

COUNCIL MEETING MINUTES
March 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 March 20, 2018 at 6:00 p.m. in Council Chambers Safety Service Complex in Niles, Ohio.

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

Lastic- P, McNaughton-P, Profato-P, Cantola-P, Marchese-P, Mientkiewicz-P, Kearney-P, Steffey-P

It was moved by McNaughton, seconded by Marchese to accept the Minutes from the March 7th meeting and place them on file.

Motion carried.

REPORTS AND COMMUNICATIONS

FROM – Auditor's Office

Statement of Cash from Revenue and Expense – January 2018

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

Motion carried.

FROM – Auditor's Office

Check Report by Check Number – January 2018

It was moved by Marchese, seconded by Lastic to accept the report and place it on file.

Motion carried.

FROM – Auditor's Office

Statement of Cash from Revenue and Expense – February 2018

Mr. McNaughton asked Auditor Merlo what his thoughts were on this report. Auditor Merlo pointed out that the general fund is at approximately \$3 million; however, there will be transfers happening tonight which will bring that down to about \$1.6. The city needs to watch what they are doing with spending. The city needs to watch the RITA numbers since they will be a month behind.

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

FROM – Auditor’s Office

Check Report by Check Number – February 2018

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

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

(Public comments began at 3:36 into the recording)

Larry Shivley: 32 North Bentley. He has a couple of concerns. Several years ago on North Bentley from Harris to Robbins Ave, Mr. Shivley and Mr. Stredney tried to get some help to re-brick that small portion of N. Bentley. He objected to them paving that. They have been unable to get the help they need to get this taken care of. He would like to continue this effort but if it doesn’t happen, then we pave over history. He knows with our fiscal problems, we might not be able to do this but he knows that other communities have done projects like this.

Mr. Shivley states that there is a growing concern with group homes and he believes there is one in Niles on N. Bentley. Is his family safe? Where is the group home? How many are there? He has a major concern involving the safety of his family and the integrity of the neighborhood with the growing number of group homes. He doesn’t want us destroying the neighborhoods. He understands the drug problem and had a family member that was a heroin addict that never recovered from it and unfortunately is no longer with us.

Mr. Shivley expressed his concern over rental properties in Niles. He is wondering if the percentage is still around 46%. He thinks it is a little higher now. He wants to know if it’s time for some safety or appearance guidelines for landlords. He was a renter at one time and cared about the property. There are some renters now that do not care. We should hold the landlords responsible. Property owners should also take care of their sidewalks. He has been a Niles resident for 22 years and he has been proud to say he is a resident. But he feels that things are escalating the wrong way. The city needs to find ways to finance public schools. It can’t be a burden. He is on a fixed income and can’t give much more in the way of taxes.

Mr. Mientkiewicz asked Mr. Crowley about the group home that Mr. Shivley spoke about. He remembers conversations last summer as to whether or not if it was a group home or a half-way house. He knows Mr. Crowley looked at this home. Mr. Crowley stated that the definition of a group home is they are giving treatment at the location. There is no treatment going on at this location. As a registered rental property, he can go through and make them do all of the things so

they will be up to code, but we do not dictate who they rent to. It doesn't have to go through the zoning approval but they do monitor those homes.

Ms. Marchese did ask Chief Holland if there have been any nuisance issues. Chief Holland stated that there have not been any nuisance violations on N. Bentley. President Steffey acknowledged the good job Chief Holland and the police department do with the nuisance abatement. Landlords are being notified from the police department about the repeated calls they receive in regards to their tenants. We are trying (to quote Mr. McNaughton) to dive into the neighborhoods and try and bring them back. President Steffey pointed out that if it wasn't for the Trumbull County Land bank, we would have no homes demolished this year because we do not have the money for it. He believes our housing office is doing a good job of having them live up to the codes and hold these people responsible.

Robert Craiger: 325 Youngstown Warren Rd. He met with the administration and prosecutor today to see about building a pavilion, between \$50,000-\$60,000, which would be 24ftx100ft. There is one issue stopping him from doing this, based on the current regulations council has. He does not want to put up greenhouses. There are no ordinances against greenhouses. He has 2 months before the season starts and it will take approximately 4-6 weeks to get the pavilion built. He believes based on the meeting he had today that they have an agreement, as long as council agrees to it.

Ms. Marchese announced that she is going to call a safety committee meeting next week to meet on this. They need to see what the present ordinance says and see what changes need to happen. Since this location is in Mr. Mientkiewicz's ward, she would like his input and the council members at large. Mr. Craiger stated that an architect has already drawn up the plans and everything has been approved by the city and county. They just need one little thing changed.

President Steffey asked Ms. Marchese if she has a date and time set for her Safety meeting. She is looking at next Thursday the 29th once she talks to everyone. President Steffey invited Mr. Craiger to attend the Safety meeting once it is set to discuss. Mr. Craiger wanted to inform council that he has a company in Cleveland that cleans up houses. He would be willing to take on 25-50 houses and help bring them up to code and make them decent to live in.

Mr. Craiger also brought up the sheds and why they don't like them due to the metal roofs. He states his sheds have high quality roofs and asked that they take a look at them. Ms. Marchese said she will bring that back to the Safety Committee.

COUNCIL COMMITTEE REPORTS

None

ORDINANCES AND RESOLUTIONS

(Legislation began at 14:41 into recording)

RESOLUTION NO. ____ (Draft No. 32-18)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED GENERAL FUND TO THE GENERAL FUND MISCELLANEOUS CONTRACTED LABOR ACCOUNT; AND, DECLARING AN EMERGENCY

It was moved by Mientkiewicz, seconded by McNaughton to give a 2nd reading to this Draft No. 32-18.

YEAS: 6 NAYS: 1 (Cantola)

This Draft No. 32-18 has received its second reading on the 20th day of March 2018.

RESOLUTION NO. ____ (Draft No. 35-18)

A RESOLUTION AUTHORIZING THE CITY OF NILES TO ENTER INTO AGREEMENT FOR THE ESTABLISHMENT OF THE TRUMBULL COUNTY COUNCIL OF GOVERNMENTS; AND DECLARING AN EMERGENCY

Mr. McNaughton had a few questions in regards to this draft. His first question is that he is hesitant because this council of governments was supposed to have been led by a gentleman who chose to stay in his current position. The county commissioners do not seem to in a rush figuring out what they will do with that position. Second, he is not sure on how this helps Niles. The folks who created this said it will help smaller towns and municipalities, which we are good neighbors. We help one another. He wants to know how this helps the city.

Service Director Stredney responded that the Newton Falls Administrator has stepped up and said for the time being, until the county decides what's happening, to be the administrator so the COG can file with the state. This COG is in its infancy. He mentions that RITA is a COG that the city became a member of. We are also a member of the Eastgate Regional Council of Governments. These organizations have grown overtime. Service Director Stredney gives an example about the city of Warren in which the Trumbull County Engineers went in and tore down a house because they had the equipment, but it was ruled by Dennis Watkins that it was illegal for them to have done that.

He also pointed out that the county has the equipment to tear the school building on the south side of Niles, but they are not allowed to. Forming the agreement through the COG would allow them to do different projects for the city, like that. He is not sure what else they could offer but a lot of the items right now are around property sharing and equipment sharing.

Mr. McNaughton is still not sure because there is a lot of uncertainty. He would like to see more definitive answers on how it will help us. Service Director Stredney explained that since we are one of the larger communities, Niles would have three seats at the membership. Council would pick who sits on this. We could decide year to year if this is beneficial to Niles. He does not want the city left out when they are forming this COG. He does not understand why if the County wanted to come here and help with projects, it would be illegal but that is the ruling that was passed down.

Ms. Marchese stated that some of the townships are getting upset about this. And as usual, we are to write a check to belong to this and it is a check we know nothing about. Service Director Stredney did confirm the check would be for \$300.00. She feels there are too many wide open loops on it.

Mr. Profato concurs with his colleagues, even though he is the one who sponsored the legislation. He sponsored it before they received the pre-amble. There are a lot of things in it that he has concerns with. He would like to table it until they have more information on it. There are a lot of things he would like to address with Mr. Swauger. He feels the language is similar to a JEDD and he wants clarification.

Law Director Swauger suggested to council to make a motion to postpone to a definite date and not to table it. Once the legislation is tabled, it is gone. It was agreed that it would be April 18th that this legislation would be revisited.

It was moved by Profato, seconded by Kearney to postpone this Draft No. 35-18 until the April 18, 2018 meeting for more clarification.

YEAS: 7 NAYS: 0

This Draft No. 35-18 has been postponed on the 20th day of March 2018. Council will revisit this draft on the 18th day of April 2018.

Mr. Mientkiewicz asked Service Director Stredney if he felt that by them postponing this until April 18th if there would be a more definitive plan. Service Director Stredney said no. The plan would be made from the memberships. It would be up to our council and other council members from other communities on what the COG would do. He can't tell them what the COG would do. The COG will form with or without Niles. If it forms without the city, we would not be able to take part in their services. Mr. Mientkiewicz asked if they were to form tomorrow, could the city jump in at a later date. Service Director Stredney did not know the answer to that.

Mr. Cantola asked when the meeting for this would be that council could attend, prior to April 18th, in order to get clarification. He would like the opportunity to ask them questions. He is concerned that if they cannot get the information then April 18th might not a good date to revisit this. Service Director Stredney did state that the next meeting is Wednesday, March 28th @ 5:00 P.M. in Howland.

Mr. McNaughton also suggested a round table with them to answer questions. He is hesitant on agreeing to this without knowing how it works. Law Director Swauger explained to council that the bi-laws they have is similar to what the COG would do. The membership that creates the COG has to create the rules. Nothing can be put into writing until they have members that join so they can set the join. That's why there is the uncertainty. That is the point Mr. Stredney is trying to make. By joining, we would be in the group that makes the rules. If you let others join and make the rules, then you are subject to their rules.

Mr. Profato says he needs more information on this. Ms. Marchese pointed out that she doesn't think the commissioners are together on this yet. Law Director Swauger explained that all you need is a majority vote. It only takes 2 votes from the commissioners. Whoever joins at the beginning will set the rules for the council.

RESOLUTION NO. ____ (Draft No. 36-18)

A RESOLUTION AUTHORIZING A REPAYMENT OF A CASH ADVANCE FROM THE FEMA ACCOUNT TO THE GENERAL FUND; AND, DECLARING AN EMERGENCY

Mr. Mientkiewicz explained that General Fund advanced the FEMA account \$30,000.00 in December of last year. This is just paying back the general fund.

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Lastic, seconded by Cantola to adopt this Draft No. 36-18.

YEAS: 7 NAYS: 0

This Draft No. 36-18 has been adopted on the 20th day of March 2018.

RESOLUTION NO. ____ (Draft No. 37-18)

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

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Mientkiewicz, seconded by Lastic to adopt this Draft No. 37-18.

YEAS: 7 NAYS: 0

This Draft No. 37-18 has been adopted on the 20th day of March 2018.

ORDINANCE NO. ____ (Draft No. 38-18)

**AN ORDINANCE CREATING THE PAYROLL CLEARING FUND, FUND NUMBER
665; AND DECLARING AN EMERGENCY**

Mr. Mientkiewicz asked Auditor Merlo for clarification on this. Auditor Merlo explained that a payroll clearing fund is technically an agency fund. An Agency fund is where we put into that belongs to someone else. For example, the city deducts pension from employee's paychecks. That money no longer belongs to the city of Niles. It belongs to the pension board. Since we do

not cut that check until the following month, it would take that money and it goes into payroll clearing fund until we send it to the pension board. Ms. Marchese asked if it would affect other items other than pension. Auditor Merlo explained that it would mainly be pension. This would be a new fund. This will help the treasurer's office with balancing because right now they are tracking this manually. This will automatically go into the fund and then disburse to the pension board. Every month the money would go in and then go out.

Auditor Merlo did request that council give this a first reading. The State Auditor's office is deliberating on agency funds and what specifically they can be used for and pension is one of those items that we might not be able to use this fund for.

It was moved by Cantola, seconded by Lastic to give a 1st reading to this Draft No. 38-18.

YEAS: 7 NAYS: 0

This Draft No. 38-18 has received its first reading on the 20th day of March 2018.

MISCELLANEOUS REMARKS

(Miscellaneous remarks began at 32:00 into recording)

Mayor Scarnecchia wanted to welcome the city's new Treasurer, Mr. Steve Telago. Mr. Telago has many years of banking experience and has done a great job so far.

Service Director Stredney informed council that the city has hired a company to clean up and restore the fire department. President Steffey asked if the exterior was completed. Service Director Stredney said that the membrane is down on the roof. They still have the flashing to do. Ms. Marchese asked if someone has been hired to fix the air conditioning unit and if they will be fixing the police department as well. Service Director Stredney said yes they will fix the air conditioning but nothing has been scheduled for the police department because the water damage didn't happen there. Ms. Marchese feels that they need to fix it. Auditor Merlo said they will have someone look at it.

Chief Danielson updated council on the Sam's Club grant that they applied for. They asked for \$1500.00 and were awarded \$1000.00, which they will use to update items in the kitchen. President Steffey wanted to thank Mr. Bickerstaff for writing that grant for the fire department.

Law Director Swauger wanted to let council know that he will not be at the next meeting. They will need to have legislation in to him by next Thursday.

Mr. Burke stated that they just did a video with the Regional Chamber and it has been uploaded to the website. It was a great piece. He was unable to speak on it since he had the flu, but Mr. Stredney did fill in for him. Ms. Marchese asked about the grant for the swimming pool. She asked if it will open this year. Mr. Burke told her he should have an answer soon.

Ms. Marchese also asked Mr. Burke if he will be moving himself and his secretary out to the Parks so that they are more accessible. Mr. Burke said he will probably go back and forth. However, his secretary will stay because she also does cemetery and housing. She is more available to those departments in the city building.

President Steffey wanted to thank Mr. Robertson for the street update he sent to council. He asked him to continue to keep council updated on this. He would like a revised list so council can see what Mr. Robertson is going to go after. Mr. Robertson said he would send it tomorrow to council. Ms. Marchese did mention that she has two major issues and wanted to know if this was just about resurfacing. Mr. Robertson said the city had assumed \$400,000 and that leaves \$350,000 of it for mill and fill. \$50,000 would be for partial repairs, crack sealing.

President Steffey asked about the two streets that are supposed to be paved with federal grant dollars. Mr. Robertson said that he is still waiting to see if that still programed. It is for West Park and East State. It would be applied for this year and we would get it next year. President Steffey is worried about the condition of West Park if we have to wait until next year. We are at the mercy of federal dollars.

Auditor Merlo informed council that he will be at the State Auditor's conference the next few days, along with some members of council. He also reminded council that next Friday is a holiday for the city so legislation would need to be in by Wednesday. The Clerk would have to send it out on Thursday. Finally, he commended Mr. Telago and his office. They have been working really hard on reconciling and they were open to get February done in a very timely manner.

Treasurer Telago gave council a quick update on the treasurer's office. It took them 5 days to reconcile He hopes that the next month, they can get that down to four days. He has two very hardworking employees in that office, Holly Money and Kim Bonacci. Everyone will be crossed trained. Today, his office went to RITA to learn about them and what they should be doing for the city. He has also been working with Auditor Merlo on getting SSI out to the city for training on their software, which will be March 26th, 27th and 28th. They will run both reconciliation processes parallel for a couple of months and decide which works best for them. He is hoping that the SSI is easier to download the information instead of doing the manual updating on the excel file.

Mr. Lastic confirmed that the city is off Good Friday but is back on Monday. He thanked Mr. Shively for coming tonight. He was driving down N. Bentley and you can tell the difference with the brick.

Mr. McNaughton said that his long term goal is to spend about \$1 million on streets a year and another million on infrastructure. He asked Mr. Mientkiewicz if he was still having a Finance meeting on Monday because he would like to have a Utilities meeting on Monday right after. It was decided there will be a Finance meeting on Monday, March 26th @ 4:30 P.M. in the lower level conference room with a Utilities meeting to follow.

Mr. Profato stated that he cannot get into his email. He is having issues with getting on the website as well. President Steffey said he just went on there today and with the new set up, you need to go to the home and you can get to there or make a visit to Mr. Dibble in his office. Mr. Profato said that he has called Mr. Dibble but has not heard back yet. He is missing information he needs. President Steffey agreed that the email is important. Service Director Stredney said that Mr. Dibble was on vacation but he will get with him on this issue.

Mr. Profato said since he will be gone for a couple days, this might be the time to fix it. President Steffey offered to bring in his laptop and see if it's his computer. Service Director Stredney said he could also get the information sent to his personal email until it's fixed.

Ms. Marchese said on the corner of High and Fenton. They need to get someone in there to clean it up. Somebody filled it up with gravel and then somebody put dirt in on top of it. When the past service director was there and Andy, they dug a hole and put a new drainage system in there. The water was flowing down. She thinks the gravel has now filled up the pipe under the street. So now the water has nowhere to go. It's going into the road and into people's basements. She has another issue on Peffer Street. A resident keeps having water back up. It is a little red brick house.

Ms. Marchese stated that she is going to call a safety meeting. She was going to have it Thursday or Wednesday, but she forgot about Easter. President Steffey asked if a meeting was held on Wednesday, if legislation could be presented on Thursday. Law Director Swauger said he could not promise that legislation would be ready in time. Ms. Marchese decided that she would hold her Safety Committee meeting on Tuesday, March 27th at 4:30 P.M.

Mr. Mientkiewicz asked If Service Director Stredney would touch base with Mr. Catanzarite about installing a temporary flusher on Near Street. Mr. Mientkiewicz stated that he and Mr. Catanzarite have already met at the location. It is a dead end line. Nothing has been done as of yet.

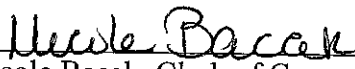
Mr. Mientkiewicz asked Mr. Robertson if there are grants available in regards to the brick roads. Mr. Robertson stated that he would look into it. He said as far as reconstruction of the entire road, that couldn't be done in house. That would have to be done by a grant. It's a small section so he would have to see how much that would cost since it's not a traditional mill and fill. He said that 2 inches wouldn't get you anything on that road because the road is bad. He feels that

the base would be deplorable once you rip it up. Mr. Mientkiewicz wants to know about taking up the brick and putting brick back down. Mr. Robertson said he will look and see if there is a grant or program about preserving the brick and he will look into it. Mr. Mientkiewicz stated that the people are North Crandon love their brick road and they don't want to see the road paved. But the roads are bad. Mr. Robertson said he will look into it.


Mr. Kearney thanked council for excusing him from the last meeting since he was ill.

ADJOURN

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



Nicole Bacak, Clerk of Council



BARRY STEFFEY, JR., President of Council