

COUNCIL MEETING MINUTES
October 16, 2019

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

Niles City Council held its regular meeting on October 16, 2019 at 6:00 p.m. in Council Chambers Safety Service Complex in Niles, Ohio.

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

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

Ms. Marchese asked if they should accept Mr. Kearney's resignation that council received via email. Ms. Marchese also asked if they could make a motion to put Mr. Sollitto in Mr. Kearney's place. President Marino said no because it has to go to the Board of Elections first and then the prescient committee has to vote.

President Marino stated he does not have a physical letter of resignation. He asked if anyone had a letter and not just an email. Law Director Zuzolo said the only thing he saw was a copy of the email that was forwarded to him. Ms. Smith and Mr. Cantola both stated they had received the email also.

Since no one has a physical letter, President Marino said a motion would be need to be made to excuse him from the meeting if they so desire. Ms. Marchese said she would not make that motion since the motion was made last month and he had plenty of time to make arrangements. Law Director Zuzolo said even if it's not excused, under the ORC after two direct months of unexcused absences, council can have him removed. Or if you miss $\frac{3}{4}$ of the meetings, he can be removed.

It was moved by Marchese, seconded by Smith to accept the Minutes from the October 2nd meeting and place them on file.
Motion carried.

REPORTS AND COMMUNICATIONS

FROM – Auditor's Office

Statement of Cash from Revenue and Expense- September 2019

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

Motion carried.

FROM – Auditor’s Office

Check Report by Check Number- September 2019

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

Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

(Public comments began at 3:50 into recording)

Beth Nolan: 26 Beaver creek. Mrs. Nolan was inquiring about the CHIP program that the city participates in. There is a letter that people are receiving and she would like to know if this is a grant and if people are receiving them by HUD and are they connected? Is it a loan? President Marino deferred the questions to Mr. Crowley. Mr. Crowley explained that it is a grant. The process will not start until November or December. It is managed by Neighborhood Development Services out of Ravenna.

If anyone receives a letter about this, they can fill out an application and send it back in. It is income based and it is a HUD funded program. Any questions, Mr. Crowley said anyone can contact him.

George Kuriatnyk: 52 Morningside. Mr. Kuriatnyk believes that council should get a raise. He stated that Weathersfield council members receive \$1000 a month and he doesn’t see why our council doesn’t receive \$1000- \$1500 a month. And the reason for that is he thinks you would get more people to run and you would get more out of the council members.

Mr. Kuriatnyk doesn’t understand the raise for the Treasurer. When Mrs. Jones was the Treasurer, she asked several times for more money and finally resigned because she was working 35 hours a week at another job. Mr. Kuriatnyk doesn’t know now why with the tax department being closed why a part time position would need a raise. No one is running against him. It is listed as a part time position. He would like to see Auditor Merlo get that raise and take on that position within his office. He thinks they should just give the Treasurer a 3% raise, which is the same that the city employees received.

Mr. Kuriatnyk brought up that again this evening, there are department heads not at the meeting. And a council member isn’t here. He asked why the raises were brought up last minute. He thinks that if everyone is being transparent, this is something that should have been talked about at a round table.

He said someone contacted him to contact Mr. Crowley about the Project Hope that was sold. President Marino said he would need to speak to Mr. Crowley about that outside of council because that is not a city function. It was a private entity that spearheaded that project.

Mr. Kuriatnyk stated that Ms. Marchese made a comment about not giving raises in the middle of terms. He said Mr. Catanzarite got two raises in the middle of the term before. He doesn't know why raises are being a big issue now.

It was moved by Smith, seconded by Marchese to adjourn into executive session pursuant to ORC section 121.22, Section G Article 1 for contract negotiations.

YEAS: 6 NAYS: 0

Motion carried.

Council adjourned into executive session at 6:09 P.M.
Council reconvened from executive session at 6:24 P.M.

COUNCIL COMMITTEE REPORTS

NONE

ORDINANCES AND RESOLUTIONS

(Legislation began at 10:33 into recording)

ORDINANCE NO. ____ (Draft No. 157-19)

AN ORDINANCE UPDATING COMPENSATION and BENEFITS FOR THE POSITIONS OF MAYOR, PRESIDENT OF COUNCIL, WARD COUNCIL MEMBERS and COUNCIL MEMBERS-AT-LARGE, THE LAW DIRECTOR, THE AUDITOR AND THE TREASURER FOR JANUARY 1, 2020; AND, DECLARING AN EMERGENCY

It was moved by Smith, seconded by Lastic to amend the legislation to the new one presented.

YEAS: 6 NAYS: 0

AN ORDINANCE UPDATING COMPENSATION and BENEFITS FOR THE POSITIONS OF MAYOR, PRESIDENT OF COUNCIL, WARD COUNCIL MEMBERS

and COUNCIL MEMBERS-AT-LARGE, THE LAW DIRECTOR, THE AUDITOR AND THE TREASURER FOR JANUARY 1, 2020; AND, DECLARING AN EMERGENCY

Ms. Smith explained that the Mayor's salary was reduced to \$70,085.00, the Auditor's salary was broken up over a four year period, the Law Director was not receiving a raise (only hospitalization) and the Treasurer's raise was broken up over two years.

President Marino wanted to clarify that the committee chair does not have to have a meeting or round table by rule to present the new draft. Just as long as the other members of council agree to amend the draft, there are no issues.

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

YEAS: 3 NAYS: 3 (McNaughton, Profato, Marchese)

Since there was a tie, a vote goes to the President of Council. President Marino votes Yea.

YEAS: 4 NAYS: 3 (McNaughton, Profato, Marchese)

Rules are not suspended.

It was moved by Smith, seconded by Cantola to give a second reading to this Amended Draft No. 157-19.

YEAS: 3 NAYS: 3 (McNaughton, Profato, Marchese)

Since there was a tie, a vote goes to the President of Council. President Marino votes Yea.

YEAS: 4 NAYS: 3 (McNaughton, Profato, Marchese)

This Amended Draft No. 157- 19 has received its second reading the 16th day of October 2019.

ORDINANCE NO. ____ (Draft No. 155-19)

AN ORDINANCE ACCEPTING THE PARK PLACE – PHASE 3 FROM HOME AND LAND DEVELOPERS, LLC FOR THE PARK PLACE VILLAS PROJECT; AND, DECLARING AN EMERGENCY

It was moved by Profato, seconded by McNaughton to give a first reading to this Draft No. 155-19.

YEAS: 5 NAYS: 0 ABSTAIN: 1 (Lastic)

This Draft No. 155- 19 has received its first reading the 16th day of October 2019.

ORDINANCE NO. _____ (Draft No. 158-19)

AN ORDINANCE APPROVING A THEN AND NOW PAYMENT REQUEST AUTHORIZING THE AUDITOR TO MAKE PAYMENT TO FINDLEY FIRE EQUIPMENT FOR EMERGENCY REPAIRS TO THE CITY OF NILES FIRE DEPARTMENT TOWER 7 (hydraulic repairs); AND, DECLARING AN EMERGENCY

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

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Marchese, seconded by Cantola to adopt this Draft No. 158-19.

YEAS: 6 NAYS: 0

This Draft No.158- 19 has been adopted on the 16th day of October 2019.

RESOLUTION NO. _____ (Draft No. 159-19)

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

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

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Smith, seconded by Cantola to adopt this Draft No. 159-19.

YEAS: 6 NAYS: 0

This Draft No. 159- 19 has been adopted on the 16th day of October 2019.

ORDINANCE NO. ____ (Draft No. 160-19)

AN ORDINANCE REPEALING EXISTING CODIFIED ORDINANCE NO. 163.05, “HOSPITALIZATION”, AND ENACTING NEW CODIFIED ORDINANCE NO. 163.05, ENTITLED “HEALTH INSURANCE COVERAGE PLAN”; AND DECLARING AN EMERGENCY

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

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Smith, seconded by Marchese to adopt this Draft No. 160-19.

YEAS: 6 NAYS: 0

This Draft No. 160- 19 has been adopted on the 16th day of October 2019.

ORDINANCE NO. ____ (Draft No. 161-19)

AN ORDINANCE CREATING A COMMUNITY IMPROVEMENT CORPORATION OF NILES ORDINANCE, ORDINANCE SECTION NUMBER 167

It was moved by Profato, seconded by McNaughton to change the sponsorship to Mr. Profato and to Neighborhood Development.

YEAS: 6 NAYS: 0

Motion carried.

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

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Profato, seconded by Marchese to adopt this Draft No. 161-19.

YEAS: 6 NAYS: 0

This Draft No. 161- 19 has been adopted on the 16th day of October 2019.

RESOLUTION NO. ____ (Draft No. 162-19)

A RESOLUTION APPROVING THE LABOR AGREEMENTS BETWEEN THE CITY AND THE DISPATCHERS BARGAINING UNIT; AND, DECLARING AN EMERGENCY

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 Marchese, seconded by McNaughton to adopt this Draft No. 162-19.

YEAS: 6 NAYS: 0

This Draft No. 162- 19 has been adopted on the 16th day of October 2019.

MISCELLANEOUS REMARKS

(Miscellaneous remarks began at 21:16 into recording)

President Marino stated for the record that the only individuals that can excuse department heads from meetings are the Mayor and the Service Director. Department heads do not work for Council. It is up to the administration to ask them to attend. Council is to legislate and the administration administrates.

Mayor Mientkiewicz said the majority of the department heads are at council and do attend regularly. The importance of attending these meetings is discussed during the Board of Control meetings. The department heads are committed to the City of Niles and there shouldn't be any questions. The only department head absent this evening is Mr. Burke and that is because he is working at the Wellness Center at night due to low staffing and running the softball leagues.

A couple of quick announcements, the WWTP is complete. There will be a tour/open house of the new plant on October 26th from 10:00AM- 12:00 PM. This open hour is open to the public and everyone is welcome to attend. The new treatment plant is state of the art and there is a ton

of technology in that plant. If anyone wants to see what \$35 million of tax payers was spent on, please come down to the open house.

Also, the roof on the Senior Center is complete. This was money that the city received from the insurance company. The complete cost of the project was \$17,000.00.

President Marino asked Auditor Merlo what the difference in the first draft of legislation that was presented by the finance committee compared to that final draft with the new savings. Auditor Merlo stated it was approximately \$30,000.00 between salary and benefits.

Service Director Flarey wanted to recognize Mr. Robertson on obtaining this Class 1 Water License.

Mr. Lastic did have a question about the phone system at the city building. He has tried to call there and has not been able to get connected to anyone. Mayor Mientkiewicz said there was a small power outage today. He says he is prompted to dial 0 and no one answers. He said it doesn't go anywhere when you dial 0.

Mr. McNaughton wanted to commend Mr. Catanzarite and his team on their leadership on the completion of the WWTP. He has toured it many times. It is an incredible facility. Mr. McNaughton said he was going to take off his councilman hat and put on his resident hat. He is a father of a child in the Niles School District and urged people to go out and vote for the levy. If you want to see a community commit suicide, vote against your schools. He said if you want to see your property value decrease, vote against your schools. It costs nothing because it is a renewal. It will cost the citizens of Niles nothing to vote yes.

President Marino asked how much of the contingency money for the WWTP is remaining. Auditor Merlo said there is approximately \$120,000 left. Mr. Catanzarite said he has been going back and forth with the county on this. There was an expensive water break. The plan at one point was projected to cost \$48 million. There were some changes made and some items were removed and then some were put back in. The city has not gone over and will not go over.

Mr. Catanzarite said the woman from EPA said there was no way the project would come in less than \$40 million. And we are currently under \$35 million, even with us using contingency money. President Marino asked if this is the same EPA that is mandating that we hire an assistant for Mr. Catanzarite. This is the same EPA that said we would not finish the plant under \$40 million. Mr. Catanzarite said yes the woman drove around and said we would not finish under \$40 million. President Marino said he was just opining because he was here when the project started.

Ms. Marchese said she does have a question. When it comes to departments purchasing items, she wants to know if only the department heads can go into an account and charge something. Is any employee allowed to go in and charge something without any permission from the administration? Service Director Flarey asked for clarification on her question. Service Director Flarey said they need a purchase order. She asked if there was paperwork on this and he said yes.

She asked if only the department head that can go make purchases. Service Director Flarey said no because there is something that happens on the weekend, the team can go get supplies.

Auditor Merlo said the department heads and their administrative assistants can put purchase orders into the system for the department. The department supervisor approves those and then it goes through the channels (depending on the dollar amount) of himself, Board of Control, back to the Auditor's office for final approval. Once it's approved, it goes back to the department head and they have the ability to give it to an employee to take to a retail store. The retail store will not release anything without a purchase order. That is the purpose of the purchase order.

Service Director Flarey asked if there was some issue that Ms. Marchese saw. She said no it was just something that she read and she was curious. Mr. McNaughton asked if it was in the newspaper. Service Director Flarey asked if it was Facebook. Ms. Marchese just said she was curious.

ADJOURN

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



Nicole Bacak, Clerk of Council



Robert Marino Jr., President of Council