

COUNCIL MEETING MINUTES
November 6, 2019

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

Niles City Council held its regular meeting on November 6, 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-NP, Profato-P, Cantola-P, Marchese-P, Smith- P, Kearney-NP, Marino-P

It was moved by Smith, seconded by Marchese to excuse Mr. McNaughton from the meeting. Motion carried.

It was moved by Cantola, seconded by Smith to not to excuse Mr. Kearney from the meeting. Motion carried.

It was moved by Smith, seconded by Marchese to accept the Minutes from the October 16th meeting and place them on file. Motion carried.

REPORTS AND COMMUNICATIONS

FROM – Mayor's Office

The City of Niles CIC Strategic Plan and Agreement and Plan for Industrial, Commercial distribution and research development.

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

FROM – Water and Sewer Superintendent

Niles, Ohio Water Loss for 2019

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

President Marino thanked Mr. Catanzarite for putting this file together. He thinks this is a good tool for them to monitor the loss and the impact of water breaks because everybody pays for this. He appreciates him, Mr. Robertson and Ms. Ford for putting these together. Mr. Catanzarite said his plan is to submit this quarterly to council.

Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL
(Public comments began at 3:41 into recording)

Beth Nolan: 26 Beavercreek. Mrs. Nolan wanted to address Mr. Profato and wanted to thank him for what he did at Mrs. Miller's funeral. Next, she wanted to address Mr. Kearney not attending the council meetings. She doesn't think it is fair for him to take pictures and post them and not show up to the meetings. He hasn't done anything for the parks and hasn't had any public ground meetings.

Mrs. Nolan wanted to let everyone know that she is having a benefit for the Petrilla family because of the situation they are in. Mrs. Nolan has been in contact with the Cantola family about what they need. She said they have told her they do not need anything but for people to take care of and support the Police and Fire departments. Mrs. Nolan did that this evening by bringing food to the Police and Fire departments and to Lane ambulance. So tonight, Mrs. Nolan is challenging everyone to do the same.

George Kuriatnyk: 52 Morningside. Mr. Kuriatnyk stated that he is 110% for the CIC and to help revitalize downtown Niles. He asked if the city needed a 501C to represent the CIC. Law Director Zuzolo said the CIC is already a 501C and the city does not need one for this purpose. Mr. Kuriatnyk said the Mayor wants to buy property but doesn't want to be a landlord. President Marino reminded him that it is not the city buying the property. It is the CIC. Mr. Kuriatnyk understands that but that's not how everyone will look at it.

Mr. Kuriatnyk mentioned the tax abatements. He said that Dinesol Plastics, to this day, are still not holding up their end of the agreement and nobody questions them. President Marino reminded him that he had to direct everything to him. Mr. Kuriatnyk said he can prove they can't. He knows where they get their workers and it's not in the agreement. President Marino stated that he knows there are government entities that review tax abatements.

Mr. Kuriatnyk commented on what was said at the last park board meeting. The park director and the mayor said they are looking into a few things that Mr. Kuriatnyk said were his ideas. He wanted to thank them for finally using his ideas that he has been saying for 5 years. They are finally moving the park offices to the Wellness Center. This should have been years ago.

Mr. Kuriatnyk stated that he knew Mr. McNaughton and Mr. Kearney were not going to show up. President Marino interjected and wanted to clarify that Mr. McNaughton told council last month that he would not be at this meeting. He wanted it in on the record. Mr. Kuriatnyk said that's fine but he didn't show up for the vote on the raises and neither did Mr. Kearney. It was the biggest vote for council in 10 years. He thinks that was the first time he saw Mr. Marino vote in 6 years. Mr. Kuriatnyk said he is now convinced that Mr. Marino picked the 300 and is not looking out for the citizens. The Mayor also stated in the newspaper that he is not in it for the money. He expects him to do what Law Director Zuzolo did and gave back the money for the raises. Mr. Kuriatnyk thinks that those council members who voted no should not take the money

either. Mr. Kuriatnyk also feels that Mayor Mientkiewicz should veto the raises, since he has the power to do that. He wants the Mayor to veto this legislation since they city shouldn't be spending this money since the city was just released from fiscal emergency.

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: 5 NAYS: 0

Motion carried.

Council adjourned into executive session at 6:12 P.M.
Council reconvened from executive session at 6:39 P.M.

COUNCIL COMMITTEE REPORTS

Safety committee meeting minutes from May 13, 2019.

It was moved by Smith, seconded by Lastic to accept and place them on file.
Motion carried.

ORDINANCES AND RESOLUTIONS

(Legislation began at 13:23 into recording)

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

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

It was moved by Profato, seconded by Smith to amend the agenda from first reading to third reading.

YEAS: 5 NAYS: 0

Motion carried.

It was moved by Marchese, seconded by Smith to give a third reading to this Draft No. 155-19.

YEAS: 4 NAYS: 0 ABSTAIN: 1 (Lastic)

It was moved by Smith, seconded by Cantola to adopt this Draft No. 155-19.

YEAS: 4 NAYS: 0 ABSTAIN: 1 (Lastic)

This Draft No.155- 19 has been adopted on the 6th day of November 2019.

RESOLUTION NO. _____(Draft No. 163-19)

A RESOLUTION RATIFYING THE TENTATIVE LABOR AGREEMENT WITH THE FIREFIGHTERS BARGAINING UNIT; AND DECLARING AN EMERGENCY

It was moved by Marchese, seconded by Smith to give a first reading to this Draft No. 163-19.

YEAS: 5 NAYS: 0

This Draft No. 163- 19 has received its first reading the on 6th day of November 2019.

ORDINANCE NO. _____(Draft No. 164-19)

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 Cantola to give a first reading to this Draft No. 164-19.

YEAS: 5 NAYS: 0

This Draft No. 164- 19 has received its first reading on the 6th day of November 2019.

President Marino wanted to clarify that council cannot adopt anything under suspension of rules since there are not 6 members present. Everything has to pass as a first reading.

RESOLUTION NO. ____ (Draft No. 165-19)

A RESOLUTION CREATING A DOWNTOWN POWER INCENTIVE PROGRAM (DPIP) ; AND, DECLARING AN EMERGENCY.

It was moved by Cantola, seconded by Smith to give a first reading to this Draft No. 165-19.

YEAS: 5 NAYS: 0

This Draft No. 165- 19 has received its first reading on the 6th day of November 2019.

RESOLUTION NO. ____ (Draft No. 166-19)

A RESOLUTION ADOPTING THE NILES CIC'S AGREEMENT AND PLAN FOR INDUSTRIAL, COMMERCIAL, DISTRIBUTION AND RESEARCH DEVELOPMENT; AND, DECLARING AN EMERGENCY

It was moved by Marchese, seconded by Cantola to give a first reading to this Draft No. 166-19.

YEAS: 5 NAYS: 0

This Draft No. 166- 19 has received its first reading on the 6th day of November 2019.

ORDINANCE NO. ____ (Draft No. 167-19)

AN ORDINANCE AMENDING CODIFIED ORDINANCE NO. "339.02, "USE OF STREETS WITHIN THE CITY BY CERTAIN TRUCK TRAFFIC; LOCAL PERMIT AND CONDITIONS", AND DECLARING AN EMERGENCY

It was moved by Marchese, seconded by Profato to table this Draft No. 167-19.

YEAS: 5 NAYS: 0

This Draft No. 167- 19 has been tabled on the 6th day of November 2019.

ORDINANCE NO. _____(Draft No. 168-19)

AN ORDINANCE REQUIRING ANNEXATION OF PROPERTIES RECEIVING UTILITY EXTENSIONS AND DECLARING AN EMERGENCY

It was moved by Profato, seconded by Cantola to give a first reading to this Draft No. 168-19.

YEAS: 5 NAYS: 0

This Draft No. 168- 19 has received its first reading on the 6th day of November 2019.

ORDINANCE NO. _____(Draft No. 169-19)

AN ORDINANCE APPROVING A THEN AND NOW PAYMENT REQUEST AUTHORIZING THE AUDITOR TO MAKE PAYMENT TO R & J TRUCK & AUTO BODY, INC. FOR VEHICLE REPAIRS TO THE CITY OF NILES FIRE DEPARTMENT TRUCK; AND, DECLARING AN EMERGENCY

It was moved by Smith, seconded by Marchese to give a first reading to this Draft No. 169-19.

YEAS: 5 NAYS: 0

This Draft No. 169- 19 has received its first reading on the 6th day of November 2019.

RESOLUTION NO. _____(Draft No. 170-19)

A RESOLUTION AUTHORIZING MONTHLY CASH TRANSFERS; AND, DECLARING AN EMERGENCY

It was moved by Smith, seconded by Cantola to give a first reading to this Draft No. 170-19.

YEAS: 5 NAYS: 0

This Draft No. 170- 19 has received its first reading on the 6th day of November 2019.

RESOLUTION NO. ____ (Draft No. 171-19)

A RESOLUTION APPROVING APPROPRIATIONS AND A TRANSFER OF FUNDS TO THE FIRE DEPARTMENT ACCOUNT DUE TO AN INSURANCE CLAIM; AND DECLARING AN EMERGENCY

It was moved by Smith, seconded by Cantola to give a first reading to this Draft No. 171-19.

YEAS: 5 NAYS: 0

This Draft No. 171- 19 has received its first reading on the 6th day of November 2019.

RESOLUTION NO. ____ (Draft No. 172-19)

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

It was moved by Cantola, seconded by Smith to give a first reading to this Draft No. 172-19.

YEAS: 5 NAYS: 0

This Draft No. 172- 19 has received its first reading on the 6th day of November 2019.

President Marino stated that council will need to schedule special meetings due to the fire fighter contracts. Mr. Cantola said Friday @5:00 P.M. would be the earliest this could happen. It was decided that all outstanding legislation will be on the agenda.

Council agreed to have special meetings on Friday, November 8th and Wednesday, November 13th @ 5:00 P.M.

It was moved by Profato, seconded by Cantola for the approval of the dates and times for the special council meetings.

Motion carried.

MISCELLANEOUS REMARKS

(Miscellaneous remarks began at 24:37 into recording)

President Marino thanked Mr. Robertson for putting together a report for him. He is interested in the water breaks and losses.

Mayor Mientkiewicz wanted to update council and the regionalization of the Trumbull County Transit. He was at Eastgate last Monday to accept an award from ODOT totaling \$2,000,000.00. That money will be earmarked for WRTA for their expansion into Trumbull County for transit. The city will be having a Light up the Night event at the Wellness Center on November 16th @ 6:00 P.M. It was heavily attended last year and they are hoping for a good turnout this year also.

Finally, Mayor Mientkiewicz wanted to stress the importance of cleaning off catch basins. Last Thursday on Halloween, he went to a call on Trumbull and Summerberry for a flooding issue. There was probably a foot of water at the end of that intersection. He met the sewer crew out there and talked to a couple of residents. Mayor Mientkiewicz got a shovel and went to the catch basin and cleared off the leaves and all of the water went down. That's what caused the flooding. It is important that the citizens know and help clean off the catch basins. Those lines have been jetted out multiple times this year. The leaves caused this issue because the lines were clear of debris. The crews are going out and making sure they are proactive in trying to keep these clean. President Marino asked if they were using the street sweeper and Mayor Mientkiewicz said they are.

Mr. Catanzarite wanted to thank everyone who did come out to the WWTP open house last weekend. They had a very nice tour. He hopes that everyone saw the new state of the art equipment. He is hoping by the end of December to close out the account with the OWDA. Everything should be finished.

Mr. Catanzarite also wanted to thank Mayor Mientkiewicz and council for the new building that the Water department has been in for about 4 months now.

Mr. Vigorito asked Ms. Marchese for a safety meeting. He has some permit issues that need to be addressed and some ordinances that need changed or updated. President Marino asked Ms. Marchese to coordinate with Mr. Vigorito on this.

Mr. Cantola thanked everybody in the city for everything. President Marino said everyone understands and his family is in everyone's thoughts and prayers. Mr. Cantola said the last couple of weeks have been a challenge but everyone from the city has offered support. He said it is unbelievable when you sit there and look at your safety forces and question things like spending, like council does, and until you are standing there side by side with them, realizing that you need every one of them. You really appreciate what they do. He thanks everybody. He lost his mother in law a week ago, and that was a challenge. And last night was a challenge and he appreciates everybody's support and prayers.

President Marino stated that one of the great things about Niles is it is a great place. Mr. Cantola agreed. He said the phone calls come in non-stop and again as Mrs. Nolan stated earlier they do not need anything. He really wants people to do things for our safety forces because he and his family will be alright. Whatever you feel comfortable doing for them, do it. They made sure the family was safe and everyone else around was safe. The safety forces deserve the thanks. Without them, things would have been worse for him and his family.

Ms. Marchese said about a year and a half ago, the city started with taping our city council meetings. There was an issue with the video and it hasn't been visited since then. She wants to know if the city is doing anything about this so that for those citizens who cannot attend the meeting can watch it from home. Mayor Mientkiewicz said they can look into a company coming in and doing it. The city doesn't have the proper equipment to do this professionally. He knows that Newton Falls does hire a company to do this and it is about \$15,000 for this.

Mr. Cantola asked if this is something that our high school does or could do. Ms. Marchese asked if YSU could perform this service. Mayor Mientkiewicz said the city does not have the equipment to do this. Auditor Merlo also reminded everyone that the technology has changed in the chambers as well. Ms. Marchese just asked if the administration could look into this.

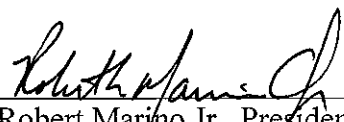
Ms. Smith said she did have a constituent express concern to her about the leave situation and catch basins on McDonald Ave. She did refer the citizen to the quarterly newsletter and the section about maintaining the leaf pick up. She said it might be nice to have this on the utility bill. It may be helpful.

ADJOURN

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



Nicole Bacak, Clerk of Council



Robert Marino Jr., President of Council