

COUNCIL MEETING MINUTES
December 20, 2018

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

Niles City Council held its regular meeting on December 20, 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-P, Steffey-P

It was moved by Marchese seconded by Kearney to accept the Minutes from the December 5th meeting and place them on file.

Motion carried.

REPORTS AND COMMUNICATIONS

FROM – Auditor's Office

Statement of Cash from Revenue and Expense- November 2018

It was moved by Smith, seconded by Profato to accept and place it on file.

Motion carried.

FROM – Auditor's Office

Check Report by Check Number- November 2018

It was moved by Smith, seconded by Kearney to accept and place it on file.

Motion carried.

FROM – Auditor's Office

Letter from Auditor Merlo

It was moved by McNaughton, seconded by Cantola to accept and place it on file.

Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

(Public remarks began at 2:12 into recording)

Lois Nickel: 3327 Curtis. Mrs. Nickel is here to talk about the new smart meters that the city wants to put on the homes. She feels there has to be an opt out option for people. She deserves a happy and healthy home and it will not be that way if you put a smart meter on her home. There is not enough evidence to show that they are safe. Mrs. Nickel says there is a lot of scientific evidence that shows they cause cancer, migraines, and seizures. It's constant radiation pulsating 24/7 through the walls of your home.

Mrs. Nickel says she has enough health issues and shouldn't have to deal with this. She has talked to the Mayor about this and talked to Judge about this. If she has to buy her own analog meter and have it installed, she will do that. We can't force her to have radiation radiating through her house. She doesn't own a microwave. She doesn't have WiFi. She doesn't put her cell phone against her head because of these things. She was told she would be charged \$100 a month. She thinks whoever told her this was trying to scare her. She isn't someone who gets scared. This is the first home she has owned.

President Steffey said this is the first he has heard of this and he appreciated her coming. She knows we don't have a city ordinance on this. She knows our regulations are 20 years old. The radiation is not acceptable. If it was a once a month, that would be different. She will not have it. She is going to start a Go Fund me and hire an attorney to fight this. She is going to get as many Niles residents as she can to get something going on this because they cannot force her to do this.

George Kuriatnyk: 52 Morningside. Mr. Kuriatnyk wanted to talk about the fire department. It came up in a conversation the other day that people don't think we need our fire department. The last fire we had was eight years ago and we could go to a volunteer fire department. He listened to the scanner today and there were 4 calls in a matter of 48 minutes. Three elderly had fallen and needed help.

Every time you see our fire department, behind them is Lanes according to Mr. Kuriatnyk. Nothing against Lanes. He tried to explained to these people that we do need our fire department. He wants to know our fire department doesn't have their own ambulance service. He thinks it would be beneficial. He doesn't know how they get out of sleep and into the trucks and to a home within minutes. It amazes him. He just wanted to thank the firemen because they do a awesome job. He thinks they should be compensated for it.

President Steffey agreed that they do a great job. He also listened to the scanner on the way down there. There was someone hurt at the Wellness Center and at the Royal Mall. Both departments responded. Chief Danielson explained when that happens, they don't leave until Lanes get there. If they don't need our guys, they leave then. Mr. Kuriatnyk just wanted to say that he thinks they do a great job and he wanted them to know that.

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COUNCIL COMMITTEE REPORTS

None

ORDINANCES AND RESOLUTIONS

(Legislation began at 9:20 into recording)

It was moved by Profato, seconded by Cantola to add Draft No. 156-18 and 157-18 to the agenda.

YEAS: 7 NAYS: 0

Motion carried.

ORDINANCE NO. ____ (Draft No. 144-18)

AN ORDINANCE AMENDING SECTION 351.14 OF THE NILES CODIFIED ORDINANCES;

It was moved by Marchese, seconded by Smith to give a second reading this Draft No. 144-18.

YEAS: 7 NAYS: 0

This Draft No. 144- 18 has received its 2nd reading on the 20th day of December 2018.

RESOLUTION NO. ____ (Draft No. 148-18)

A RESOLUTION AMENDING RESOLUTION 90-18, THE UTILITY BILLING POLICY FOR THE CITY; AND, DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Smith, seconded by Kearney to adopt this Draft No. 148-18.

YEAS: 7 NAYS: 0

This Draft No. 148- 18 has been adopted on the 20th day of December 2018.

ORDINANCE NO. _____(Draft No. 149-18)

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

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by McNaughton, seconded by Lastic to adopt this Draft No. 149-18.

YEAS: 7 NAYS: 0

This Draft No. 149- 18 has been adopted on the 20th day of December 2018.

ORDINANCE NO. _____(Draft No. 150-18)

AN ORDINANCE AMENDING ORDINANCE 30-18, THE PURCHASING POLICY FOR THE CITY EXEMPTING NON-MATCHING GRANTS OF THE NILES MUNICIPAL COURT; AND, DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by McNaughton, seconded by Smith to adopt this Draft No. 150-18.

YEAS: 7 NAYS: 0

This Draft No. 150- 18 has been adopted on the 20th day of December 2018.

ORDINANCE NO. ____ (Draft No. 151-18)

AN ORDINANCE CREATING A TETHERING ORDINANCE, ORDINANCE NUMBER 505.072

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Smith, seconded by Marchese to adopt this Draft No. 151-18.

YEAS: 7 NAYS: 0

This Draft No. 151- 18 has been adopted on the 20th day of December 2018.

ORDINANCE NO. ____ (Draft No. 152-18)

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO EXECUTE AN AGREEMENT FOR RESIDENTIAL SOLID WASTE COLLECTION AND DISPOSAL; AND, DECLARING AN EMERGENCY

Ms. Marchese explained the new pricing and contract. This was something that used to be handled by the city's health department.

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Marchese, seconded by Lastic to adopt this Draft No. 152-18.

YEAS: 7 NAYS: 0

This Draft No. 152- 18 has been adopted on the 20th day of December 2018.

RESOLUTION NO. _____ (Draft No. 153-18)

**A RESOLUTION AUTHORIZING YEAR END CASH TRANSFERS; AND,
DECLARING AN EMERGENCY**

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Smith, seconded by Cantola to adopt this Draft No. 153-18.

YEAS: 7 NAYS: 0

This Draft No. 153- 18 has been adopted on the 20th day of December 2018.

RESOLUTION NO. _____ (Draft No. 154-18)

**A RESOLUTION AUTHORIZING THE YEAR-END BUDGET TRANSFERS; AND,
DECLARING AN EMERGENCY**

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Smith, seconded by Kearney to adopt this Draft No. 154-18.

YEAS: 7 NAYS: 0

This Draft No. 154- 18 has been adopted on the 20th day of December 2018.

RESOLUTION NO. ____ (Draft No. 155-18)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED VARIOUS FUNDS TO VARIOUS FUND ACCOUNTS; AND, DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Smith, seconded by Lastic to adopt this Draft No. 155-18.

YEAS: 7 NAYS: 0

This Draft No. 155- 18 has been adopted on the 20th day of December 2018.

RESOLUTION NO. ____ (Draft No. 156-18)

A RESOLUTION AUTHORIZING THE DISPOSAL OF CERTAIN OBSOLETE ITEMS NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE BY THE CITY; AND, DECLARING AN EMERGENCY

Ms. Smith clarified that this legislation is for the disposal of the water meters. Mayor Mientkiewicz said we are about half way through the project and he would like to get the ones removed scrapped and out of the way. We got two quotes from companies on this. One is from a company in Akron who specializes in the disposal of meters and the other is from Niles Iron and Metal. Niles Iron and Metal is going to give the city a little more per pound and that is who the city is going to go with.

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Cantola, seconded by Lastic to adopt this Draft No. 156-18.

YEAS: 7 NAYS: 0

This Draft No. 156- 18 has been adopted on the 20th day of December 2018.

RESOLUTION NO. ____ (Draft No. 157-18)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED FIRE PENSION FUND TO FIRE P & F PENSION ACCOUNT; AND, DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Cantola, seconded by Kearney to adopt this Draft No. 157-18.

YEAS: 7 NAYS: 0

This Draft No. 157- 18 has been adopted on the 20th day of December 2018.

MISCELLANEOUS REMARKS

(Miscellaneous remarks began at 22:10 into recording)

Mayor Mientkiewicz started by recognizing two city employees who recently retired. Mary Dull retired from the Niles Municipal Court and Gary DeChristofaro retired from the Light Department. Mayor Mientkiewicz wanted to recognize them for their years of service.

Next, Mayor Mientkiewicz wanted to give everyone an update on the columbariums. They were installed this past Tuesday in the cemetery and they look very nice. He is looking forward to the spring so that the city can get the whole site remediated, grass planted, etc.

Office hours for Christmas Eve for City Hall is 7:00 A.M. - 3:00 P.M. and the billing office will close at 1:00 P.M. for their accounting and deposits. Mayor Mientkiewicz has extra copies of the second newsletter that was released in case anyone would like one. He has received nothing but positive response about the newsletter so he will continue to do this.

Finally, the fiscal commission met this morning at the Niles Wellness Center. It was a very good meeting. A resolution was passed for release of fiscal emergency for the city. Mayor Mientkiewicz read the resolution that was passed. The resolution was unanimously passed this morning. Mayor Mientkiewicz wanted to thank everyone in this room, all the elected officials,

employees, commission, and residents. It was a collaborative effort amongst everyone. Today, the City of Niles should be very proud of the body in this room.

President Steffey agreed. He was in the meeting this morning and had a vote. Niles should stand tall today and be proud of where we are moving. Council has worked very hard and there were some wildly unpopular parts of it. It was a good meeting today.

Ms. Marchese also noted that the workers have helped out by working with the administration.

Safety Director Kaniclides echoed the Mayor's comments. This was a job for everybody and everyone pitched in and helped. There were times it wasn't popular but we worked through it, including the employees. It is great that we are coming out of fiscal emergency so fast compared to other places. Our big thing now is, we are out... we are not going back in.

Law Director Swauger announced that this will be his last meeting as Law Director in Niles. He has accepted a new full time position, which requires him to resign from his positions of Law Director and Prosecutor for the city. December 31st will be his last day. It has been a fun 22 months as Law Director and 12 years as Prosecutor. But personally and professionally, he got an opportunity that he needed to take for himself and his family. Law Director Swauger thanked everyone for their support over the years. He encouraged council to have a discussion about making the Law Director job a full time job because it does entail a lot of work. President Steffey thanked Law Director Swauger for his years of service and for all of the help he has given to everyone.

Auditor Merlo also echoed Mayor Mientkiewicz's comments in regards to fiscal emergency. Four years ago when the city was placed into fiscal emergency, he was sitting on city council. It was a hard pill to swallow. It was not unexpected based on the financial status the city was in at the time. It was a long road. There are a lot of people to thank. One would be the residents. The residents believed in the city and passed the ½ % income tax and Auditor Merlo wanted to thank the residents for passing this tax.

City council was very diligent in the process. There were always discussions, some not favorable but decisions needed to be made. Auditor Merlo wanted to thank everyone for supporting him in this process. As a new auditor to the city, he hit the ground running pretty quick. It was his goal and his intent and get this done within his first term.

President Steffey has said his before but Auditor Merlo is such a big factor in this turn around for this city. He operates honestly, truthfully, and he gives council real numbers to work with. President Steffey says we are set well off with Auditor Merlo as our city Auditor.

Treasurer Telago just reminded council that he sent them reports via email. If they have any questions, to let him know. The tax collections and interest collections are looking very good. The State is very happy with the performance of RITA. Treasurer Telago stated that his office did have some doubts in the beginning about RITA but they are very happy with them. They have performed very well and are very knowledgeable. Collections have been very strong. The gross came in at approximately \$9,100,000.00 so far and we have a net of approximately

\$8,831,000.00, which is the most ever collected in Niles. Next year, we could look at bringing in \$9,500,000.00 or maybe \$10,000,000.00. In regards to their retainer fee, he was informed via email today that they conservatively expect to refund us \$100,000 around June of this coming year. They have been very good to work with them.

Treasurer Telago also wanted to commend Auditor Merlo. He is always helpful and does a great job. The Mayor, his staff and all the employees who work in the city, he would say there is no 'I' in our team. It's all teamwork.

Ms. Rose thanked council for passing Draft 150-18. She congratulated Law Director Swauger on his new position. And she congratulated the city taking the steps to moving out of fiscal emergency.

Mr. Lastic thanked Mayor Mientkiewicz and Law Director Swauger for their work. Mr. Lastic also told a story about having Auditor Merlo in school 25 years ago. And now, here he is taking us out of fiscal emergency.

Mr. McNaughton thanked Law Director Swauger for his service. He said Mr. Swauger came in at a time when that office desperately needed stability and the city needed stability. He performed admirably and Mr. McNaughton thanked him.

Mr. McNaughton also thanked Auditor Merlo for his stability. Through Auditor Merlo's leadership, we are sitting here tonight. It is not a victory lap but we are putting on our shoes. He also thanked Treasurer Telago for the information he provided council the other night.

Mr. McNaughton would like to get with the community and see if there is something that can be done about recycling. He would like to see if that is something that can be addressed at the end of this contract. He would like to see if there is a want within the community. He wanted to wish everyone a safe a happy holiday.

Mr. Profato stated that he is very proud to be associated with everyone there. We couldn't have done it on our own. It's very significant with the help of everyone in this town. We don't get the recognition in this town that we deserve throughout the whole county. He commends everyone for buckling down and doing what we have to do. He is proud.

Mr. Cantola echoed the praise and pride. Everyone involved really needs to take a lot pride in what has been done. If there was anyone steering the boat, the administration has come and gone but Auditor Merlo has been the man leading the pack the whole pack. Even council has different faces. The city, as a whole, has a huge debt pay to Auditor Merlo, Nicole and their department for their efforts. Thanks to the citizens, administration and council. Happy Holidays to all.

Ms. Marchese agrees with her colleagues. It's been a long hard road and there has been many of different leadership but Auditor Merlo has always been there since day one. So, congratulations to everyone.

Also, we lost an officer and Ms. Marchese stated that she has never been more proud to be part of our city these last two days. She has never had the opportunity to see our Police Department and Chief standing by a coffin of a comrade. There were officers from surrounding cities here as well to honor the officer and showing their respect. What also got to her was when they drove past the city building, some of the secretaries and workers were standing outside showing their respect. As they drove past the Police department, the fire department and the members of the Court and the Judge stood out there as well to show their respect. These are things that people don't see and she was very proud to see that. Merry Christmas and a Happy New Year.

Ms. Smith just wanted to echo all of the sentiments that have been spoken already. Thank you for all of your help.

Mr. Kearney also echoed the sentiment mentioned earlier. He is very proud to be a first term council member. It's very humbling. He is looking forward to another year of fun. He also congratulated Law Director Swauger on his new position.

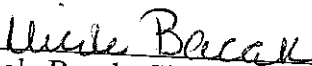
President Steffey said he knows that Auditor Merlo gets a lot credit but he wanted to recognize Nikki Bacak. Not only is she a great Deputy Auditor but she might as well have her hand on my back to keep me moving. She does a fantastic job and he just wanted to publicly thank her for really being the glue that binds this group. She does a great job.

President Steffey informed everyone that Council is amending their January schedule only due to holidays and the transition of the Law Director. Since there are five Wednesdays in January, Council will meet on the 9th, and the 23rd.

It was moved by Lastic, seconded by Marchese to amend the council schedule for the month of January.

ADJOURN

It was moved by McNaughton, by Profato to adjourn the meeting.



Nicole Bacak, Clerk of Council



Barry Steffey Jr., President of Council