

MINUTES

Niles City Council held its regular meeting of October 17, 2007 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-A; Cox-P; Stredney-P; Papas-P; Wilkerson-P; Marino-P
A motion was made by Wilkerson, seconded by Cox to excuse the absence of Councilman Scarnecchia. Motion carried.

A motion was made by Stredney, seconded by Papas to accept the Minutes of the regular meeting of October 3, 2007 and place them on file. Motion carried.

REPORTS AND COMMUNICATIONS

FROM The Building Inspector's Office

A letter recommending the rezoning of an 8.9 Parcel at Robbins and N. Carnegie Avenue
It was moved by Papalas, seconded by Lastic to accept the letter and place it on file.
Motion carried.

FROM The City Income Tax Office

The Monthly Receipt Totals for September 2007.

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

FROM The Ohio Division of Liquor Control

A transfer from Gerald Jerina to Q Enterprises LLC

A motion was made by Papalas, seconded by Papas to refer the letter to the Police Chief and Safety Director for their report and recommendation. Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

Jayne Fairchild of 53 Mill Creek, Niles, Ohio: I need some information in regards to towing for the city. A lot of people I have talked to said that is was more political. I hope to prove them wrong on that. I am trying to bring (inaudible). Every time I try to get in I get a door in my face. I would just like to know some information they say that there is two on rotation right now. I don't know what the Board has said. If there are two, if there is a contract coming available, I don't know what the date is, I would like to get some information on that.

Law Director Dull: My understanding is that under the ordinance we have permits that are issued when necessary for towing. My understanding is that up to this point it is really only something that is needed is two towing companies and we really don't have a need for any further towing companies at this point. I imagine that is something that if we get a

report from the police department or something that there is a need for additional ones if that would become available than we would let everyone know.

Jayne Fairchild: I understand that but when did the ordinance go into place, was it five years ago, two years ago? I know that instead of two cars in the driveway there are more than four now per family. I think that there is a need for another towing company (inaudible). I am trying to bring jobs here and keep my children here.

N. Alherimi of 53 Mill Creek, Niles, Ohio: We have four businesses that we own in Niles and we are trying to make a better business for the community and keep (inaudible) in Niles. It is kind of hard when you are trying to raise a family and you are putting everything you got into something that you believe in.

Mayor Infante: For the last sixteen years we have had the same two towing companies and we haven't had a problem that I know of. We chose to stay with just two. If there is a need for another one then we would look for another one. At the moment I don't think there is a need for another one. We have had no problems and I have had no complaints from the Police Department.

Mr. Alherimi: They are doing a great job nobody is saying that they are not; we need to get some help here. That is why we are here asking you guys for help. We are asking the Mayor and City Council for help to change things. There is a lot more driving, there are a lot more teenagers like she said. We look at thirty years ago we used to have one car, mom and dad used to share. Now you have five or six people in one home and you have five or six cars in the driveway. There is a big demand for towing and if we can try and change something or add it to (inaudible). I am sure that they have where they do counts of how many people drive in the Niles area and if you divide that by two and make it three from years ago. There is a big demand for it; there are a lot of people breaking down. It would be very nice maybe we could discuss it and maybe we could try to change things. I have three daughters and I want to keep them in Niles, I don't want to move from Niles.

Mayor Infante: Anybody that needs a tow can call you. The people of Niles aren't locked in to the towing companies.

Mr. Alherimi: I understand that but there is more money in doing accidents, there is more money in storage. We have a big storage facility, it is well secured. There is really not much money just waiting for the phone to ring for a tow. It's really not. Not for the price of equipment these days. Each one of those flat bed roll backs are sixty thousand dollars. We thought than when we bought everything we could change something around here, more jobs here. I am really shooting to stay in Niles where I want to do things in Niles

Councilman Cox: We can take his name and number and if we get swamped give him a call.

President Marino: If I heard correctly they need a license to be part of the rotation? Who issues the license Terry, the Mayor's Office?

Law Director Dull: The Mayor's Office or the Safety Director's Office one of those two.

President Marino: Well sir the members of council don't possess the authority to issue those licenses our Law Director has explained that. The authority rests with the Mayor and or the Safety Director, Mr. Guarino. The only thing that I can add is make an appointment with Mr. Guarino or the Mayor and go speak to them privately concerning all that you might be able to offer in terms of your towing company.

Mr. Alherimi: We did, we tried that. We already submitted it to the Mayor's Office that is why we are here today. We have already submitted it and they told us that they are not looking for any more towing companies.

Councilman Papalas: I don't know the solution to this but I know why we have this rule if anybody wants to hear it. Years ago we had towing companies that competed against each other and they weren't always around when the police department and fire department called. So there was a meeting, I forget who all was involved to guarantee that the city would have a response from reliable towing companies. It was agreed that two licenses would be given and those people would be given the first call from the safety forces. Otherwise they wouldn't guarantee that they would stay in Niles and that they would be in business and we would be left without reliable towing service. That is why we don't have more than two because they determined at that time that if we had three or four there wouldn't be enough business for those towing operations. In the long run we would lose the opportunity to utilize their services when we needed them the most. That went into effect I think before he (Mayor Infante) was mayor. I do remember there was a long discussion and several meetings over it. That is why we are down to two now. It is not a decision that Mayor Infante came up with, it was a policy adopted by other councilmen and mayors in the past. That is the root of it.

Jayne Fairchild: (Inaudible) the population (inaudible) that ordinance (inaudible) a lot more.

President Marino: No actually our population as decreased.

Councilman Lastic: Do you have to be a member of AAA?

Jayne Fairchild: We are part of (inaudible) Nationwide; we are on State Farm, (inaudible), we are on every insurance company, we are on American Traveler.

Mr. Alherimi: (Inaudible) we are not moving anywhere everyone knows that we are tied to the community. We are trying and I think that we are doing a heck of a job.

Jayne Fairchild: We bought the building on Vienna Avenue I am sure you have seen it. We renovated it and tried to make it nicer.

Mr. Alherimi: We are trying very hard; we just need your help. I don't know a bout the population but there are more cars on the road than before the mayor (inaudible) I know that. More cars go through Niles than ever before. That is what we are working who lives in Niles.

Councilman Papalas: It is a difficult issue we had the same issue almost at the same time as the ambulance.

Mr. Alherimi: But, we are not going to go anywhere. We are not going anywhere we are here. We are trying to (inaudible) our children and roots here in Niles. We are very happy to be here. I am very happy and a lot of people know (inaudible). I have done a lot of things for people in this room. Everybody knows that my word is pretty good. I am not going to go and lie to you or lie to you. Everybody hears things. But I am here for you guys. If you guys need me or your children need me anytime of the night then we will be out there for the police department in the snow, rain, sleet. I already do that now. I would just like to stay in Niles. I want my towing to be in Niles. That is what I want for my children; I want them to pass it on. If there is any way we can change it or do anything with it, I beg you guys too help us out. I have three daughters to put through college. It is very hard for us. I don't know to cry or what I have to do to make things go. We are barely there, we are barely there guys, there is to much stuff stopping us.

President Marino: I think that everyone in the room understands what you are asking. I think that you understand what the answer from the mayor has been and the members of council. All I can say as President of Council is that your request has been duly noted in the minutes of council and the Office of the Mayor and Safety Director. In short of that there is nothing more than we can do.

COMMITTEE REPORTS

Councilman Papalas: A couple of us went to Shaker Heights last week, met the officials there on their ordinance that they have. I was going to ask Tom if we could possibly schedule a Round Table to discuss that with our Chief. Chief Simeone discussed this issue with their Chief and he has gotten some ideas. I think that it is time that we all sat down and listened to what the Chief is thinking and what we might do. I would like to set up that Round Table.

Safety Director Guarino: Steve you are aware that Boardman has an ordinance similar to the one in Shaker Heights. It is not as lengthy as it is, but did Council ever think of going to Boardman and speak with them?

Councilman Papalas: I read both ordinances; personally I thought that the Shaker Heights Ordinance was more effective.

Safety Director Guarino: It is more lengthy, I don't know how effective it is (inaudible).

President Marino: Well in speaking to their Chief and their Commander and their Captain they feel very confident in what their ordinance was written for and how it is working. First hand from what I heard I feel very comfortable with the Chief's input obviously, and Mr. Telego's input concerning the technology portion of it and that we are moving in the right direction.

Safety Director Guarino: Well I agree that we are heading in the right direction. It doesn't do any harm to see how it is working in Boardman.

Councilman Papalas: We are not going to address businesses at this point. That will be in the future perhaps. Right now, I personally would like to follow through with the ordinance that Mr. Swauger had shown us. I think it is a good idea. That is the path that I want to take.

Safety Director Guarino: It is up to Council.

Councilman Papalas: Yes it is.

Councilman Lastic: Let's have this meeting first and then if there is any new (inaudible) we have to ride to Boardman then we will go.

President Marino: Councilman Papalas did touch upon an important point about keeping businesses separate. Shaker Heights remarked to us specifically about that and other issues concerning the ordinance, domestic violence and what-not.

Councilman Papalas: Terry has a rough draft that I passed out at the last council meeting. The Chief wants to make some changes which I whole heartily agree with. There may be some other topics of discussion that everybody is going to want to have a part of it and probably maybe wish for some amendments. At that point if you want to go to Boardman amend the ordinance further to bring some of that into it, I don't have any problem with that. That is what it is all about. We need to go one direction at a time.

It was agreed upon that Niles City Council will hold a Round Table on October 29, 2007 at 5:00p.m to discuss the Nuisance Ordinance for residential property. This meeting will be held at City Hall in the 1st floor conference room.

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. __ (Draft No.73-07)

AN ORDINANCE AUTHORIZING THE MAYOR AND SERVICE DIRECTOR TO ENTER INTO AN AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS FOR INDIGENT LEGAL SERVICES; AND, DECLARING AN EMERGENCY

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

Councilman Papalas: It is a routine ordinance, it comes up every year. At Mr. Dulls request it deals with our court system and the indigent people that go through.

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No. 73-07 has been adopted on this 17th day of October, 2007.

ORDINANCE NO. ____ (DRAFT No. 74-07)

AN ORDINANCE AUTHORIZING CONSENT TO THE OHIO DIRECTOR OF TRANSPORTATION TO REPLACE THE STRUCTURE OVER MOSQUITO CREEK; AND, DECLARING AN EMERGENCY

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

Mr. Mark Hess: A couple of years ago you passed an ordinance to re-deck this bridge. This is the bridge that is on Robbins Avenue near Niles Glass. The Ohio Department of Transportation has changed their mind and instead of re-decking and painting the bridge they are going to replace it. That decision isn't based on anything structural it is based on economics. It is a short bridge and it is more economical for them to replace it than to replace the deck and paint it. You might have read some of the problems they have had with some of the bridges they have been painting. They think because it is a girder bridge, they are going to have problems removing all the rust and get it painted. So they just want to replace it. It is scheduled for 2011 to be replaced. There is nothing structurally wrong with it, everything is fine. This is the first stage of their process, we haven't even seen drawings yet.

Councilman Stredney: I have a question for you Mark. On our ordinance Section Two one of the things it says we can pay one hundred percent of anything they deemed unnecessary for Project?

Mr. Mark Hess: That is anything we deem unnecessary. They are paying for the project a hundred percent. If we find something outside of the scope of that it is a hundred percent our cost. That is typical language.

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. 74-07 has been adopted on this 17th day of October, 2007.

RESOLUTION NO.____ (Draft No. 75-07)

A RESOLUTION AUTHORIZING APPROPRIATIONS FROM VARIOUS UNAPPROPRIATED FUNDS TO SUPPLEMENT CERTAIN ACCOUNTS; AND, DECLARING AN EMERGENCY

It was moved by Papalas, seconded by Lastic 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. 75-07 has been adopted on the 17th day of October, 2007.

RESOLUTION NO.____ (Draft No. 76-07)

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS BETWEEN ACCOUNTS IN THE HEALTH DEPARTMENT; AND, DECLARING AN EMERGENCY

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

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No. 76-07 has been adopted on this 17th day of October, 2007.

ORDINANCE NO.____ (Draft No. 77-07)

AN ORDINANCE AMENDING ORDINANCE NO.38-07 TO INCREASE THE AMOUNT OF THE MUNICIPALITY'S SHARE OF POWER THAT CAN BE PURCHASED UNDER THE AMP-OHIO AMPGS PROJECT; AND, DECLARING AN EMERGENCY

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

Councilman Stredney: Mayor is this because other cities dropped out or is this just an error we made before?

Mayor Infante: I don't think, I think it is just to execute more power sales over so many kilowatts.

Mr. Jim Newbrough: This is actually due to as miscommunication between AMP-Ohio and the Law Director and I when the ordinance was originally made up for your last meeting. I just found out about this last Friday morning. This is their law department. They asked for this amendment and it needs to be done by November 1st. They actually had the same number in there for the hydro project and this project and they need to be (inaudible).

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This Draft No. 77-07 has been adopted on the 17th day of October, 2007.

MISCELLANEOUS REMARKS

Mr. Anthony Vigorito: I just wanted to let Council know that they started on Cleveland Street demolition this week.

Councilman Papalas: First of all I was on South Cleveland today and the neighbors are delighted. I can't tell everybody enough how happy they are. Mr. Durig is doing a good job of tearing it down. I especially want to publicly thank Steve Yovich because he did a lot of work with this. Terry Dull I know you did quite a bit going through Bankruptcy Court with those lawyers and trying to shake this project loose again for us. I certainly appreciate it. That takes us to the Land Bank. How are you doing with that because their neighbors are interested in buying that lot?

Law Director Dull: I put a call in yesterday to Atty. Adler of the Prosecutor's Office. I haven't heard anything from the Auditor's Office. As of early this afternoon Atty. Adler hasn't returned my call. From what I believe they are going to be generating a list from the next tax sale. That is what I believe is going to be coming so that we can look at certain properties that we may be interested in pulling out of that and having special treatment. Until I talk with Jeff, but I will keep after him.

Councilman Papalas: Alright if the situation is the way it is right now while I am buying property, for example this property today is there a short cut we can take rather than go through all these other hoops to facilitate this or do we have to go through the formalities?

Law Director Dull: The problem with the Land Bank situation is it is only going to help us in situations where people become delinquent in their taxes and it starts to go into tax foreclosure process.

Mayor Infante: Well this is probably one of them.

Law Director Dull: It looks as if it is going to be offered up for sale and no one (inaudible) to buy it. I will double check (inaudible).

Councilman Papalas: What is your time frame for getting this?

Law Director Dull: I can talk with Jeff over the next few days. I really expect the next tax sale is not going to be until the spring of next year. So I don't think that we are going to be in any position to help out to allow people to buy in situations (inaudible) Land Bank probably until some time next year. If there are any shortcuts they have.... The only other thing that is possible is if somebody deeded the property to the city. That is part of the problem we don't have titles so we can do with it what we want.

Councilman Papalas: This ordinance that we discussed this evening, the residential nuisance ordinance it is important. It is what you said it is not the solution, it is not the (inaudible) that we face in the city. It is a tool to help further get a handle on cleaning up the blight in our neighborhood and getting some of the characters lined up. I want to stress that we welcome as Council any input and we probably will have to amend the rough draft that Terry gave us. The Chief and I talked today and we both agree that we will have to tinker with this ordinance over the next couple of months after it is in place. But, I also want to emphasize to everybody in this room that it is City Council that makes that decision finalizing over that ordinance. City Council makes that decision and then there would be the Chief and others who would enforce it. I just want to leave it at that.

President Marino: Tony where are we at with our Master Plan? Did we finish that with the Planning Commission where we had them come in and rezone? Did we fully adopt all that?

Building Inspector Vigorito: No we finished the zoning part of it. I just brought up to the Planning Commission Meeting over the rezoning of that partial in Carnegie. We still have to further discuss the language. We had the majority already taken care of but we never finalized it. We need to finish up that in a few meetings and hopefully we can bring it to Council to have a Public Hearing on it.

President Marino: I just wondered. It came up when that zoning issue came up. I spoke to Terry about our Master Plan with land use. I know communities have used it to their

benefit in terms of redevelopment and I was just curious of where we were at. Do you think by the end of the year?

Mr. Vigorito: Well I am not sure; I will have to have a few meetings on it. Right now we only have one scheduled meeting a month so I am going to put a second meeting in and then we are coming into the holidays. Hopefully over the winter.

President Marino: Great, thank you.

Councilman Cox: I would like to see about getting weeds cut by the wooden bridge so people won't throw garbage out there. We had people that came and picked everything up there once. Like at McKee's Lane when they got that all mowed people just don't throw it out. So in nice weather maybe mow it out.

It was moved by Papalas, seconded by Lastic to adjourn this meeting at 6:42p.m. Motion carried.

Linda A. Yuhasz, Clerk of Council

Robert Marino, President of Council

