnecchia-P; McCormick-P; Stredney-P; Papas-P; Smith-P; Marino-P

A motion was made by Stredney, seconded by Papas to accept the Minutes of the regular meeting of April 2, 2008 and place them on file. Motion carried.

REPORTS AND COMMUNICATIONS

From Councilman Stredney: Mr. Dull I have gotten a few phone calls and I have talked to a few councilmen, I have talked to Councilman Papalas about this. I think there is an organization going door to door in our town. Somehow they have found a loop hole to go without the mayor's consent. I was wondering if there is anything else we can do to stop these people from and I have gotten calls that they have been at people's houses at nine o'clock at night.

Law Director Dull: This is a difficult area in terms of regulating. Both the United States Supreme Court and the Federal Court have granted a lot of leeway to organizations that are political and religious in terms of being able to exercise free speech rights. We as other communities of the state have had issues about whether ordinances we have on our books enforceable in light of these decisions. Earlier this week Councilman Papalas had said that he saw a TV story regarding a new ordinance that was passed up in North Olmstead. They have a "Do Not Knock" rule. It is something that tries to deal with the problem of uninvited solicitors, canvassers and all these kinds of people coming to your door and knocking, what are the rules. I actually did a little further research and I came up with some information from the City of North Olmstead and the City of Parma. Parma has one of the longest standing ordinances that try to deal with these kinds of situations in Ohio. To be very honest with you I don't think that either of those communities right now deals specifically with the problem that you are talking about. Terry Swauger and I have been working on this for a number of weeks now; since the issue came to our attention and in reviewing this week we are working on an ordinance that is going to be hopefully even stronger than what North Olmstead and the City of Parma have. Right now those communities are not regulating people like you had mentioned individuals that come in and want to talk about labor movements and they want to talk about political movements or even religious movements. We are trying to work on something based on an ordinance that came out of a community that was actually sued over problems with their ordinance. We are also checking with the Ohio Municipal League to see if they have any other information that they can provide us. Terry is doing some additional research on some Supreme Court cases and what we would like to do is very soon have a meeting with Council as a Whole or Safety Committee and let you know what our recommendations are with regards to this. To be sure there are some very strong case logs that limit your ability to stop these people even coming to your house as late as nine o'clock. We are going to work on this and tweak what is out there and see what we can come up with as a suggestion to deal with this in the community because I know that there have been people calling the police department because people have been knocking on their doors at late hours to do their solicitations. If you take a look at the material that I passed out, the FAQ gives you an idea of what issues are out there that you have to consider. If you notice that in both of these documents that they talk about religious groups, non-profit groups and political

groups that are very difficult to regulate. I think we can at least get where we are heading if you would put a sign on your property "No Soliciting, No Canvassing" couple that with a time limitation on when these folks can come and then finally also have a registry so that people who are coming in from outside the community would be able to contact the City and find out who is on the list of individuals who don't want this kind of knocking on their door at all hours of the day and night. That appears to be something that we can regulate, if the individual says I don't want this kind of activity and notify you of it we could charge them with a violation of a trespass ordinance that is where we are heading with this. We should be ready fairly soon to get you the recommended ordinance.

Councilman Papalás: It is bad enough that this organization is coming to the doors late in the evening, but one lady in particular who talked to me stated that the fellow started to argue with her and they got into a scrap in the doorway that is not necessary.

Law Director Dull: Terry and I will keep working on that and put something together for you. I don't know that we would be ready for the next Safety Committee Meeting but very soon.

FROM: The Cemetery Department
The March 2008 Sales Report

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

FROM: The Building Inspector's Office
The Housing Code Monthly Report for March 2008

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

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Mrs. Audrey John of 545 Orchard Ct., Niles, Ohio: I came here to solicit. You perhaps have purchased a ticket for the dinner that we are going to be having. I have to go back a little in history; I want to explain something to you. It goes back 1911 or so there was no football in this town. There were a few scrappy little games and they were trying to build something, but there was nothing. Then when we went along slowly a man by the name of Griffith who became a judge, he was the one that started building this team and he was the coach. By the time they got to 1914 they finally had a good solid team and the Stein boys were on that team. Both Steins became All-Americans and became involved with a professional football team. When they ended up trying to get the public involved in football they had to tell people to cheer at the games. There were instructions on how to cheer at the games and they rented a train to get the people to the games. It finally got to be a big thing. In 1914 that was when the history of football started in Niles. If it wasn't for Russ and Herb Stein really getting in there and fighting it would not have materialized. They were the two boys that were raised on a farm, their father insisted they get the crops in before you go and play football. One day they couldn't get the crops in, there was too much so they got the whole football team to come and help them. That is the type of football team that started all this. We are having dinner on April 30, 2008 and Dave Fleming is going to come and talk. I don't want anyone in this town to miss this that is why I took the time to come down here and talk about it. The Mayor has tickets and I have tickets and after it is all over with I don't want anyone to say that I wish I had gone to that. We need public support in this we are not making any money on this. The Stein Family has been in touch with me and they

are coming to town. Let's show them we appreciate them and be there at the dinner. It is at Ciminero's at 6:00 p.m.

Mr. Daryl Hornberger of 205 Neil St., Niles: My friend had a question, he had something stolen. He tried to find out where he could look to see in our city court about what happened to the perpetrator. He was unable to locate it. I said the legal news; I thought there was a publication that listed what happened in the Niles City Court and he didn't know if this was the right thing to ask since this is Council and that is the Court. Does anybody know?

Law Director Dull: Paul Lawrence the Clerk of Courts.

Mr. Robert Lumley Sr. of 106 Neil Street, Niles: I noticed that when the school bus drops the kids off at the corner of Church and Arlington a lot of these kids are getting off the bus and go hand in hand right down the middle of Arlington. That is a very busy road; these kids wouldn't do it on Main Street.

President Marino: Yes, they do it on Main Street and they do it on the viaduct, Chief is that not true? They walk on the walls of the viaduct; they walk in the middle of the roads and some of the students you are speaking of are our students at the middle school. They think they are invincible and we remind them regularly. I have Officer Nagy speak to them.

Mr. Lumley: Do something, put them on work detail. It's either that or they land up in Union Cemetery.

President Marino: Well that has happened here a few years ago. Mr. Lastic and I were serving together at that time.

Mr. Lumley: It is getting worse, when I was getting ready to come over here on the other side of Maple Avenue, one of those boys went right down the middle of the road. Also before I got here I could hear three boom boxes in the middle of my house. When you look out the window you can't see where they are at. Can anything be done? Even out around the mall on Route 422 it is bad.

President Marino: We have spoken to you over the years and I know that the Chief and Safety Director try to stay up with it. You yourself said it short of being right there and catching them ...

Mr. Lumley: Do you know what would happen if they went through McDonald or Girard? They would be put behind bars.

President Marino: I am certain that those communities have those same issues.

Mr. Lumley: It is zero tolerance. When you catch a few of them set an example.

COMMITTEE REPORTS

None

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. ____ (Draft No. 21-08)

AN ORDINANCE PLACING A MORATORIUM ON THE AUTHORITY OF THE BUILDING INSPECTOR TO ISSUE PERMITS FOR INSTALLATION OF ANIMATED SIGNS WITHIN THE CITY; AND, DECLARING AN EMERGENCY

Councilman Papalas: We had gone for a first reading last time because we wanted a little more input from Anthony on this.

Building Inspector Vigorito: Global Signs is one of the manufactures of those signs out of Cleveland. They sent me a package on a sample of ordinances and regulation of color. They sent me a CD, it came in yesterday morning. I hope by the Safety Meeting next Wednesday I might be able to get more information on it. If there are questions that need to be asked Global said that would be willing to come down and explain the difference in brightness levels, colors, flashing, and distances between movements on the signs. All those that other cities have already controlled without taking away the right to have them because they are expensive signs. They are any where from thirty five to seventy five thousand dollars.

It was moved by Papalas, seconded by Lastic to give this Draft a second reading.

YEAS: 7 NAYS: 0

Draft No. 21-08 has received its second reading.

RESOLUTION NO.____ (Draft No. 24-08)

A RESOLUTION FOR THE PURPOSE OF AUTHORIZING THE MAYOR TO FILE A FY 2008 COMMUNITY HOUSING IMPROVEMENT PROGRAM (C.H.I.P.) APPLICATION WITHIN THE OHIO DEPARTMENT OF DEVELOPMENT; AND, DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

This Draft No. 24-08 has been adopted on the 16th day of April, 2008.

ORDINANCE NO.____ (Draft No. 25-08)

AN ORDINANCE ESTABLISHING A VIDEO SERVICE PROVIDER FEE TO BE PAID BY ANY VIDEO SERVICE PROVIDER OFFERING VIDEO SERVICE IN THE CITY; AUTHORIZING THE MAYOR TO GIVE NOTICE TO THE VIDEO SERVICE PROVIDER OF THE VIDEO SERVICE PROVIDER FEE; AND DECLARING AN EMERGENCY

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

Councilman McCormick: Is this referring to cable companies, satellite dishes I didn't understand it when I read the ordinance.

Mayor Infante: Just Time Warner, this only includes the TV.

Councilman McCormick: This doesn't mean people who have satellite dishes?

Mayor Infante: This doesn't include telephone or internet. If there would be a fee on that they would put it right on the customer's bill. We don't want that to happen. We want everything to stay status quo. We get five percent of the total gross profit.

Councilman McCormick: Shouldn't we be more specific on the ordinance then?

Mayor Infante: Well I got the agreement; it is the same as we have been doing for thirty years. I think that is the best way to go for the customer, anything we turn around and add they are going to add it on to the customer.

President Marino: As I read this it is required because the Ohio Revised code changed and they are requiring us to pass laws to memorialize what it is, the intent of the laws so that we can collect that fee.

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

This Draft No. 25-08 has been adopted on this 16th day of April, 2008.

MISCELLANEOUS REMARKS

Mayor Infante: I passed out a year end report for 2007 on the Busing. The letter explains it all, the second page will show you breakdown on each community, and how many trips were taken and used by NITS. It is a nice breakdown we sent it to all the communities. The third page is showing you the budget of 2008 and the fourth page shows you the 2007 program year with an unencumbered balance of a hundred and forty five thousand. If you have any questions, Mark and I could answer. Mark did a great job this year; it was a thirteen and a half month program. We went a little bit over the year because we had a lot of money from the senior levy. It worked out well, it is growing every day.

President Marino: I would like to congratulate you, Mayor on the fine job your administration and Mr. Hess are doing in regard to our busing program. In the beginning there was a lot of heartache and concern, but it has been a great success and a benefit to those who use it. Congratulations on a job well done.

Safety Director Guarino: Council about a year ago if you recall the Fire Chief and I started a fire hydrant flushing out many of them had not been done for many years. The Fire Chief said that

he was going to start flushing again in the near future. If you get any calls with the flushing going on and the water getting bad you know the reason why.

Fire Chief Brown: I will put a notice in the paper right before to notify all the citizens. We have over six hundred hydrants and we probably did over four hundred last year.

Law Director Dull: Every year our ordinance company, Walter Drane reviews the ordinances that we have passed and then sends us down an ordinance to pass to update our existing codified ordinance book. It is time for that again and I want to bring this is as Council as a Whole for the next meeting.

Council gave Mr. Dull permission to bring it in for the next meeting.

Inspector Anthony Vigorito: I don't know if you have taken a trip down to see the Royal Mall progression, they are doing a fine job. Everybody that hasn't taken a ride down should take a look at it. They did get a new manager down there so the other issues will be solved down there that they were concerned with. Second, you had a notice tonight from our Housing Inspector; the Housing Board Meeting is Monday before the next council meeting.

Fire Chief Brown told council about the fire that happened today in Niles. A family of four escaped the fire with minor injuries. He credits the escape on the working smoke detector. The father had just changed the batteries in the smoke detector.

Councilman Papalas: I want to thank Mr. Dull and Mr. Swauger for their work in trying to come up with an ordinance to solve our little problem.

Councilman Papalas introduced some Niles McKinley High School students who are involved in Youth Day.

Councilman McCormick: I have had more than just those couple complaints today from the audience about that Arlington and Maple Avenue, more calls than that. Could I come and sit down and look through the records with you and get an explanation of what is going on?

Police Chief Simeone: Anytime.

Councilman McCormick: To inform you I spent the afternoon with Mr. Fabrizio and a representative from the northeast district office EPA. They were here to look at the water system, they checked our pump stations and our storage facilities and things and should be sending back a report on that. The only indication I have that we might have to do, she might recommend a little bit of maintenance work up on the towers on Bolindale Hill. When we get our letter we will know for sure.

President Marino asked Council to excuse him from the May 7th council meeting.

Councilman Stredney scheduled a Safety Committee Meeting on April 23, 2008 at 3:00 p.m. in the first floor conference room at City Hall.

Councilman Smith: I have some questions in my ward about some sidewalks. Who is responsible for sidewalks?

Mr. Mark Hess: The property owners are responsible for their sidewalks. If you give us addresses we can send out letters.

It was moved by Stredney, seconded by Papas to adjourn the meeting at 6:35 p.m. Motion carried.

Linda A. Yuhasz, Clerk of Council

Robert Marino Jr., President of Council