

**COUNCIL MEETING MINUTES**  
**December 18, 2019**

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

Niles City Council held its regular meeting on December 18, 2019 at 6:00 p.m. in the museum of the Niles McKinley Memorial Library 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-P, Marino-P

It was moved by Marchese, seconded by Kearney to accept the Minutes from the December 4<sup>th</sup> meeting and place them on file.

Motion carried.

**REPORTS AND COMMUNICATIONS**

**FROM** – Ohio Division of Liquor Control

Notice to Legislative Authority- RI Heritage Inn LLC DBA Residence Inn by Marriott

It was moved by Marchese, seconded by Lastic to refer to the Police Chief for his recommendation.

Motion carried.

**FROM** – Auditor's Office

Statement of Cash from Revenue and Expense- November 2019

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

Motion carried.

**FROM** – Auditor's Office

Check Report by Check Number- November 2019

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

Motion carried.

**MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL**

(Public comments began at 2:52 into recording)

James Perko: 1935 Bianco Ave, Niles, Ohio. Mr. Perko is a former Weathersfield Trustee and fiscal officer. He is here to talk about the annexation issue this evening. He says there is a better way to build the tax basis. 10 years ago, the Weathersfield trustees revised their zoning regulations to allow joint economic districts, specifically 422. They also rezoned their industrial areas. Mr. Perko said neighbors should look after each other.

He remembers the night of the Peppertree fire. Niles and Weathersfield worked together. The safety forces worked together like brothers and that is the way it should be. Great things can be done in both cities. Weathersfield has a massive industrial area that needs to be developed. We need to work together and neighbors should not be fighting. Mr. Perko said we should be finding ways to cooperate and share services, which we have been doing. Niles and Weathersfield have the best cooperation that he has ever seen through the last couple of decades. Niles is a great community and it should become greater. Mr. Perko said we should take it to another level between Niles, Weathersfield and Howland.

Mr. Perko said to ask Hubbard if JED's work. They developed JED's on the area going out to the interstate. There are number of business's out there thriving now. That is so much better than fighting and litigation. He can just imagine that litigation will come out when you start to try and force residents into the city. We don't need that. We need to work together. Niles and Weathersfield need to get back to working together.

Barry Steffey Sr.: 3636 Boston Ave. Howland, Ohio. Mr. Steffey has lived in Howland township for over 50 years. He moved there because that's where he wanted to educate his children. The police and fire departments have done an outstanding job. With the city of Niles just coming out of fiscal emergency, now the school district is back in fiscal emergency, he doesn't know why the city would want to bring them into it. There is no reason for it. Mr. Steffey pays more for his utilities and he has no representation because he does not have a city councilman. He lives in Howland Township. He has no use for wanting to live in Niles. He has nothing against the city of Niles, he just does not want to live there.

Todd Vogel: 1763 Harbor Dr. Mineral Ridge, Ohio. Mr. Vogel is also here to talk about the annexation issue. He is under the assumption that one of the prerequisites would be a seamless transition. He wants to know if the city of Niles can afford to extend \$1 million worth of police protection for the residents of Weathersfield that would be annexed. Also, can the city of Niles extend the fire protection? Can Weathersfield survive as a political entity with this annexation? Once Niles starts the ball rolling, Girard may also come into the township to get a piece of the township. This becomes a nightmare scenario for them.

The township could lose police and fire protection due to the annexation. He would like for Niles to stop and think of the consequences. JED's have been in existence for years and it very seldom gets used and it is a sad deal for everyone. They need to look at joint operations where you don't need to come in and grab land in an attempt to increase revenue short term. It's a lot easier to work together than to spend a couple hundred thousands of dollars in lawsuits and to create hard feelings. We need solid businesses coming in. He hopes everyone decides to take a look at this

and make some considerations. Also Mr. Vogel wants to know if the city of Niles really wants to annex in a 100 year old gun club and fight that?

Craig Callow: 2135 Squirrel Run, Mineral Ridge. First, Mr. Callow wanted to say that Niles is a very good community. 40 years ago, he opened a business here on Olive Street. Niles has been very good to him and his business has been profitable. The service he has received has been excellent. 17 years ago, he decided to build a home and he picked Weathersfield township. He likes the area and the services they offer. He wanted to live in Weathersfield township. 15 years later, he retired from Weathersfield police department. They are a very good community just like the city of Niles.

Mr. Callow is appalled, offended and feels that this is a moral issue in order to help Niles's finances by taking away from another community. He thinks that this is wrong. Every community is working to balance their own budget and to carry on in the future. We should not be doing it by taking away from someone else. Mr. Callow asked if anyone would like to wake up tomorrow and find out that they are living in Warren, Girard or Liberty? No. Everyone resides where they do by their own choice, not because somebody else decided it for you. He is asking for the city to reconsider and think about this carefully.

Beth Nolan: 26 Beaver Creek Dr. Mrs. Nolan stated that she heard the city was contemplating giving the Park department \$50,000.00 next year for the turf at the Wellness Center. Mrs. Nolan says last year the city gave them \$52,000.00 to bail them out because they ran out of money. Mrs. Nolan is asking council to double think this. The Park Department has a budget and all of that money should be in his budget. As a citizen, she is asking council to rethink this.

Dan Padula: 1618 North Main St. He is president of the Western Reserve Fishing Game Club of Niles. It is a Niles address but it is part of Weathersfield. Part of the city's plan with the annexation, it would effectively end his club. His club is incorporated as of February of 1919. They just recently celebrated their 100<sup>th</sup> anniversary. Niles has a city ordinance that prohibits launching of any projectile inside of the city. If the city annexes and takes the property that his club sits on, the city will end his club. They will shut down 100 years of history.

This club has helped the community for 100 years. They teach hunters education to children. They teach gun safety, archery safety, and they participate in the NASP (National Archery Schools Program) where they teach Olympic style archery to kids all across the county. They help the schools secure funding from the state. If the city follows through with the annexation, this will end all of those programs for the kids.

They also participate in an international project where they host kids from Northern Ireland to come to their club to participate in archery. They participate in a civilian marksmanship program for the kids. Through this program, he has several kids receive college scholarships. A couple of years ago, the club spent \$2800.00 and sent a shooter to Colorado and he qualified as an alternate for the US Olympics team. If this annexation happens, these programs will end and the opportunities for scholarships will end.

They teach gun safety to their children 5 times a week. They offer various programs. They work with the SCOPE center and the seniors there. They offer free days for ladies so that women can learn to shoot and protect themselves. He would like the city to consider this very carefully. If this happens, approximately 280 members of this club have nowhere to go.

Two years ago, Howland schools removed their shooting program from the school. His club opened up their facility for free and they allow those kids to bring their equipment to their club so those children didn't lose their chance at a college scholarship. Again, Mr. Padula thanked council for the opportunity to speak. And he would like for them to think very carefully about this. This is a 100 year tradition.

George Kuriatnyk: 52 Morningside Dr. Mr. Kuriatnyk has some questions about what the gentleman from the gun club spoke about. He stated it is an ordinance and it is a law so it is going to be gone. He asked if that gentleman thinks council will amend this ordinance so that his gun club doesn't get taken out. He asked if that was something that could be done. Since there was not a response, Mr. Kuriatnyk said this is why people like that don't want to come to Niles because they don't get an answer. He stated that he has seen on websites from Howland where their trustees filling people in on other meetings, laws and rules. And then they come here and council just sits and looks at them with no answers. Mr. Kuriatnyk said people don't want to come here because of who is running the city. That's why businesses do not come here. We have one Mayor sitting in prison and other one doing the same thing.

President Marino stopped Mr. Kuriatnyk for his comments. He advised him not to cast aspersions. President Marino also reminded Mr. Kuriatnyk that he needed to direct his comments to him and not the audience or he would be asked to sit down. Mr. Kuriatnyk asked about the new council rules that are coming out for 2020. President Marino said he could speak to those but Mr. Kuriatnyk cut him off and told him he doesn't have to. Mr. Kuriatnyk said the Park department has bathrooms that are never opened. The Wellness Center bleeds for money every year.

Mr. Kuriatnyk doesn't feel there is transparency. He asked about the council roundtables that are supposed to be going on. He asked about the department heads not attending council meetings. He wanted to know why they were not at the meeting. Mr. Kuriatnyk stated he attends other council meetings in other cities. For the city of Warren, every department head comes with a booklet and updates the citizens on what is going on and we can't get an answer.

### **COUNCIL COMMITTEE REPORTS**

NONE

It was moved by Smith, seconded by Profato to adjourn into executive session pursuant to ORC section 121.22, section G for compensation of employment.

**YEAS: 7    NAYS: 0**

**Council adjourned into executive session at 6:27 P.M.**

**Council reconvened from executive session at 6:46 P.M.**

**ORDINANCES AND RESOLUTIONS**

(Legislation began at 28:38 into recording)

**ORDINANCE NO. \_\_\_\_ (Draft No. 181-19)**

**AN ORDINANCE CREATING A NEW CAPITAL PROJECTS FUND, FUND 405  
POLICE CAPITAL IMPROVEMENTS AND DECLARING AN EMERGENCY**

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

Mr. Cantola wanted to restate his comments that we made during the caucus. Mr. Cantola said this legislation is a capitol project fund which has no end. It is for Marks radios for the police department and it has no end. This fund should end and we should create additional capital project funds for specific purposes.

Mr. McNaughton disagreed with Mr. Cantola. As stated at the last meeting, city council controls the purse strings and decides if they wish to fund this. Council can always stop funding if they feel money is being misspent.

Mr. Cantola stated that the legislation is for radios. After the radios are done, it can be used for fixed assets. Council should know what those are and know if they are being budgeted for. He doesn't feel council should just keep putting away in this account when they don't know what it is for.

Ms. Smith also disagreed and said that council would know what the funding was for because it would be presented to them. They would be able to decide on how much to fund.

Auditor Merlo wanted to reiterate what Ms. Smith said. The capital project fund will always be presented in budgets. Department heads will always present to council what those funds are for. Council will then decide if they want to transfer money into it. City council controls the money going in and out of the account.

Mayor Mientkiewicz stated if there are no capital projects that the administration wants to fund, they are not going to ask and have money put aside when there are no projects. This will always come to council for their approval.

Mr. Cantola said the capital projects would be normal items that they will vote on whether or not they should buy them. They should be in the \$3.8 million budget for 2020 and not just adding additional funding. We should not just keep adding money to it. He understands that they will have an opportunity to vote. But he feels this money should just be budgeted for. They should have capital project money already in their budget. If we are going to create a special project for them, the fund should just be for that purpose. They have million dollar budgets every year that they need to work within.

Mayor Mientkiewicz said they are working within budgets. And these items that they are asking for will be listed in their budgets. These items are long term budgeting and take time to build the funds up for these projects. Those funds are not available year end and year out. These funds are set up so we can buy a fire truck or a radio system.

Mr. Cantola said the Mayor made a great point. The fire fund is specific to buying a fire truck, not an additional fixed asset. These are for any capital assets.

**YEAS: 6    NAYS: 1 (Cantola)**

Rules are suspended.

It was moved by Smith, seconded by McNaughton to adopt this Draft No. 181-19.

**YEAS: 6    NAYS: 1 (Cantola)**

This Draft No. 181- 19 has been adopted on the 18th day of December 2019.

**ORDINANCE NO. \_\_\_\_\_ ( Draft No. 182-19)**

**AN ORDINANCE CREATING A NEW CAPITAL PROJECTS FUND, FUND 406 PARK CAPITAL IMPROVEMENTS AND DECLARING AN EMERGENCY**

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

Mr. Cantola has the same comments on this legislation as the previous one.

**YEAS: 6    NAYS: 1 (Cantola)**

Rules are suspended.

It was moved by Smith, seconded by Kearney to adopt this Draft No. 182-19.

**YEAS: 6 NAYS: 1 (Cantola)**

This Draft No. 182- 19 has been adopted on the 18th day of December 2019.

**RESOLUTION NO. \_\_\_\_ ( Draft No. 187-19)**

**CREATING A RESIDENTIAL TAX INCREMENT FINANCING INCENTIVE DISTRICT ENCOMPASSING CERTAIN PARCELS OF REAL PROPERTY; DECLARING IMPROVEMENTS TO THE PARCELS WITHIN THE INCENTIVE DISTRICT TO BE A PUBLIC PURPOSE AND EXEMPT FROM REAL PROPERTY TAXATION; REQUIRING THE OWNERS OF THOSE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THOSE SERVICE PAYMENTS; SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE THAT DIRECTLY BENEFIT OR SERVE PARCELS IN THE INCENTIVE DISTRICT; APPROVING AND AUTHORIZING THE EXECUTION OF A TAX INCREMENT FINANCING AGREEMENT**

It was moved by Cantola, seconded by McNaughton to give a 2nd reading to this draft no. 187-19.

**YEAS: 7 NAYS: 0**

This Draft No. 187- 19 has received its second reading on the 18th day of December 2019.

**ORDINANCE NO. \_\_\_\_ ( Draft No. 189-19)**

**AN ORDINANCE ESTABLISHING THE AUTHORIZED STRENGTH FOR THE CITY OF NILES AS OF JANUARY 1, 2020, AND DECLARING AN EMERGENCY**

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

**YEAS: 7 NAYS: 0**

Rules are suspended.

It was moved by Kearney, seconded by Lastic to adopt this Draft No. 189-19.

**YEAS: 7 NAYS: 0**

This Draft No. 189- 19 has been adopted on the 18th day of December 2019.

**ORDINANCE NO. \_\_\_\_ ( Draft No. 190-19)**

**AN ORDINANCE UPDATING COMPENSATION SOURCES FOR ELECTED OFFICIALS ONLY FOR ALL ELECTED OFFICIALS; AND, DECLARING AN EMERGENCY**

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

**YEAS: 6    NAYS: 1 (Kearney)**

Rules are suspended.

It was moved by Lastic, seconded by Smith to adopt this Draft No. 190-19.

**YEAS: 6    NAYS: 1 (Kearney)**

This Draft No. 190- 19 has been adopted on the 18th day of December 2019.

**RESOLUTION NO. \_\_\_\_ ( Draft No. 191-19)**

**A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE WATER DEPARTMENT TO THE GENERAL FUND FOR LOAN REPAYMENT**

It was moved by McNaughton, seconded by Smith 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. 191-19.

**YEAS: 7    NAYS: 0**

This Draft No. 191- 19 has been adopted on the 18th day of December 2019.

**RESOLUTION NO. \_\_\_\_ ( Draft No. 192-19)**



**A RESOLUTION APPOINTING THE CLERK OF COUNCIL AS THE APPROPRIATE DESIGNEE ON BEHALF OF THE PRESIDENT OF COUNCIL AND ALL COUNCIL MEMBERS TO ATTEND REQUIRED TRAINING AS PRESENTED BY THE OHIO ATTORNEY GENERAL PURSUANT TO ORC 109.43 AND ORC 149.43(E), AND DECLARING AN EMERGENCY**

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

**YEAS: 7    NAYS: 0**

Rules are suspended.

It was moved by Marchese, seconded by Lastic to adopt this Draft No. 192-19.

**YEAS: 7    NAYS: 0**

This Draft No. 192- 19 has been adopted on the 18th day of December 2019.

**ORDINANCE NO. \_\_\_\_ (Draft No. 193-19)**

**AN ORDINANCE AMENDING CHAPTER 163, "EMPLOYEEES GENERALLY" OF THE CODIFIED ORDINANCE OF THE CITY OF NILES, IN PART, TO UPDATE VARIOUS SECTIONS FOR THE NON-UNION, NON-ELECTED EMPLOYEES; AND DECLARING AN EMERGENCY**

It was moved by Smith, seconded by Kearney 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. 193-19.

**YEAS: 7    NAYS: 0**

This Draft No. 193- 19 has been adopted on the 18th day of December 2019.

**RESOLUTION NO. \_\_\_\_ (Draft No. 194-19)**

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

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

**YEAS: 6    NAYS: 1 (Cantola)**

Rules are suspended.

It was moved by Lastic, seconded by Kearney to adopt this Draft No. 194-19.

**YEAS: 6    NAYS: 1 (Cantola)**

This Draft No. 194- 19 has been adopted on the 18th day of December 2019.

**RESOLUTION NO. \_\_\_\_\_( Draft No. 195-19)**

**A RESOLUTION AUTHORIZING THE APPROPRIATIONS OF FUNDS FROM  
WATER FUND 5010 TO WATER CONTRACT LABOR FUND AND AUTHORIZING A  
THEN AND NOW PAYMENT AND DECLARING AN EMERGENCY**

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

Auditor Merlo said a motion needed to be made to fix the account number in the legislation.

It was moved by McNaughton, seconded by Lastic to rescind the suspension motion.  
Motion carried.

It was moved by McNaughton, seconded by Smith to change the agenda to 501.  
Motion carried.

It was moved by McNaughton, seconded by Profato to change the caption on the legislation to  
501.  
Motion carried.

**A RESOLUTION AUTHORIZING THE APPROPRIATIONS OF FUNDS FROM  
WATER FUND 501 TO WATER CONTRACT LABOR FUND AND AUTHORIZING A  
THEN AND NOW PAYMENT AND DECLARING AN EMERGENCY**

It was moved by McNaughton, seconded by Smith 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. 195-19.

**YEAS: 7    NAYS: 0**

This Draft No. 195- 19 has been adopted on the 18th day of December 2019.

**RESOLUTION NO. \_\_\_\_\_ ( Draft No. 196-19)**

**A RESOLUTION AUTHORIZING A CASH ADVANCE FROM THE GENERAL FUND TO THE BRT CLEAN UP AND FEMA ACCOUNTS; AND, DECLARING AN EMERGENCY**

It was moved by Smith, seconded by Marchese to change the agenda and delete the BRT clean-up.

Motion carried.

It was moved by McNaughton, seconded by Marchese to amend the legislation and delete the BRT clean-up.

Motion carried.

**A RESOLUTION AUTHORIZING A CASH ADVANCE FROM THE GENERAL FUND TO THE FEMA ACCOUNTS; AND, DECLARING AN EMERGENCY**

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

**YEAS: 7    NAYS: 0**

Rules are suspended.

It was moved by McNaughton, seconded by Smith to adopt this Draft No. 196-19.

**YEAS: 7    NAYS: 0**

This Draft No. 196- 19 has been adopted on the 18th day of December 2019.

**ORDINANCE NO. \_\_\_\_ (Draft No. 197-19)**

**AN ORDINANCE CREATING THE BIKE TRAIL DEPARTMENT WITHIN THE GENERAL FUND, DEPARTMENT 101-1076; AND DECLARING AN EMERGENCY**

It was moved by Cantola, seconded by Profato to give a 1st reading to this draft no. 197-19.

**YEAS: 7    NAYS: 0**

This Draft No. 197- 19 has received its first reading on the 18th day of December 2019.

**RESOLUTION NO. \_\_\_\_ (Draft No. 198-19)**

**A RESOLUTION ADOPTING THE PERMANENT BUDGET FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2020; AND, DECLARING AN EMERGENCY**

Auditor Merlo advised Council President that the budget has the bike trail in it and it will need to be amended since it did not pass.

It was moved by Smith, seconded by Lastic to amend the budget and remove the Bike Trail Department.  
Motion carried.

**A RESOLUTION ADOPTING THE PERMANENT BUDGET FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2020; AND, DECLARING AN EMERGENCY**

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

**YEAS: 7    NAYS: 0**

Rules are suspended.

It was moved by Lastic, seconded by Smith to adopt this Draft No. 198-19.

**YEAS: 7    NAYS: 0**

This Draft No. 198- 19 has been adopted on the 18th day of December 2019.

**RESOLUTION NO. \_\_\_\_ (Draft No. 199-19)**

**A RESOLUTION AUTHORIZING THE FOLLOWING BUDGET LINE ITEM  
TRANSFERS FROM VARIOUS LINE ITEMS WITHIN THE APPROPRIATE FUNDS;  
AND, DECLARING AN EMERGENCY**

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

**YEAS: 7    NAYS: 0**

Rules are suspended.

It was moved by McNaughton, seconded by Smith to adopt this Draft No. 199-19.

**YEAS: 7    NAYS: 0**

This Draft No. 199- 19 has been adopted on the 18th day of December 2019.

**MISCELLANEOUS REMARKS**

(Miscellaneous remarks began at 54:50 into recording)

President Marino wished everyone a safe and happy holiday season. President Marino also thanked Mr. Kearney for his public service in the community and he wished him nothing but the best on his future endeavors.

Mayor Mientkiewicz echoed President Marino's sentiments to Mr. Kearney. He wished him the best of luck in the future. Mayor Mientkiewicz also gave a quick update on the remodel of the safety service building. The project is nearing the end and should finish up within a month. This project was a little over \$700,000. Mayor Mientkiewicz wanted to wish everyone a Merry Christmas and a Happy New year.

Service Director Flarey wished everyone a Merry Christmas and a healthy and safe holiday.

Safety Director Kaniclides wished everyone a safe New Year's holiday

Auditor Merlo told Mr. Kearney it was a pleasure to serve with him and he wished him best. Auditor Merlo wished everyone Merry Christmas and Happy New Year.

Treasurer Telago informed council that he sent an email last night but he did receive an update from RITA today. He will get council an update. Also, he wished Mr. Kearney the best of luck.

Chief Holland wished everyone happy holidays.

Mr. McNaughton wished everyone a Merry Christmas.

Mr. Profato wished Mr. Kearny the best.

Mr. Cantola wanted to ensure everybody that Niles City Council is much more of professional than what people are hearing right now. We are a professional organization. It is just one of those days.

Mr. Cantola wanted to turn his interest and attention to those who came to council today from Weathersfield or Howland townships. One councilman is listening to what they are saying. He is curious about what they are saying and he wants to know what is going on. He thinks the city owes them some plan of action so that we can work together. He asked them to continue to come to council and bring up their thoughts and concerns.


Ms. Marchese wanted to thank Mr. Kearney for his service and to wish everyone a Merry Christmas.

Ms. Smith wished everyone a Happy New year and wished Mr. Kearney good luck.

Mr. Kearney thanked everyone for their support over the last two years. He really enjoyed serving the community. He wished everyone a Happy New Year.

### ADJOURN

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

  
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Nicole Bacak, Clerk of Council

  
\_\_\_\_\_  
Robert Marino Jr., President of Council