

COUNCIL MEETING MINUTES
February 20, 2019

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

Niles City Council held its regular meeting on February 20, 2019 at 6:00 p.m. in Council Chambers Safety Service Complex in Niles, Ohio.

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

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

It was moved by Marchese seconded by Kearney to accept the Minutes from the February 6th meeting and place them on file.

Motion carried.

REPORTS AND COMMUNICATIONS

FROM – Auditor's Office

Statement of Cash from Revenue and Expense- January 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- January 2019

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

Motion carried.

It was moved by Lastic, seconded by McNaughton to amend the agenda to allow Officer Ifft to present Chief Holland and the Police department with an award.

Motion carried.

Officer Ifft recently returned from a deployment in Kuwait. Officer Ifft nominated Chief Holland and the department for the Patriotic Warrior Award that is given out to a few thousand employers a year for supporting the reserves. For the past 9 months, Officer Ifft has been gone from the Police Department and he wanted to thank Chief Holland, the department and the City of Niles for their support. Officer Ifft stated it is an honor to work for the city and for Chief Holland.

Mayor Mientkiewicz recognized Officer Ifft for his service in the Air Force by presenting him with a proclamation. Mayor Mientkiewicz thanked Officer Ifft not only for his service in protecting our city as a police officer, but for protecting our country.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

(Public remarks began at 5:12 into recording)

Judge Christopher Shaker: 15 East State. Niles, Ohio. Judge Shaker has come to council this evening to speak to council about item number 3 on the agenda, which is to increase the strength ordinance by one for the police department. Judge Shaker explained that this is to hire a full time court security officer for the Niles Municipal Court. Judge Shaker presented Niles City Council with a letter that he wrote and Appendix C of the Ohio Supreme Court Rules of Superintendence. Judge Shaker directed everyone to Standards 5, 6, and 7 in particular, with regard to persons subject to a security search, court security officers and weapons in court facilities.

Judge Shaker read his letter to council and the clerk has a copy of the letter and the Appendix that was presented on file.

George Kuriatnyk: 52 Morningside. Mr. Kuriatnyk said that people are asking for microphones for the council members so that the people can hear. For the 3-4 years that he has been coming in here, he has been irritated and agitated and by two new ordinances you will find out why. He has been asked to leave and has been told he has made false accusations but no one has sued him in court because they know he has been telling the truth. Now he has three months to show the public that he is the right person to be voted in on May 7th.

Mr. Kuriatnyk stated that ORC 755.10, this is concerning the park board. These ordinances came together in 1953 and they have not been amended. 755.22, that is the power of the board. They have the entire management of all of the funds to do what they please with the money. They have control over the Mayor and the Park Director as well. 755.19 says the same thing. They control all the money. Also 1953. 755.04 says no money is to be given approval until the park board members sign it and their secretary signs it. He doesn't believe they have a secretary. 755.10. Does the city have a fund that says the Park fund or does the Park money go into the General Fund? Because if so, that's illegal. And if you read 755.10 it tells you how it is illegal and Mr. Kuriatnyk thinks the city is doing some illegal stuff with all of these. He will post these on his website so people can look at them.

Mr. Kuriatnyk brought up some of the ordinances on the agenda for this evening. Draft No. 15-19. Mr. Kuriatnyk feels that this is the city hiring a babysitter when the city employees can be doing it. It should have been years ago and it wasn't. He feels this is a waste of money. Next is Draft No. 40-19, which is the city accepting a donation of land. Mr. Kuriatnyk points out that this land is the old Garfield building. He states this building is an eye sore and a mess. He

doesn't know why we would want this building. He thinks we should go to the land bank and make them clean it up.

President Steffey started to explain that there is a plan. Mr. Kuriatnyk said there is no plan. In his opinion, the plan is for the city to take over the building and tear it down and will not make anything out of it. They will not put a park up or anything. They will donate the land to someone sitting in the audience and they will build an apartment complex on it. This is all at an expense of the tax payers. Mr. Kuriatnyk said that President Steffey has walked through that building more than once and never said a word until he became Council President. He wants to know why President Steffey is pushing so hard for this to happen. Mr. Kuriatnyk said it is a mess and we don't need it.

Mr. Kuriatnyk circled back to the microphones. He said people would love to hear what is going on. People would appreciate if microphones would go up. Next, Mr. Kuriatnyk stated that the Tribune issued him an apology about the false accusations they made about him in the paper.

COUNCIL COMMITTEE REPORTS

None

ORDINANCES AND RESOLUTIONS

(Legislation began at 17:35 into recording)

RESOLUTION NO. ____ (Draft No. 15-19)

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH MS CONSULTANTS, INC. FOR THE PURPOSE OF ADMINISTRATION OF BACKFLOW PREVENTION PROGRAM FOR YEARS 2019 AND 2020; AND DECLARING AN EMERGENCY

Mr. Cantola again questioned why the city is entering into a two year contract with MS Consultants. He does not believe the city should enter into a contract for two years at this time.

President Steffey explained that there is the option to opt out in the second year. Mr. Cantola understands that but feels the contract only needs to be one year. He feels this is work that our employees can do in house. Mr. Cantola remembers this being discussed at a meeting and an employee committed to doing this and it would be an increase in his salary to take on additional tasks.

Mayor Mientkiewicz said it is still the administration's intent to bring this in house at some point. And the employee that Mr. Cantola is referencing will work very closely with MS. However, this program had been led astray for the last 5 years and the city is trying to catch up as much as we can by contracting it out. There is a lot of pressure by the EPA on backflow prevention. It might be a year or 2 or 3. They aren't sure because it has been let go since 2014.

Mr. Cantola doesn't disagree. He just doesn't like the idea of a two year contract.

It was moved by McNaughton, seconded by Lastic to give a third reading to this Draft No. 15-19.

YEAS: 6 NAYS: 1 (Cantola)

It was moved by Lastic, seconded by Smith to adopt this Draft No. 15-19.

YEAS: 6 NAYS: 1 (Cantola)

This Draft No. 15- 19 has been adopted on the 20th day of February 2019.

RESOLUTION NO. ____ (Draft No. 20-19)

A RESOLUTION AUTHORIZING THE SERVICE DIRECTOR TO ISSUE A REQUEST FOR PROPOSALS TO CONTRACTORS TO PROVIDE SERVICES FOR PROJECTS INVOLVING INFRASTRUCTURE REPAIRS AND/OR TREATMENTS FOR CALENDAR YEAR 2019; AND DECLARING AN EMERGENCY

It was moved by Marchese, seconded by Lastic to give a third reading to this Draft No. 20-19.

YEAS: 6 NAYS: 1 (Cantola)

It was moved by McNaughton, seconded by Kearney to adopt this Draft No. 20-19.

YEAS: 6 NAYS: 1 (Cantola)

This Draft No. 20- 19 has been adopted on the 20th day of February 2019.

ORDINANCE NO. ____ (Draft No. 21-19)

AN ORDINANCE AMENDING ORDINANCE NO. _____, KNOWN AS THE AUTHORIZED STRENGTH ORDINANCE, AND DECLARING AN EMERGENCY

It was moved by Marchese, seconded by Lastic to give a third reading to this Draft No. 21-19.

YEAS: 6 NAYS: 1 (McNaughton)

It was moved by Profato, seconded by Marchese to adopt this Draft No. 21-19.

YEAS: 6 NAYS: 1 (McNaughton)

This Draft No. 21- 19 has been adopted on the 20th day of February 2019.

ORDINANCE NO. ____ (Draft No. 24-19)

AN ORDINANCE CREATING A SMALL CELL DESIGN GUIDELINES ORDINANCE, ORDINANCE NUMBER 959

It was moved by McNaughton, seconded by Smith to give a third reading to this Draft No. 24-19.

YEAS: 7 NAYS: 0

It was moved by Marchese, seconded by McNaughton to adopt this Draft No. 24-19.

YEAS: 7 NAYS: 0

This Draft No. 24- 19 has been adopted on the 20th day of February 2019.

RESOLUTION NO. ____ (Draft No. 25-19)

A RESOLUTION ADOPTING THE ASSESSMENT OF A \$45.00 NON-COMPLIANCE MONTHLY FEE ON THE WATER METER INSTALLATION; AND, DECLARING AN EMERGENCY

It was moved by McNaughton, seconded by Cantola to table to this Draft No. 25-19.

YEAS: 7 NAYS: 0

This Draft No. 25- 19 has been tabled on the 20th day of February 2019.

ORDINANCE NO. ____ (Draft No. 36-19)

AN ORDINANCE AUTHORIZING THE CITY OF NILES TO PARTICIPATE IN THE U.S. COMMUNITIES GOVERNMENT PURCHASING ALLIANCE PROGRAM; AND, DECLARING AN EMERGENCY

It was moved by Kearney, seconded by Smith to give a first reading to this Draft No. 36-19.

YEAS: 7 NAYS: 0

This Draft No. 36- 19 has received its 1st reading on the 20th day of February 2019.

ORDINANCE NO. ____ (Draft No. 37-19)

AN ORDINANCE CREATING AN INCOME TAX INCENTIVE PROGRAM FOR DOWNTOWN BUSINESS DISTRICT ORDINANCE, ORDINANCE NUMBER 191.22

It was moved by Profato, seconded by Cantola to give a first reading to this Draft No. 37-19.

YEAS: 7 NAYS: 0

This Draft No. 37- 19 has received its 1st reading on the 20th day of February 2019.

ORDINANCE NO. ____ (Draft No. 38-19)

AN ORDINANCE CREATING AN INCOME TAX INCENTIVE PROGRAM FOR THAT PORTION OF THE CITY OF NILES NOT LOCATED WITHIN THE DOWNTOWN BUSINESS DISTRICT ORDINANCE, ORDINANCE NUMBER 191.23

It was moved by Profato, seconded by Kearney to give a first reading to this Draft No. 38-19.

YEAS: 7 NAYS: 0

This Draft No. 38- 19 has received its 1st reading on the 20th day of February 2019.

RESOLUTION NO. ____ (Draft No. 39-19)

A RESOLUTION AUTHORIZING THE MAYOR and/or SERVICE DIRECTOR TO NEGOTIATE AND ENTER INTO CONTRACT WITH JULIAN & GRUBE FOR A BILLING AUDIT; AND DECLARING AN EMERGENCY

It was moved by Smith, seconded by Cantola to give a first reading to this Draft No. 39-19.

YEAS: 7 NAYS: 0

This Draft No. 39- 19 has received its 1st reading on the 20th day of February 2019.

ORDINANCE NO. ____ (Draft No. 40-19)

AN ORDINANCE ACCEPTING THE DONATION OF A PARCEL OF LAND LOCATED AT 101 W. THIRD STREET, NILES, OHIO, FROM TRUMBULL COUNTY LAND REUTILIZATION CORPORATION; AND, DECLARING AN EMERGENCY

Mr. Cantola had a question on this legislation. He wants to know if there is a plan on what the city will be responsible for paying for demoing the building. He doesn't want to take ownership of the building without there being a plan in place before we accept it. He doesn't want it to become a bigger liability.

Mayor Mientkiewicz stated there is a plan in place for the entire process. There is a demolition program in place within the city to remove blight properties. Right now, TNP does own the building. They are an entity that operates under grants and cannot legally use grant dollars to tear down commercial property. It is the city's hope that in working with TNP and the Trumbull County COG that we can work collaborately, accept the building, demo the building through the council of governments, give it back to TNP to sell off to adjacent neighbors. If they do sell off the property, then the city does recoup those funds.

Mayor Mientkiewicz said that TNP will take care of all of the asbestos testing and abatement for this building. This will clear the city of a \$1500.00 expense. The city, through the COG, will demo the building, and then seed and straw the area after it has been clean it up. The building will be turned back over to TNP. It is the hope that adjacent home owners would want to take some of the property. The city certainly does not want to take on any additional property. We are not looking to create another park. We are looking to eliminate blight within the city. The cost for demo would not exceed \$20,000.00. That cost did include the asbestos, which TNP is picking up. The city would also get any scrap metal money from the building.

Ms. Marchese wanted to clarify that the cost to the city would not exceed \$20,000.00. Mayor Mientkiewicz said yes. The cost would not exceed \$20,000.00. She just wants to make sure nothing would be added on once they go inside the building. Mr. Profato pointed out that the city

is part of the Trumbull County COG and we are in a key position to entertain this. We need to start removing blight and this is a proactive move.

Mayor Mientkiewicz did have a time frame if the legislation passed through this evening.
Tomorrow (Thursday the 21st) through March 8th - TNP to do asbestos reports.
March 11th - March 15th - Quick deed transfer from TNP to the City of Niles
March 18th - April 5th - Demo and remediation
April 8th - April 12th - Quick deed transfer from the City of Niles back to TNP

Mr. Cantola said this building is in his ward and he has walked through it. He has heard from the neighborhood. This is a terrible building. He is probably the least in favor of spending the tax dollars on tearing down the building, but after listening to everything, the city isn't going to get a better deal to remove this building. This building has caught on fire, there are needles and everything. It needs to go.

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 Profato, seconded by Lastic to adopt this Draft No. 40-19.

YEAS: 7 NAYS: 0

This Draft No. 40- 19 has been adopted on the 20th day of February 2019.

MISCELLANEOUS REMARKS

(Miscellaneous remarks began at 38:26 into recording)

Mayor Mientkiewicz thanked council for their support in demoing the building. He wants to remove the blight in our town. This is one of many collaborative efforts that we will have moving forward in the demolition program for the city. Also, he mentioned in the last meeting the new city website is up and running. There is a lot more information on there than there has ever been. He encouraged people to look at it and provide feedback.

Service Director Flarey wanted to thank Officer Ifft for his service and wish him the best in coming back.

Safety Director Kaniclides also thanked Officer Ifft for not only his service to our country, but also his service to the city. He wishes we had more people thinking the way he does. He congratulated him on coming back safe.

Auditor Merlo informed council that he will have normal transfers to present at the next meeting. His next comment is that city does have a Park fund and we do deposit revenue in there. The city does expend out there also. There is a Park fund.

Treasurer Telago wanted to let council know that the treasurer's office did balance the books for January. Tax collections are running a little ahead of last year. He is still waiting to see what happens with General Motors and those companies connected to them. The interest the city made on the sweep account was \$ 181,000.00. He is projecting around \$300,000.00 this year. Lastly, RITA is holding a taxpayers assistance day on Tuesday, March 26th from 12:00 P.M.-6:00 P.M. at the Niles Wellness Center. RITA is also going to start taking some delinquent tax payers to court here soon.

Mr. Pezzano welcomed home Officer Ifft.

Ms. Rose thanked passing the legislation for the court security officer.

Mr. Lastic said to save the money on microphone for him.

Mr. McNaughton also welcomed home Officer Ifft. He wanted to comment on the very strong general fund numbers he sees. They get stronger every month. RITA worked. It is very good to see our finances are getting healthier. Lastly, he cannot believe he has to say this but he misses civility. We conduct business in here. Too often, we are giving each other the business in here. He would like to everyone to work together on being more civil and respectful. His charge to all of those running for public office in the city is to be civil while you are doing it and while you hold office. He is ashamed that he has had to say this three times while he has been in office.

Mr. Cantola commented that he appreciates everyone in the back standing there. The police officers are the backbone of our city. The citizens of the city cannot thank them enough for everything that they do. He wants to say thank you and he appreciates everything they do. He sees them out and sees them out in packs. He is looking forward to another officer in the court. He wanted to thank the all of the officers.

Mr. Cantola is also happy to see that the demo is going to happen rapidly. He hopes that we continue to this moving forward. He has been going home and sitting next to it every day for a year now and it is very frustrating.

Ms. Marchese would like to thank Officer Ifft also. She also said it is nice to see the other officers back in the corner.

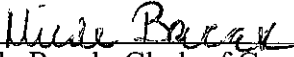
Ms. Smith welcomed home Officer Ifft and thanked him for his service.

Mr. Kearney thanked Officer Ifft for his service to our country and to our community.

President Steffey also echoed his colleagues and thanked Officer Ifft for his service. President Steffey is the son of a Vietnam Veteran and his father in the audience. He holds the veterans in the highest regard. He was lucky enough to help his father coach him and his brothers in baseball for a few years. We are very lucky to have him as an officer.

ADJOURN

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



Nicole Bacak, Clerk of Council



Barry Steffey Jr., President of Council