

MINUTES

Niles City Council held its regular meeting of October 20, 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-A; Papas-P; Wilkerson-P; Marino-P
A motion was made by Wilkerson, seconded by Lastic to excuse the absence of Councilman Stredney. Motion carried.

It was moved by Giancola, seconded by Papalas to accept the Minutes of the October 6, 2010 meeting and place them on file. Motion carried.

REPORTS AND COMMUNICATIONS

FROM The Auditors Office

The 3rd Quarter 2010 Status Reports

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

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Tracey Greene, 221 Cherry Avenue, Niles: I would like to talk to council about the Halloween display on Main Street. I originally brought this up to the mayor's office and I was told that there were a hundred complaints about it. I think that if there is a problem any where in Niles about a car, tires or garbage you are able to do something about it. I feel that if there's something else going on that you are getting hundreds of complaints about you guys should have the right to deal with that as well. My original complaint was about a dead baby doll in a crib and as a grandmother of a SIDS victim I find it highly offensive. That display has been changed and I am completely happy with that. I wasn't against her whole display, she has things for Halloween and that's great. I think that something that gets hundreds and hundreds of complaints needs to be addressed.

Mayor Infante: That complaint went to different departments, first we went to the police to see if there was something they could do. Then we went to Tony Vigorito and he checked on all the laws and he even went to the house to ask them to take it down and they were disrespectful to him. From there we went to Terry Dull to see if we had any laws on the books and we don't. We tried to get them cited as a public nuisance and we don't have anything under that.

Tony Vigorito: I have received pro and con calls in my office. I agree it's in poor taste but it's a holiday display. I asked the lady if she would remove it because of the mayor's office request and there was no law in the Building and Zoning Department that applied and I told her that. She really wasn't disrespectful, she had her stand where some people might find it offensive but all it is, is a Halloween display and she is going to leave it up.

Tracey Greene: I have been told that she claims that it's not geared toward babies, but everything that she has in the yard is all baby items. I am not one to tell anyone what they can

or can't do but if you are getting complaints you need to have something on the books where you can do something about it.

Mr. Albert Metz, 165 Bentwillow Drive, Niles: I am here to find about what is going to be done about some ordinances that have been passed and not enforced. We have a poison ivy issue back on our property that is growing out of control, forty, fifty feet in the air! I am sure that if everybody had poison ivy in their own yard you would take care of it and kill it. Well the people behind us are just letting it grow wild. It grows on the shed, it grows on my fence and my wife suffered a personal injury from it. My brother suffered personal injury from it and had to be hospitalized. A rotted tree fell from my neighbor's property and crashed through my fence. It was about twenty five feet high. I cut it all up not knowing that it was full of poison ivy and they were right in there with me. We have a grass and weed ordinance and the people are suppose to maintain their property that was passed on October 15, 2003. The noxious weeds are causing blight to our back yards because there are three big tree stumps just laying there untouched because it is infected with poison ivy. My wife wrote a letter to the mayor and he said that they are still working on it. Neil, Terry and Mr. Burke all got letters and all are aware of it.

Mr. Mike Burke talked to Mr. Dull and poison ivy is not a noxious weed. He hasn't heard anything else since. He talked to someone about the fur growing on the trees and that is dangerous. That is a risk and you can't burn it.

Mr. Dull: I think what we need to do is amend our noxious weed ordinance to specifically include that because the State of Ohio does not define poison ivy as a noxious weed.

Mr. Burke: The deal is if a neighbor's tree falls on your property you are responsible for the tree.

Mr. Metz read Ordinance 45-03 out loud to council.

Councilman Papalás: I happened to see pictures of it before I came in and I know none of us would tolerate that. I can't believe that there is not something in our ordinances or housing codes that we worked on so long and diligently we can't cover that. We are sitting here splitting hairs on whether or not poison ivy is dangerous or not or more harmful that it can send you to the hospital, what are we doing here! This is ridiculous. Cite these people in court and we will let the judge decide what this is. If we need to do something with our ordinance further then we will. What are we putting citizens through this for? I saw pictures of the rubbish or the junk, how does that go by for so long? I know we have ordinances for that.

Mr. Metz showed city council pictures of the neighbor's property and his back yard.

Donna Metz, wife of Albert Metz told council that Ordinance No. 12-91 states that vines can't grow more than six inches in height and that poison ivy is a vine.

On Thursday morning at 8:30 a.m. Mr. Dull and Mr. Burke are going to get together concerning Mr. Metz. In the afternoon the mayor's office will notify Mr. Metz and tell him what the city plans to do to help him. Mr. Metz gave some of the pictures of the neighbor's yard to Mr. Dull.

Mr. Mark Callion of the State of Ohio Treasurer's Office gave a short presentation concerning the Grow Now Program and the Eco-Link Program. He updated council on programs for Small Business.

COMMITTEE REPORTS

None

ORDINANCES AND RESOLUTIONS

RESOLUTION NO.__(Draft No. 55-10)

A RESOLUTION ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS); AND DECLARING AN EMERGENCY

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

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No. 55-10 has been adopted on the 20th day of October, 2010.

ORDINANCE NO.__(Draft No. 56-10)

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR REQUESTS FOR PROPOSALS FOR AN AUTOMATED VEHICLE LOCATION SYSTEM FOR THE NILES TRUMBULL TRANSIT SYSTEM; FURTHER AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH COMMUNITY BUS SERVICES, INC REGARDING THE PURCHASE AND USE OF SAID SYSTEM; AND, DECLARING AN EMERGENCY

Mayor Infante told council that this was a federal grant the city received from Congressman Ryan which Mark Hess applied for. The grant is for \$125,000.00 and Mr. Terry Thomas from CBS is going to match the grant. Mr. Thomas thanked city council, Mayor Infante, Mr. Buccino, Mr. Dull and President Marino for the long time partnership.

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

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No. 56-10 has been adopted on the 20th day of October, 2010.

MISCELLANEOUS REMARKS

Mayor Infante: Hopefully Phase 2 of the paving on Vienna Avenue will be done this week and Phase 1 will be held up until spring.

Councilman Lastic informed council that there will be an ordinance concerning the cemetery coming in the next meeting.

Councilman Papalas: About three years ago we talked about a program where we would have a pool for empty lots, a land bank in our community. We made some movement on that but not much happened because it's such a process that complicated it. I see that the county has a little bit of involvement in that and I was wondering if we could coordinate efforts with them. Could we talk to those officials in the near future, Mayor?

Mayor Infante: Sure. We have three or four titles turned into the city so we have the criteria to follow the ordinance that was passed. For the one property we did send a letter out telling them what they need to do if they wanted to acquire the property.

Councilman Papalas: I know property owners and I have said this before that want to buy that land.

Mayor Infante: We have one interest on West Street and one on Second Street.

Councilman Papalas: There is one on Youll Street. I want to go back to what we discussed a little earlier with these ordinances concerning housing and property and protection. We worked on this and it started with Mr. Marchese when he was our building inspector. We really have gotten into it with Anthony Vigorito and the Planning Commission and that will protect everybody's property value. We just didn't sit down and dream up these words ourselves most of these came from the states' building codes. We adopted those ordinances word for word and we updated the zoning map for the city. So when somebody comes in and wants to split hairs these things have already been tested out. That's why we adopted it, Pete Marchese made sure they were tested. So, let these people explain to the judge why they don't think poison ivy is something to be concerned about. That is not our wrong; we are enforcing laws passed by the state made available to us to adopt which we have done. Those ordinances shouldn't even be in question. These people should have been cited back in July and that's my opinion, but I am not an attorney. If I lived in that neighborhood I certainly wouldn't want to sit with that and no one here would either. We passed those ordinances so we wouldn't have to sit here and listen to this tonight and it would be taken care of quickly.

Mr. Vigorito: I want to correct something, the zoning laws that we passed are different from the building codes. We did not follow the zoning codes from the state, the building codes we did.

Councilman Papalas: Those building codes pertain directly to what these people are here for. I know for a fact they do get into those issues, we went through each of those things line by line. Pete Marchese brought those to us.

Mr. Vigorito: You are talking about the housing ordinance.

President Marino: There was property maintenance, exterior maintenance and a whole host of things. We sat in your backyard, Steve.

Councilman Papalas: We sat in my backyard in a big group open to the public and we went through it line by line.

Mr. Vigorito: Again, you are discussing the housing ordinance, a housing maintenance issue.

Councilman Papalas: When we send Steve Yovich out to look at something owned by the property owner, it's not a landlord it's a tenant issue and he goes to you. You enforce the same rules that these people are exposed to right now. That's all covered in there; we have read that time and again. This shouldn't have been going on since July.

Mr. Vigorito: I didn't hear anything about the problem personally. If it was covered under the housing ordinance I would have sent it onto the Housing Board.

It was moved by Lastic, seconded by McCormick to adjourn the meeting. Motion carried.

Linda A. Yuhasz, Clerk of Council

Robert Marino, Jr., President of Council