

COUNCIL MEETING MINUTES
October 17, 2018

Audio recording of full meeting will be available on line on the city's website

Niles City Council held its regular meeting on October 17, 2018 at 6:00 p.m. in Council Chambers Safety Service Complex in Niles, Ohio.

The meeting was called to order by Council President Barry Steffey Jr., and the Clerk, Nicole Bacak, called the roll:

Lastic- P, McNaughton-P, Profato-P, Cantola-P, Marchese-P, Smith- P, Kearney-NP, Steffey-P

It was moved by McNaughton, seconded by Marchese to excuse Kearney from the meeting.
Motion carried.

It was moved by Marchese, seconded by Lastic to accept the Minutes from the October 3rd meeting and place them on file.
Motion carried.

REPORTS AND COMMUNICATIONS

FROM – Auditor's Office

Statement of Cash from Revenue and Expense- September 2018

It was moved by McNaughton, seconded by Marchese to accept and place it on file.
Motion carried.

FROM – Auditor's Office

Check Report by Check Number- September 2018

It was moved by Smith, seconded by McNaughton to accept and place it on file.
Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

(Public comments began at 2:22 into the recording)

Beth Nolan: 26 Beaver creek Ave. Mrs. Nolan wanted to thank the administration who showed up for the benefit and those who donated. It was a very nice turn out and it meant a lot to the mom and her kids. It turned out very nice.

Second of all and the most important one of all, Mrs. Nolan went to the Park Board meeting yesterday. As everyone knows, the pool meant a lot to her and Mrs. Cantola. Mrs. Nolan felt the pool was shoved back in her face because it was put on the park survey. She didn't feel that was very nice because it wasn't going to be filled anyway. As of tonight, Mrs. Nolan announced that this will be her last council meeting. She doesn't think it is fair. Mrs. Nolan mentioned that Mayor Mientkiewicz was disappointed in the turnout from the Park Survey with only receiving 742 responses. Mrs. Nolan told Mayor Mientkiewicz to look around the meeting and take notice of how many citizens attend the City Council meeting. The same citizens come all the time so maybe that should say something. These people don't listen to the citizens and maybe that's why only 742 people did the survey. Nobody listens to the citizens. Mrs. Nolan feels that it isn't about what the citizens want, it what they want.

Her final thoughts are that it is the same old people and the same old things, over and over again. As much as she hates to say it, this will be her final council meeting. President Steffey thanked Mrs. Nolan for time that she put into the benefit last Saturday. He knows the family really appreciated it and he appreciated it as well.

Judy March: 1113 Hartzell Ave. Mrs. March has come before the Mayor and Council this evening to express her disappointment in this administration in awarding the bid to Rome Monument Company of Rochester Pa. to erect a 3-32 niche columbarium in the Niles Cemetery. This company is 52 miles away. Niles has a company right across the street from the cemetery that has been successfully installing mausoleums, crypts, columbarium, and monuments since 1954. However, the Niles Monument Company was not even asked to submit a bid. There was no advertisement in the local newspaper for bids. The owner of Niles Monument Company has been a member of the Niles Cemetery Board since 1981 and he was not even consulted for his advice in this matter.

According to Mrs. March, Mayor Mientkiewicz was asked two days ago why the owner of the Niles Monument Company was not consulted or asked to submit a bid. And Mayor Mientkiewicz replied "does he even know anything about columbarium or how to install one?" Mrs. March wanted to inform Mayor Mientkiewicz, President Steffey, Mr. Marchionte and anyone else who dislikes her brother. Her brother, Jim, is the owner of the Niles Monument Company in Niles. There are many people in Council Chambers this evening who have used their services and received excellent material and service. He has been doing this since he was 14 years old. If it wasn't for her family, the Niles Cemetery wouldn't look the way it does today.

Her brother was responsible for resetting close to 500 monuments that toppled over from the tornado of 1985. He only charged for 200 of those and donated the rest. He reset the Veteran's memorial at no charge. Mrs. March stated that recently the caretaker of the cemetery and his helpers removed a marble a faceplate owned by former Mayor Joseph Parise in a large mausoleum with a crow bar and a screwdriver. The plate was damaged. No one contacted her

brother to assist with the removal of this plate because Mrs. March said they do not like her brother. The cemetery workers did not fix the issue. The Parise family contacted her brother and he fixed the issue at no charge.

Mrs. March stated that it looks like her brother knows nothing about installing or anything related to monument industry. People from three different states call on her brother to do their installations. She asks Mayor Mientkiewicz and President what they know about columbariums. One last note she wanted to point out is that her brother has no sales people. He does all of the selling himself. He has made it known to city officials over the years that when they are ready, he will provide the city with a 96 niche columbarium in the same granite to complement the existing one, at a cost of under \$20,000. He called yesterday for the quote and as she was doing the paperwork today, a fax came in and the quote was \$19,300 for freight and installation. She has no idea what the bids were on these, but she is sure they are a far cry from \$19,300.

Mayor Mientkiewicz wanted it reflected in the record that the three quotes received were prior to his administration taking over.

Aimee Cantola: 208 Vienna Ave. Mrs. Cantola was also at the Park Board meeting yesterday. She said it was mentioned at in 2019 the plan is to demolish the pool building. She doesn't know why we would do that. We could use it as storage because that is what we are using it for right now. We store the Christmas decorations there and right now we have the meters. They might want to consider keeping it and using it for storage.

Paul Davis: 44 Hartzell Ave. Mr. Davis informed council that there was a letter presented earlier today at the Senior Levy meeting from the Second Harvest Food. They are offering fresh food, produce and milk free to communities that will distribute it. He thinks it would be a good idea for someone to call Mike at the Second Harvest Food Bank and talk to him about this. This would be a great opportunity for the city. President Steffey agreed with Mr. Davis and said he appreciates it and someone will look into this.

George Kuriatnyk: 1206 Mason St. Mr. Kuriatnyk has a concern about the bids being from the last administration. He asked Mayor Mientkiewicz if that was before he was on Council, 3 years ago. President Steffey stated that he believed those bids were taken earlier in the year from Mayor Scarnecchia. Mr. Kuriatnyk said he should have told the administration to go across the street and talk to the local business and get a bid from him as well. President Steffey explained that council legislates and appropriates. The management arm of the city is the administration.

Mr. Kuriatnyk also has questions in regards to decisions being made with the parks. Yesterday, Mayor Mientkiewicz said since no real plans were submitted for the pool so now him and Mr. Burke are going to decide where the \$67,500 grant money goes. For two years, they had Mrs. Cantola and Mrs. Nolan run around and put plans together and they did an excellent job. He doesn't know what gives two people the right to spend the money when other people had other ideas? He doesn't think they can keep up the parks now.

Mr. Kuriatnyk doesn't know what the emergency is in tearing down the pool building. The previous Service Director said it was unfit for people but he is now working out of there with the

water company. President Steffey said he was not aware of that since he has not spoken to the previous Service Director since he left the city. Mr. Kuriatnyk wants to know what gives them the right to go over the Park Board and decide what they want to do with this money. President Steffey stated that he is sure the Park Board is in concert.

Mr. Kuriatnyk asked who the city called last year when the cemetery screwed up the funeral for the veteran because it wasn't the company that is 52 miles away. They called DeCristofaro and he came and fixed it and you don't even ask him. He understands Beth and nothing has changed. Mr. Kuriatnyk believes someone is behind the tearing down of the pool building. Someone wants to benefit from tearing down this building.

Dee Sebben: 225 High Ave. Mrs. Sebben has a question about a rumor she heard about a splash pad. She wants to know if anyone realizes that you can only go to a splash pad if you are under a certain age. Its 12 years and under that can go. How many mothers and working parents are going to go during the week and how is the city going to make money? President Steffey said he isn't sure how they will make money but he does know they do not require life guards. They do not require chemicals. So, the operation side of it does not require additional costs. Mrs. Sebben does have concerns with the age restrictions because she has grandchildren of all ages. Her 13 year grandchild was not able to use the splash pad in McDonald. She wants to know if there is a splash pad coming to Niles. She said you will not make any money on it. They are not a lot of parents out there. They were will be grandparents out there but not parents. It takes two people to support a household these days.

COUNCIL COMMITTEE REPORTS

None

ORDINANCES AND RESOLUTIONS

(Legislation began at 22:42 into recording)

RESOLUTION NO. ____ (Draft No. 103-18)

A RESOLUTION APPROVING THE EIGHTH REVISED FINANCIAL PLAN REQUIRED BY OHIO REVISED CODE SECTION 118.06 FOR SUBMISSION TO THE FINANCIAL PLANNING & SUPERVISION COMMISSION FOR THE CITY OF NILES; AND, DECLARING AN EMERGENCY

It was moved by Marchese, seconded by Smith to give a 3rd reading to this Draft No. 103-18.

YEAS: 6 NAYS: 0

It was moved by Marchese, seconded by Lastic to adopt this Draft No. 103-18.

YEAS: 6 NAYS: 0

This Draft No. 103- 18 has been adopted on the 17th day of October 2018.

ORDINANCE NO. ____ (Draft No. 108-18)

AN ORDINANCE AMENDING CODIFIED ORDINANCE NO. 925.03(A) BY INCREASING THE MONTHLY SERVICE FEE RATES CHARGED FOR THE USE OF THE SANITARY SEWAGE SYSTEM: FOR THE YEARS 2019 THROUGH 2022; AND DECLARING AN EMERGENCY

It was moved by Smith, seconded by Lastic to give a 3rd reading to this Draft No. 108-18.

YEAS: 6 NAYS: 0

It was moved by Smith, seconded by Lastic to adopt this Draft No. 108-18.

YEAS: 6 NAYS: 0

This Draft No. 108- 18 has been adopted on the 17th day of October 2018.

ORDINANCE NO. ____ (Draft No. 110-18)

AN ORDINANCE AMENDING ORDINANCE 75-17, THE PURCHASING POLICY FOR THE CITY; AND, DECLARING AN EMERGENCY

It was moved by McNaughton, seconded by Profato to amend this Draft No. 110-18 and accept the newly updated policy that was presented to council.

YEAS: 6 NAYS: 0

It was moved by Cantola, seconded by Smith to give a 2nd reading to this Draft No. 110-18.

YEAS: 6 NAYS: 0

This Draft No. 110-18 has received its second reading on the 17th day of October 2018.

ORDINANCE NO. _____ (Draft No. 111-18)

AN ORDINANCE REPEALING ORDINANCE NO. 32-01, A MORATORIUM ON THE OPENING OF ANY NEW BUSINESS ESTABLISHMENT WITHIN THE CITY OF NILES THAT OFFERS BODY PIERCING, TATTOOING, SCARIFICATION OR BRANDING SERVICES; AND, DECLARING AN EMERGENCY.

It was moved by Marchese, seconded by Cantola to give a 2nd reading to this Draft No. 111-18.

YEAS: 6 NAYS: 0

This Draft No. 111-18 has received its second reading on the 17th day of October 2018.

ORDINANCE NO. _____ (Draft No. 113-18)

AN ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ADVERTISE FOR BIDS FOR ONE AND TWO YEAR(S) OF SLUDGE HAULING AND DISPOSAL AND FOR ONE AND TWO YEARS OF CHEMICALS FOR THE WASTEWATER TREATMENT PLANT; AND, DECLARING AN EMERGENCY

It was moved by Cantola, seconded by Lastic to amend this Draft No. 113-18 and remove the words Safety Service Director and replace it just Service Director.

YEAS: 6 NAYS: 0

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

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Lastic, seconded by McNaughton to adopt this Amended Draft No. 113-18.

YEAS: 6 NAYS: 0

This Amended Draft No. 113- 18 has been adopted on the 17th day of October 2018.

RESOLUTION NO. ____ (Draft No. 114-18)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED MOTOR FUEL FUND 771 TO THE MOTOR FUEL GASOLINE ACCOUNT; AND, DECLARING AN EMERGENCY

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

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Lastic, seconded by McNaughton to adopt this Draft No. 114-18.

YEAS: 6 NAYS: 0

This Draft No. 114- 18 has been adopted on the 17th day of October 2018.

RESOLUTION NO. ____ (Draft No. 115-18)

A RESOLUTION APPROPRIATING FUNDS FROM UNAPPROPRIATED PARK FUND 221 TO THE PARK BUILDING MAINTENANCE ACCOUNT FOR REPLACEMENT OF LED LIGHTS; AND, DECLARING AN EMERGENCY

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

YEAS: 4 NAYS: 2 (Cantola and Marchese)

Rules are not suspended.

It was moved by Marchese, seconded by McNaughton to give a 1st reading to this Draft No. 115-18.

YEAS: 5 NAYS: 1 (Cantola)

This Draft No. 115- 18 has had its first reading on the 17th day of October 2018.

RESOLUTION NO. ____ (Draft No. 116-18)

A RESOLUTION AUTHORIZING THE FIRE DEPARTMENT CHIEF and/or SAFETY DIRECTOR TO PREPARE AND SUBMIT AN APPLICATION AND ENTER IN AGREEMENTS FOR GRANT MONEY TO ASSIST WITH PURCHASE OF A DIESEL EXHAUST REMOVAL SYSTEM FOR BOTH FIRE STATIONS; AND, DECLARING AN EMERGENCY

Ms. Marchese asked Law Director Swauger why the amounts are not in the legislation. Law Director Swauger explained that the information he was given was based on, he was given estimates for the cost. His concern was limited the amount based on estimates. If the amount came in slightly higher than the estimate, then what was approved through council would not match what would be needed for the grant. If our number was low, we would have to redo the whole thing.

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

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Lastic, seconded by McNaughton to adopt this Draft No. 116-18.

YEAS: 6 NAYS: 0

This Draft No. 116- 18 has been adopted on the 17th day of October 2018.

RESOLUTION NO. ____ (Draft No. 117-18)

A RESOLUTION AUTHORIZING THE FIRE DEPARTMENT CHIEF and/or SAFETY DIRECTOR TO PREPARE AND SUBMIT AN APPLICATION AND ENTER IN AGREEMENTS FOR GRANT MONEY TO ASSIST WITH PURCHASE OF COMMUNICATION EQUIPMENT; AND, DECLARING AN EMERGENCY

Law Director Swauger stated the figures on this grant are the equipment is \$122,000 and our matching portion is \$12,000. That was the information he has received.

It was moved by Marchese, seconded by McNaughton to suspend the rule requiring three readings.

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Lastic, seconded by McNaughton to adopt this Draft No. 117-18.

YEAS: 6 NAYS: 0

This Draft No. 117- 18 has been adopted on the 17th day of October 2018.

RESOLUTION NO. ____ (Draft No. 118-18)

A RESOLUTION AUTHORIZING THE MAYOR and/or SERVICE DIRECTOR TO NEGOTIATE AND ENTER INTO CONTRACT WITH IWORQ SYSTEMS FOR CODE ENFORCEMENT AND COMMUNITY DEVELOPMENT SOFTWARE; AND DECLARING AN EMERGENCY

It was moved by Cantola, seconded by Smith to suspend the rule requiring three readings.

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Cantola, seconded by Lastic to adopt this Draft No. 118-18.

YEAS: 6 NAYS: 0

This Draft No. 118- 18 has been adopted on the 17th day of October 2018.

RESOLUTION NO. ____ (Draft No. 119-18)

A RESOLUTION APPROVING THE ADOPTION OF THE INVESTMENT POLICY FOR PUBLIC FUNDS; AND, DECLARING AN EMERGENCY

It was moved by Cantola, seconded by Profato to give a 1st reading to this Draft No. 119-18.

YEAS: 6 NAYS: 0

This Draft No. 119- 18 has had its first reading on the 17th day of October 2018.

MISCELLANEOUS REMARKS

(Miscellaneous remarks began at 37:05 into recording)

Mayor Mientkiewicz updated council on the construction of the columbariums in the cemetery. They are currently doing the footers right now and hopefully either by the end of this week or beginning of next week, they will have the actual columbariums constructed. The next phase will be to complete the sidewalks. Mayor Mientkiewicz wanted it noted that they are completing three 48 niche columbariums. The city was able to get the three columbariums, the concrete and the footers for \$30,000.

Ms. Marchese asked how these will sit compared to the current columbarium. She thought there was design years ago already in place. Mayor Mientkiewicz explained the two on the side are at ground level and the third, which is in front, will sit down approximately 3 inches due to the hill. Ms. Marchese asked Mr. Papalas, who was in the audience, if he remembers from when he was on council if he remembers the design. She thought there was an architect that came in and she thought everything was supposed to look the same. President Steffey asked Ms. Marchese not to put Mr. Papalas on the spot and these are the Mayor's comments. Ms. Marchese apologized.

Mayor Mientkiewicz said he did find one design in his office and it is set up the way they have them. However, you are never going to have them all on one level due to the slope of the land. The front one will sit down slightly. He thinks once the sidewalks are put in and everything is done, it will look very nice. Currently he believes, there are only 6 spaces left in the columbarium. And again, these quotes fell into his lap and he took them and ran with them. Mayor Mientkiewicz admits that he did question, for his own knowledge, if the gentleman across the street did install these because he did not know. He was not saying it in a sarcastic manner. The project is underway and hopefully completed before the end of year.

Ms. Marchese asked Mayor Mientkiewicz if he got a guarantee with it. Mayor Mientkiewicz said they negotiated the contract. They didn't get the quotes. It's standard contract from a reputable company that from what he sees does great work.

Mayor Mientkiewicz did get quotes for the HVAC for the fire station. It was awarded this morning. The work should be done within a month- month and a half. This will fix the systems for the court and fire department. Once this is completed, they will move on to the police department. That price was \$27,000 and it was awarded to a local company.

Service Director Flarey did assure council that they are quoting local contractors. In fact, for the sidewalks in front of the city building that need some serious replacement, they are quoting three companies from Niles.

Chief Holland informed council that this week they were notified that they received a 75% reimbursement grant through the Ohio Attorney General for the bullet proof vest for the two new officers.

Mr. Crowley wanted to thank the administration and council for supporting and passing the legislation for the new software. It will not be an expense until next year but they can start using the software this year. President Steffey pointed out that Mr. Crowley and Mr. Pezzano have done a great job in the neighbors and this software will only help them in doing their job.

Ms. Marchese informed everyone about Coffee with a Cop. This year it will be held at Weathersfield in McKinley Heights and it will be on Tuesday, October 22nd. They will have people from the fire, police and ambulance departments there. It is a great event to attend and bring your kids to.

Ms. Marchese did have questions for Mayor Mientkiewicz about the grant. She wants to know all of the money is going to Waddell Park and not Stevens Park. Mayor Mientkiewicz explained the grant is specific to Waddell Park. It can only be spent in Waddell Park. It was changed to the Waddell Park Improvement Grant through the House. Ms. Marchese doesn't understand why Mayor Mientkiewicz is bringing golf to Waddell Park. Avalon Inn is shutting theirs down because they can't make any money. Law Director Swauger explained this is disc golf; it's not the same thing. It's Frisbee golf. You have little baskets that you throw a Frisbee into. Ms. Marchese has never heard of this and would like to see more things for families and children.

Ms. Marchese would still like updates to be done at Stevens Parks. Mayor Mientkiewicz said to give him the money and he will do it. Ms. Marchese told him to have his Service Director to open up his piggy bank. Service Director Flarey said that council approves all of the funding.

Mayor Mientkiewicz said he does intend to update the parks throughout the city with Stevens, Kennedy, Murphy and the rest of the parks and create a comprehensive overhaul of the parks. This is something that everyone as officials and the community should be excited about. We are enhancing Waddell Park with the grant money that has been sitting on the table for the last three years. He knows when he was on council and he asked at nauseam for a plan of action and it was never done by the previous administration. Mayor Mientkiewicz has done that with the Park Director and the Park Board and has presented to council with the comments from the community from the survey.

Ms. Marchese said with all of the respect with the two ladies that did everything, maybe there should be some females on there to get both sides. To get the male side and the female side. You need more things for families.

Ms. Smith asked Law Director Swauger about the grant legislation for the fire department. She was under the impression at the finance meeting that Mr. Stevens was working on lower bids as

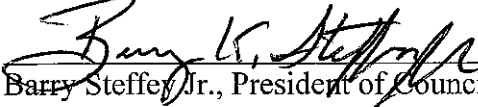
well. Law Director Swauger said he knows the initial report came in at \$100,000 and that is why he was afraid of the actual formal one being slightly higher.

ADJOURN

It was moved by Profato, seconded by Lastic to adjourn the meeting.



Nicole Bacak, Clerk of Council



Barry Steffey Jr., President of Council