

**COUNCIL MEETING MINUTES**  
**September 5, 2018**

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

Niles City Council held its regular meeting on September 5, 2018 at 6:00 p.m. in Council Chambers Safety Service Complex in Niles, Ohio.

Council President Pro-Tem Mr. McNaughton asked the audience to join him in a moment of silence to honor the life of young Isaiah, whose life was taken far too soon.

The meeting was called to order by Council Pro Tem President Ryan McNaughton, and the Clerk, Nicole Bacak, called the roll:

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

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

It was moved by Marchese, seconded by Lastic to accept the Minutes from the August 15<sup>th</sup> meeting and place them on file.

Motion carried.

**REPORTS AND COMMUNICATIONS**

**FROM** – Department of Commerce/ Division of Liquor Control

Notice to Legislative Authority in regards to objections to renewals of liquor permits. Letter in regards to annual permits to sell alcoholic beverages in our political subdivisions.

It was moved by Marchese, seconded by Cantola to refer to Police Chief Holland for his review and recommendation.

Motion carried.

**FROM** – Auditor's Office

Statement of Cash from Revenue and Expense- July 2018

Auditor Merlo explained that in the last council meeting in August, council approved transfers and those are not reflected in this report. They will be reflected in the August report that they will hopefully have sometime in September.

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

Motion carried.

**FROM** – Auditor's Office

Check Report by Check Number- July 2018

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

**FROM** – Service Director

Monthly Overtime Report- August 2018

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

### **MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL**

(Public comments began at 4:01 into the recording)

Minnie Wolf: 117 Lakeside Way. Weathersfield Township. She does charitable work for Fairhaven school and she received a call from Fairhaven this afternoon and they asked is she would come and represent them. They had Lewis Construction put safety locks in the floors and on the doors at Fairhaven. Mr. Vigorito told them they needed a permit. Lewis Construction said they did work at other counties and there was no permit ever needed. After speaking with Mr. Vigorito, there is a State law he needs to follow and fees that go along with it. She was hoping that council would be willing to help Fairhaven and not charge them the fees.

Mayor Mientkiewicz said this would have to be approved through council to waive any type of building permit. He is not going to do that without council's approval. Ms. Marchese asked Mr. Vigorito how much the fees are associated with this. Mr. Vigorito explained to council that he informed Mrs. Wolf that if they do forgive fees, they generally only forgive fees that are not expenses to the department. That is the why it has always been done. He doesn't have the information in front of him but the fees are right around \$200.00 for each school. About half of that would be forgiven if it was fees from his department that are not expenses. He cannot give an exact number without having the paperwork in front of him.

Pro Tem Council President McNaughton asked which committee would handle this request. Ms. Marchese asked if anyone from the administration has spoken with the school about this. Mayor Mientkiewicz stated no one has approached them about waiving fees. He said he will look into it and it will have to go the Safety Committee. Mr. Cantola said he would be interested at looking into this and seeing what the numbers are. He would like to know what they city would be looking at waiving. He asked Law Director Swauger what the next steps would be for this. Law Director Swauger stated it would be referred to the Safety Committee since it's about the enforcement of building and zoning codes. There would be need to be a meeting.

GeorgeAnne Baylash: 1519 Old Forge. Mrs. Baylash stated that yeasterday at approximately 8:00 P.M. there was a water main break on her street according to her neighbors. The water ran for quite some time. She wanted to commend the guys in the water department because they

were working from early in the morning until about 10:30 P.M. at night. The ground was super saturated. They also had to bring the light department in to hold the telephone pole up so it wouldn't collapse. She believes they were shortstaffed. They lost some of the dirt and because it was so saturated and had to go get more. They thought they had it all fixed by 9:00 P.M. but they were working until about 10:30 P.M. They were exhausted and the waters felt so bad for them that they went and got water for them. They really need to be commended. They have a lot a heart and soul, especially working in this heat and humidity.

Beth Nolan: 26 Beaver Creek: About three weeks ago, her church rented the Girl Scout cabin at the park. She knows this subject about the restrooms has been brought up in the past. They paid \$100.00 to use that cabin and they had private people who were in the park wanting to use their bathroom because the bathrooms at the park were closed. Since they are a church, they allowed them to use the bathroom. Two years ago, she came to council and commented on the floor of the cabin. She had pictures of the condition of the floor and said they needed redone. Two years later, there were cobwebs, a bee's nest, and the floor was ridiculous. Her church was not happy that they paid \$100.00 for this cabin.

Pro Tem Council President McNaughton agreed that this isn't the time we have heard about bathroom issues. If this is true, bathrooms need to be open during the day. It's inexcusable. He is sorry if that is the case. He understands Mrs. Nolan's frustrations on not getting what she paid for, however she was also generous to others who stopped by. He appreciated her doing that. The city needs to do a better job to make sure this doesn't happen.

Mayor Mientkiewicz stated that he was at an event on Friday night at Waddell Park and both pavilions were rented and the bathrooms were opened. He asked Park Director, Mr. Burke, if the bathrooms are open to the public in the park. Mr. Burke replied that the rental people receive a key for the restrooms and it's up to them if they choose to open them. He also reminded everyone that the Wellness Center is open on Saturday and you can use the restrooms there. Mayor Mientkiewicz said they will address this moving forward.

Aimee Cantola: 208 Vienna Ave. Mrs. Cantola said that Mrs. Nolan told her that maybe the city can put a sign up on the bathrooms that are locked directing people to the Wellness Center. She asked if the restrooms at the bike trail are still locked and she believed they are still locked. Law Director Swauger stated they were closed for some time because someone broke into them and broke the sinks and did damage that had to be repaired. He was not sure if that was completed.

Second, Mrs. Cantola pointed out that the State of Ohio flag at the entrance to the city cemetery looks bad and maybe we should look at getting a new one. She isn't sure who the city would contact but maybe look at getting a donation.

George Kuriatnyk: 1206 Mason St. Mr. Kuriatnyk wants to know when someone is finally going to do something about the bathroom situation. It's been two years and all everyone does is talk. It's a public park and he wants to know when the bathrooms stay open. He doesn't know what is so hard about opening the bathrooms in a public park. Pro Tem Council President McNaughton agrees with Mr. Kuriatnyk. Mr. Kuriatnyk feels that Pro Tem Council President McNaughton was in violation of the Sunshine Law by not letting Mrs. Nolan respond earlier. He wants to

know if he is getting upset because he is telling him he is wrong. Pro Tem Council President McNaughton says no and asks Mr. Kuriatnyk if he has city business he wants to talk about.

Mr. Kuriatnyk asked about the Board of Control minutes. He wants to know why there was \$30,000 sent to KV Electric for repairs to the bank building. Service Director Flarey explained that the power to the bank building was old style and it had to be replaced. The feeder cables had to be replaced. Mr. Kuriatnyk asked if they were the lowest bidder. Mayor Mientkiewicz said this was an emergency repair to keep the business open. He explained that the city owns the feeder lines running into the building so we had to replace them. We are going to do what we have to do to keep the lights on in the city.

Mr. Kuriatnyk used to get the Board of Control minutes emailed to him every week from the previous administration. About three- four weeks ago , it stopped and he found out Mayor Mientkiewicz had it stopped. When he asked about it, he was told if he wants the information he has to submit a public request every Wednesday for it. He wants to know why he was taken off the list. Why can't he stay on the list? Mayor Mientkiewicz said he is taking the stance that no one is getting preferential treatment. In order to access public records, you need to submit a request. Law Director Swauger said any one is free to request any public requests and Board of Control Minutes are public record. Mr. Kuriatnyk understands that but he doesn't understand why they just can't email them to him. Why does he have to public record request them? Mayor Mientkiewicz said it's simple. If you want them, public records request them. He is not giving anyone special treatment.

### COUNCIL COMMITTEE REPORTS

None

### ORDINANCES AND RESOLUTIONS

(Legislation began at 22:20 into recording)

**ORDINANCE NO. \_\_\_\_\_ ( Draft No. 90-18)**

**AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO PURCHASE A 50' DIGGER DERRICK FOR THE LIGHT DEPARTMENT; AND, DECLARING AN EMERGENCY**

It was moved by Marchese, seconded by Cantola to give a 2<sup>nd</sup> reading to this Draft No. 90-18.

**YEAS: 6      NAYS: 0**

This Draft No. 90-18 has received its second reading on the 5th day of September 2018.

**RESOLUTION NO. \_\_\_\_\_ ( Draft No. 87-18)**

**A RESOLUTION APPROVING THE “SOCIAL MEDIA POLICY”**

It was moved by Cantola, seconded by Profato to give a 1<sup>st</sup> reading to this Draft No. 87-18.

Ms. Marchese asked Law Director Swauger if he has reviewed this from other cities and has anyone filed suits. Law Director Swauger explained that this draft is a combination of different samples of rules from public entities. It is a mixture of what has been found to effective. These are employees that are bound by employee conduct standards so there is not a lot of litigation involved. Ms. Marchese just wants to make sure the city isn't getting in over their head with this policy.

Law Director Swauger stated that part of this policy is that since he is the Law Director of Niles, he cannot issue a social media post saying the City of Niles can do this because he cannot speak for the city. This policy makes it clear that the employees don't speak for the city of Niles. They speak for themselves. We are not responsible for what they say. e are also going to hold them responsible. We have a lot of confidential information in our possession and we don't our employees tweeting or Facebooking information they shouldn't be disclosing.

**YEAS: 6      NAYS: 0**

This Draft No. 87-18 has received its second reading on the 5th day of September 2018.

**RESOLUTION NO. \_\_\_\_\_ ( Draft No. 97-18)**

**A RESOLUTION ACCEPTING THE AMOUNT AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR**

Auditor Merlo explained this is a routine ordinance that we do every year. It needs to be certified and sent to the County Auditor by October 1<sup>st</sup>.

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

**YEAS: 6    NAYS: 0**

Rules are suspended.

It was moved by Profato, seconded by Lastic to adopt this Draft No. 97-18.

**YEAS: 6    NAYS: 0**

This Draft No. 97- 18 has been adopted on the 5th day of September 2018.

**RESOLUTION NO. \_\_\_\_ ( Draft No. 98-18)**

**A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM UNAPPROPRIATED VARIOUS FUNDS TO THE FOLLOWING FUND LINE ITEMS; AND, DECLARING AN EMERGENCY**

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

**YEAS: 6    NAYS: 0**

Rules are suspended.

It was moved by Lastic, seconded by Cantola to adopt this Draft No. 98-18.

**YEAS: 6    NAYS: 0**

This Draft No. 98- 18 has been adopted on the 5th day of September 2018.

**RESOLUTION NO. \_\_\_\_ ( Draft No. 99-18)**

**A RESOLUTION AUTHORIZING THE SERVICE DIRECTOR TO NEGOTIATE AND ENTER INTO CONTRACT WITH PHILLIPS/SEKANICK ARCHITECTS, INC. FOR PROFESSIONAL SERVICES FOR ASSESSMENT OF THE NEEDS OF THE WATER DEPARTMENT BUILDING; AND DECLARING AN EMERGENCY**

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

Ms. Marchese asked if we have a price on this yet. Service Director Flarey stated they have prices depending which way they go since they haven't finalized anything. Law Director Swauger explained that we the right to negotiate a contract with them.

**YEAS: 6    NAYS: 0**

Rules are suspended.

It was moved by Lastic, seconded by Kearney to adopt this Draft No. 99-18.

**YEAS: 6    NAYS: 0**

This Draft No. 99- 18 has been adopted on the 5th day of September 2018.

Mayor Mientkiewicz informed council that the administration plans on presenting a detail plan on whether they city builds new or purchases an existing building. They want to have everything in place so they can come to council and say we want X amount of dollars for what they want.

**RESOLUTION NO. \_\_\_\_\_ ( Draft No. 100-18)**

**A RESOLUTION AUTHORIZING THE SERVICE DIRECTOR TO NEGOTIATE AND ENTER INTO CONTRACT WITH KRONOS FOR PROFESSIONAL SERVICES FOR PURCHASING EMPLOYEE TIME CLOCKS AND SOFTWARE; AND DECLARING AN EMERGENCY**

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

Ms. Marchese asked how old the present time clocks are. Auditor Merlo said they discussed this in the technology meeting. He believes it was somewhere around 8-10 years old. Mayor Mientkiewicz explained this is going to move to a more efficient system. Mr. Cantola stated there will be a lot more checks and balances on the system moving forward and it will save time on the administration's side. This will be more of a state of the art system compared to what we currently use.

**YEAS: 6    NAYS: 0**

Rules are suspended.

It was moved by Cantola, seconded by Lastic to adopt this Draft No. 100-18.

**YEAS: 6    NAYS: 0**

This Draft No. 100- 18 has been adopted on the 5th day of September 2018.

**RESOLUTION NO. \_\_\_\_ (Draft No. 101-18)**

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

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

Mr. Cantola asked Auditor Merlo about this transfer. Auditor Merlo explained this has to do with the CHIP grant. This year, we have done more rehabs on home than expected. The city is the administrator for three communities (Niles, Girard, and Hubbard) and all of that money passes through the City of Niles. These are grant dollars coming to the city and being spent. There is no expense to the city.

**YEAS: 6    NAYS: 0**

Rules are suspended.

It was moved by Cantola, seconded by Lastic to adopt this Draft No. 101-18.

**YEAS: 6    NAYS: 0**

This Draft No. 101- 18 has been adopted on the 5th day of September 2018.

**MISCELLANEOUS REMARKS**

(Miscellaneous remarks began at 35:40 into recording)

Pro Tem Council President McNaughton wanted to share his condolences to both families involved in the tragic accident over the weekend. Since our last meeting, we laid Senator John McCain to rest and there has been a lot of talk about working across aisles and fight legislatively and it's quite another that when the fight is over you shake hands and you respect each other. He can't be the only one who is exhausted by the constant combative nature of these meetings. He shared a quote by President Obama's eulogy and he has read this 20 times and this is what he wants for our city. "So much of our politics, our public life, our public discourse can seem small and mean and petty, trafficking in bombast and insult and phony controversies and manufactured



outrage. It's a politics that pretends to be brave and tough, but in fact is born of fear." That's what we should all ascribe to.

Mayor Mientkiewicz stated that the chamber is currently working on our quarterly newsletter. If any council members have anything they would like to have included, please let him know by the end of the week. They are working on the details on how to get this out to the citizens.

Mayor Mientkiewicz also gave an update on the water meter project. There have not been many issues. NECO was in his home last week at 12:05 P.M. and was out by 12:17 P.M. with no issues. As of last week, they have completed roughly 1000 water meters. They had about 400 appointments scheduled and they have about 5100 meters to go. We have to make sure that people are calling and making their appointments.

Mr. Cantola asked if they have a schedule of where they are zoning because he has received phone calls on this. People want to know when they will be in their area. Mayor Mientkiewicz explained they are going by zones. They have four work zones. They are putting together a map now for us. Each zone is scattered. There might be streets from each ward in each zone. He said he will touch base with them in their next meeting, which is the 19th and check into this.

Safety Director Kaniclides wanted to let council know that the Police and Fire departments are constantly looking for grants. They are doing everything they can to help the city as much as possible. Just a few weeks ago, the Police department received a \$10,000 grant for overtime to work the drug unit. The Fire Department is still working the SAFER grant. Safety Director Kaniclides also mentioned the accident involving the child over the weekend and how that's the hardest thing a Police Officer or Firefighter can deal with. He wanted to commend both departments for doing a hell of a job.

Chief Holland informed council that before the next council meeting on the 19<sup>th</sup>, he will be hiring a new police officer. With this hire, it will bring his force to 34 and his 35<sup>th</sup> officer is still going through the background process.

Auditor Merlo wanted to welcome Sheri Smith to council. He also wanted to echo Safety Director Kaniclides comments and commend the safety forces and his heart goes out families involved in that tragedy.

Ms. Ford stated to council that she can provide to them a zone listing of the streets in regards to the NECO project. She said even if they are not doing that zone yet, the homeowner can still call and schedule and make their appointment.

Mr. Vigorito asked council if they are considering legislation waiving fees for those permits that they include all four of the schools of Fairhaven because they will all be coming in for the permits for the safety measures.

Mr. Crowley wanted to give council a quick update on the demolition program. 21 properties have either been torn down or have been approved for demolition and should be done by the end of 2018 or beginning of 2019. This program has helped the city save approximately \$150,000.

Pro Tem Council President McNaughton thanked Mr. Crowley for the update and thanked him for his work on this.

Mr. Pezzano informed council that as of this afternoon, he has been on 480 inspections. Out of those 480, 310 letters were sent out to the owners and they are complying. They are doing a pretty good job. On behalf of himself and Mr. Crowley, he wanted to thank you to Niles Police Department, especially to Officer Shawn Crank. They go into areas and find cars where they shouldn't be. As soon as he sends a message to Officer Crank, he goes out there and tags them.

Mr. Cantola welcomed Sheri Smith to council. He thinks she will be a great asset to council, especially with her financial background. He is looking forward to working with her.

Ms. Marchese wanted to make a few comments in regards to a letter that all of council received at the last council meeting from an anonymous person that decided not sign their name. She thought it was a very sad, pathetic thing to put out about people. It was terrible. She doesn't care what you say about her and she will tell you point blank what she thinks. She doesn't give a rat's ass. For the \$207.00 that they felt they had to write that, she thinks they are a puke. Everything that was in that letter that was written about innocent, good people, you need to dig a hole and crawl into it. If you write something like that, you need to sign your name to it. That's how she feels. Stop being a coward.

Ms. Marchese also congratulated Sheri on her appointment and wished her luck.

Pro Tem Council President McNaughton also congratulated Sheri and welcomed her.

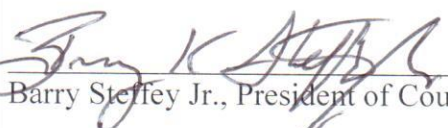
Ms. Smith thanked everyone for the welcome.

Mr. Kearney echoed his sentiments and welcomed Ms. Smith to council. He looks forward to working with her.

### ADJOURN

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

  
\_\_\_\_\_  
Nicole Bacak, Clerk of Council

  
\_\_\_\_\_  
Barry Steffey Jr., President of Council