

COUNCIL MEETING MINUTES

May 2, 2018

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

Niles City Council held its regular meeting on May 2, 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 Marchese, seconded by Kearney to accept the Minutes from the April 18th meeting and place them on file.

Motion carried.

REPORTS AND COMMUNICATIONS

FROM – Treasurer's Office

Monthly Distribution Summary Report from RITA- May 2018

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

Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

(Public comments began at 1:42 into the recording)

Glenn Hickman: 731 5th Street Niles. Mr. Hickman has some questions about what he read in the newspaper concerning the lights at the Wellness Center. An \$18,000 issue. He wants to know why our electricians, who are card carrying journeymen, cannot do this job. They do the Christmas lights. Why do we have to pay KV Electric to do this job?

President Steffey said that he was told that our employees could not handle the job. He was told this by the administration. Service Director Stredney explained that the issues are the height and the wiring. When the Christmas lights are hooked up, they are more or less plugged in. But to this work, being a lineman is different than inside electrician. Mr. Hickman understands that. He doesn't agree with it but he understands it. He had anything to do with it, he would have those boys up there doing the job. Then they could take that money and use it for something else, like replacing the seats in the court room.

Mr. Hickman wanted an explanation about the way in which the legislation is presented. He wanted to know why all but one resolution had declaring an emergency after it. What is the emergency? Law Director Swauger explained that if we pass a resolution, it doesn't take effect for 90 days. By declaring it an emergency, it takes effect immediately. For example when the city transfers funds to pay OPERS retirements or bills that need paid now, if we pass the resolution not as an emergency we can't pay it for 90 days. It has to sit around and wait. The emergency just means it becomes effective immediately.

Mr. Hickman did ask Mayor Scarnecchia if he is happy with the answer the light department came up with on the light situation at the Wellness Center. Mayor Scarnecchia said he goes by the advice of the Light Department Superintendent on whether his men can do it or not. He was told we aren't paying for the bulbs because they are under warranty. The Superintendent informed the men can do it. Mr. Hickman feels that they can get up to those lights in their trucks.

Diane Williams: 24 North Pleasant. Niles. Mrs. Williams brought pictures in of the house 44 North Pleasant. It has been vacant for quite some time. There is trash piled very high. It has been that way for many months. She has spoken to Mr. Crowley about it. Mr. Crowley stated that he was at that location today. He was there last year, but it wasn't vacant at the time. He didn't write it up last year because they responded that they would clean it up. So he had it written down to follow up with it in the spring. He has reached out to Bank of America, who has a post it on the front door, and it is in pre-foreclosure. They were told they had 7 days to clean up the mess and they assured him they would. And they would send him an email update.

Mrs. Williams asked Mayor Scarnecchia if he has budgeted for mosquito spraying this year. Mayor Scarnecchia said yes he has it in the budget. Mrs. Williams brought it up last year and now is trying to bring it up now earlier to make sure there is money set aside for mosquito spraying.

Aimee Cantola: 208 Vienna Ave. Mrs. Cantola asked if Beth could speak with her. They wanted to talk about the Circle Street Project.

Beth Nolan: 26 Beaver creek. Around 9/11 last year, her brother approached her 24 hour vigil that the vets do at Circle Street Apartments. Last year, she took her foster son to visit her brother. Her brother pulled her over to talk and said since she is in with council, could she talk to them about the pictures she has. And Mr. Marino talked to her and thought there would need to be a park board meeting. She mentioned it to Ray Harper at the time. She wanted to get these items fixed. Mrs. Nolan and Mrs. Cantola have spoken to the Bricklayers union, Coates and other places to get donations. This has been also been presented to Mr. Burke.

Mrs. Cantola said that Brian Collier of the Local 8 Bricklayers Union in Austintown is who they met with in September. He contacted Mrs. Cantola on Tuesday to meet again to discuss. He mentioned that the limestone on top is broken, that would need replaced. He would have to remove the limestone from the bricks. He mentioned work that needed done to the flagpole. They can get the repairs done. Mrs. Cantola hopes that someone within the city could donate a new sign there. They are looking for donations for paint, the flowers and new flags. There is a light there also on a pole and the bricklayers would need power there for one day. They would like to get this completed by Memorial Day.

President Steffey commended Mrs. Cantola and Mrs. Nolan on the work they have done so far on this project. Mrs. Marchese feels there might be an issue with that piece of property. It is unclear if that property is a park within the city or not. Ms. Marchese has heard it belongs to the Trumbull County Veterans. She recommends that someone does a deed search and see if it was donated. Mrs. Cantola said that will push their time back on doing anything. Mr. Lastic mentioned that he has heard half of the street is ours. President Steffey deferred to our Law Department. Mayor Scarnecchia agreed. We need to find out if legally if we have the right to do anything. Law Director Swauger stated that according to the Trumbull County Auditor website, it is a public park.

President Steffey said we should get in touch with Mr. Marino to see what we need to do to move forward. He feels that doing something nice for our veterans is definitely needed and timely. Mrs. Nolan asked if her brother could reach out to him as well. President Steffey asked Mrs. Nolan for her brother's contact information after the meeting. Mayor Scarnecchia asked Mrs. Cantola to get a price on the sign. He said that if the price was right for the sign, he will be happy to donate it. Mrs. Cantola appreciated that and thanked the Mayor for that gesture. President Steffey said there would be other groups interested in helping as well. President Steffey thanked Mrs. Cantola and Mrs. Nolan for their work on this.

Paul Davis: 44 Hartzell Ave. Niles, Ohio. Mr. Davis said he believes that from the last council meeting, they are to get an explanation on the hiring of someone that wasn't posted and someone got hired. He thought the explanation was due at this meeting. He will return to his seat to hear the comment. Law Director Swauger stated that to his knowledge, all hiring has been done in compliance with our hiring policy. They were posted and interviews were conducted. He is not aware of anybody that did not go through the proper procedure. Law Director Swauger asked if there was other information that someone has, he would be more than willing to meet with them in his office to discuss. But as far as he knows, he is not aware of any person hired within the city in violation of the policy.

Mr. Mientkiewicz asked Law Director Swauger if there comes a time where one of these policies are violated, what would be the next step. Law Director Swauger explained that council adopted that policy out of an ordinance. It would be a violation of the law. That policy has the full effect of the law. We would determine that penalties would be imposed by that. He doesn't know that off of the top of his head. He would handle that and figure out what the next step is.

COUNCIL COMMITTEE REPORTS

Mr. Mientkiewicz stated that a lot of the legislation this evening was due to the finance meeting last week. Ms. Marchese also mentioned that legislation this evening was from her safety committee meetings.

President Steffey thanked them for being active with their committees.

ORDINANCES AND RESOLUTIONS

(Legislation began at 18:08 into recording)

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

It was moved by Profato, seconded by Mientkiewicz to give a 2nd reading to this Draft No. 35-18.

YEAS: 7 NAYS: 0

This Draft No. 35-18 has received its second reading on the 2nd day of May 2018.

ORDINANCE NO. ____ (Draft No. 52-18)

AN ORDINANCE AMENDING CODIFIED ORDINANCE NO. 763.02, "OUTSIDE SALES, STORAGE AND DISPLAYS"

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

YEAS: 4 NAYS: 3 (McNaughton, Cantola, and Mientkiewicz)

Rules are not suspended.

It was moved by Marchese, seconded by Profato to give a 2nd reading to this Draft No. 52-18.

YEAS: 4 NAYS: 3 (McNaughton, Cantola, and Mientkiewicz)

This Draft No. 52- 18 has received its second reading on the 2nd day of May 2018.

RESOLUTION NO. ____ (Draft No. 55-18)

A RESOLUTION AUTHORIZING THE SALE BY INTERNET AUCTION OF CERTAIN OBSOLETE VEHICLES NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE BY THE CITY; AND, DECLARING AN EMERGENCY

It was moved by McNaughton, 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.55-18.

YEAS: 7 NAYS: 0

This Draft No. 55-18 has been adopted on the 2nd day of May 2018.

ORDINANCE NO. ____ (Draft No. 56-18)

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ISSUE A REQUEST FOR PROPOSALS FROM ARCHITECTURAL FIRMS, ENGINEERS, AND/OR PROJECT MANAGERS TO PROVIDE AN ANALYSIS OF THE REPAIR AND/OR COST NEEDS FOR THE CITY-OWNED WATER DEPARTMENT BUILDING; AND, DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by McNaughton, seconded by Kearney to adopt this Draft No. 56-18.

YEAS: 7 NAYS: 0

This Draft No. 56- 18 has been adopted on the 2nd day of May 2018.

ORDINANCE NO. ____ (Draft No. 57-18)

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ISSUE A REQUEST FOR PROPOSALS FOR A HVAC SYSTEM SERVICE AGREEMENT FOR ALL BUILDINGS OWNED BY THE CITY; AND, DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by McNaughton, seconded by Profato to adopt this Draft No. 57-18.

YEAS: 7 NAYS: 0

This Draft No. 57- 18 has been adopted on the 2nd day of May 2018.

RESOLUTION NO. ____ (Draft No. 58-18)

A RESOLUTION AUTHORIZING THE SALE BY INTERNET AUCTION OF CERTAIN OBSOLETE PROPERTY NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE BY THE CITY; AND, DECLARING AN EMERGENCY

Mr. Mientkiewicz clarified that the legislation for the sale of a water department backhoe that was discussed in the finance meeting last week. Mr. Mientkiewicz asked Mayor Scarnecchia if someone from the administration will be the list person and contact person on govdeals. Mayor Scarnecchia did confirm that someone from the administration will be the contact person.

It was moved by Mientkiewicz, seconded by Kearney 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. 58-18.

YEAS: 7 NAYS: 0

This Draft No. 58- 18 has been adopted on the 2nd day of May 2018.

ORDINANCE NO. _____ (Draft No. 59-18)

AN ORDINANCE AMENDING SECTION 191.21 OF THE NILES CODIFIED ORDINANCES

Mr. Mientkiewicz stated for the record that this was also discussed last week. This is needed for RITA. This will make sure that all landlords within the city disclose names, telephone numbers and addresses of people who rent from them so that RITA can cross check with their lists. This will allow RITA to confirm if people are paying taxes to the city. If it is discovered that people are not paying their taxes to the city on this list, RITA will be allowed to collect on those people.

Ms. Marchese said this is why she wanted it to go to a first meeting because there are some landlords that have questions and would like to come to the next meeting and ask questions. Or they can contact Treasurer Telago.

It was moved by Marchese, seconded by Mientkiewicz to give a 1st reading to this Draft No. 59-18.

YEAS: 7 NAYS: 0

This Draft No. 59-18 has received its first reading on the 2nd day of May 2018.

RESOLUTION NO. _____ (Draft No. 60-18)

A RESOLUTION APPROPRIATING FUNDS FROM THE UNAPPROPRIATED PAYROLL CLEARING FUND 665 TO THE PAYROLL CLEARING FUND ACCOUNT; AND, DECLARING AN EMERGENCY

Mr. Mientkiewicz explained that at the last council meeting, council passed a motion that created the payroll clearing fund. This is to put the money into the fund. Auditor Merlo stated this is money that does not belong to the city. It is just a holding fund. Payroll expenses go into this fund and they go out.

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 Cantola, seconded by Profato to adopt this Draft No. 60-18.

YEAS: 7 NAYS: 0

This Draft No. 60- 18 has been adopted on the 2nd day of May 2018.

RESOLUTION NO. _____ (Draft No. 61-18)

A RESOLUTION RATIFYING THE EXPENDITURE OF THE CITY OF NILES CDBG REVOLVING LOAN FUND (RLF) FOR THE CRITICAL INFRASTRUCTURE COMMUNITY DEVELOPMENT PROJECT ON DIFFORD DRIVE; AND DECLARING AN EMERGENCY.

Mr. Mientkiewicz explained this is for a waterline replacement grant. Mr. Robertson stated there is a \$300,000 grant he is going after. It is called a critical infrastructure grant through CDBG. We need to use other funding sources to leverage this grant. That is why they chose to go to the FRL instead of the general fun. Mr. Mientkiewicz also said that if we are not awarded this grant, the money will return from the original fund.

Mr. Mientkiewicz asked if the water loop on Difford has been completed yet. Mr. Robertson said it is still going through the process. Law Director Swauger stated we are in the process of finalizing the appraisals to file the eminent domain action. It is still on the table to loop that road. Mr. Robertson said that almost the whole street would have new waterlines. It would go from Brentwood to East Drive. You would only be missing the part from East drive to 422.

It was moved by Mientkiewicz, seconded by Profato 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. 61-18.

YEAS: 7 NAYS: 0

This Draft No. 61- 18 has been adopted on the 2nd day of May 2018.

RESOLUTION NO. ____ (Draft No. 62-18)

**A RESOLUTION APPROPRIATING FUNDS FROM UNAPPROPRIATED PARK FUND
THE PARK CONTRACTED LABOR ACCOUNT FOR REPLACEMENT AND
SHIPPING OF LED LIGHTS; AND, DECLARING AN EMERGENCY**

Mr. Mientkiewicz explained that city council requested that Mr. Burke go out and get 3 quotes for this job. He did do that and it was shared with council at last week's finance meeting.

It was moved by Mientkiewicz, seconded by Kearney to give a 1st reading to this Draft No. 62-18.

YEAS: 7 NAYS: 0

This Draft No. 62- 18 has received its first reading on the 2nd day of May 2018.

RESOLUTION NO. ____ (Draft No. 63-18)

**A RESOLUTION AUTHORIZING THE SERVICE DIRECTOR TO PREPARE AND
SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS
COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL
TRANSPORATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE
CONTRACTS AS REQUIRED; AND DECLARING AN EMERGENCY**

Mr. Lastic said this legislation to get us a head of the game. Mr. Robertson explained that this is for two separate grants through the Ohio Public Works Commission. One will be for resurfacing for next year for about \$225,000 and the waterline grant is for about \$150,000.

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Lastic, seconded by McNaughton to adopt this Draft No. 63-18.

YEAS: 7 NAYS: 0

This Draft No. 63- 18 has been adopted on the 2nd day of May 2018.

MISCELLANEOUS REMARKS

(Miscellaneous remarks began at 33:43 into recording)

President Steffey wanted to thank the Niles students for coming to council this evening. He appreciates them coming down for their government class. President Steffey also mentioned that council will be looking to amend the July meeting schedule. The meeting in July is scheduled for Thursday, July 5th. They would like to move it outside of the holiday week. This will be amended at the next meeting. He asked that council look at their schedule before the next meeting.

Mayor Scarnecchia stated that he has been instructed to come up with a new plan by the fiscal commission. He would like to ask council if any of them have any suggestions that they would like to see in the plan. If they have anything they would like to see projected out for the next five years to please let him know before he sits down to make the new plan. Mr. McNaughton asked if the Mayor has a date that the plan has to be ready by. Mayor Scarnecchia stated by the third week of July it is due. Mr. McNaughton wanted to make sure that council receives the plan prior to the beginning of July. And if they do have suggestions, they need to get with the Mayor very soon. He does not want to be rushed.

Mayor Scarnecchia addressed another matter. He said he was speaking from the heart now. We have many good and great people in this town and right now the city is witnessing negative publicity. He doesn't know what to do to keep the town up and show them that we are progressing. Council and the administration are nothing like the old ones. Mayor Scarnecchia wants the residents to feel proud for Niles. And if council has any suggestions on that, he is open to that. President Steffey thanked the Mayor and said that if we continue down the path we are going; his goals will be met along with the publics.

Service Director Stredney wanted to mention the fun event that Mr. Burke has scheduled for the end of May.

Mr. Catanzarite wanted council to know that they moved the flushers that were on Nebraska and Carnegie and moved them to Near and Fairlawn. We are able to reuse them. The city owns 2 mechanical flushers and they have a couple more.

Mr. Burke announced that on May 26th, from 11:00 A.M. – 2:00 P.M. will be Touch a Truck at the park. They will have fire trucks, police cars, etc. He tried to get a helicopter from the air base but could not. He is working to try and get a hospital helicopter. There will be agencies out there as well.

Auditor Merlo wanted to give some kudos to Mr. Burke. He did receive a \$10,000 grant to clean up the parks this week.

Mr. Lastic wanted to comment on the Mayor's comment about publicity being positive. He is looking around the room and there is one guy he sees that can help with that. (Jon from the Tribune)

Mr. McNaughton agreed that the Touch a Truck event is a great event. His three year old son will love this event. He thanked and welcomed the students for coming. It is nice to see young students. He also reminded everyone to vote next week. Every election is important.

Ms. Marchese pointed out that the residents from Peffer Street are in the audience tonight. She knows the city has been down there but she is hoping to find a way to help them. She is glad the city was out there to help.

Mr. Mientkiewicz asked Service Director Stredney when the waterline repairs to the streets on Hartzell and Taft. It's the corner of Roosevelt and Taft. Service Director Stredney couldn't say for sure if it would be done Thursday or Friday. He knows they have done 3-4 today and are continuing to do them through the week. He will see where they are on the list. Mr., Mientkiewicz is concerned with the one on Hartzell. People are swerving on the road to miss them and it is becoming a safety hazard. He also asked for the street sweeper to go up to Shadowridge. He was there yesterday and it doesn't appear that it has been to that development.


Mr. Kearney wanted to commend the ladies on their Circle Street presentation. We need to keep it nice for the veterans. A little story he mentioned was the bridge near the high school has a flag pole, last year he was driving past it. Two elderly ladies were putting soil around that flag pole because they said it wasn't taken care of. They also planted flowers around it. He spoke with them a bit and thought that was very touching that they did that themselves.

Ms. Marchese asked if we had a veterans committee within the city. If not, it is something we should look into.

Mr. Lastic also asked for support in passing the school levy.

ADJOURN

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



Nicole Bacak, Clerk of Council



BARRY STEFFEY, JR., President of Council