

COUNCIL MEETING MINUTES
March 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 March 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-NP, Steffey-P

It was moved by Profato seconded by Marchese to excuse Mr. Kearney from the meeting.
Motion carried.

It was moved by Smith seconded by Marchese to accept the Minutes from the March 5th meeting and place them on file.
Motion carried.

REPORTS AND COMMUNICATIONS

None

It was moved by McNaughton seconded by Lastic to amend the agenda to allow Dr. Neopolitan to speak on the changes at MVSD.
Motion carried

Dr. Neopolitan is the Mayor's appointment at MVSD and he wanted to give council an update on what is happening there. MVSD recently hired their new chief engineer, Mr. James Jones. He is a local man from Liberty. Secondly, they have decided to break up the head position chief engineer and Class 4 water license holder into two different positions. That is a very difficult position to have with both of those occupations in one person. They also brought in Tom Holloway as the Class 4 operator, who was also hired this month.

Mr. Holloway was there before and is very knowledgeable about the district. President Steffey said our relationship with MVSD is strong and unique. He thinks we are using more water now than we ever have and water is life. President Steffey told Dr. Neopolitan that he appreciates the work he does over there. Dr. Neopolitan said MVSD is trying to keep everyone up to date and

informed. He will be bringing in the new employees within the next month or so that way council can meet them. Mayor Mientkiewicz said both men are highly qualified from what he hears.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

(Public comments began at 4:44 into recording)

Michael Harvey: 1509 Mahoning Ave. Youngstown, Oh. Mr. Harvey is here to speak on behalf of the relatives of Mr. Matthew Burroughs who might not feel comfortable speaking here 77 days after his life was terminated prematurely. Mr. Harvey stated he is a white man and is able to speak for others in this white world. In fact, his ancestors contributed greatly to the taking of this land. Mr. Harvey gave an explanation of the meaning of his last name and the origin of it dating back to the Vikings. Mr. Harvey feels that a thousand years of killing is enough.

Mr. Harvey is here to implore the power of the people in the room and do right by Mr. Mathew Burroughs's daughter and shine light on the events that happened on January 2nd. Mr. Harvey stated that contrary to white supremacist beliefs, black people are not stupid. They can see with their eyes. Perhaps their sight is even better than us whites who are all but blind to their plight.

Mr. Harvey said we see the same videos or reports of police shooting unarmed black men. He will even go as far as saying probable criminals. Yet police apprehend white probable or even known criminals. How can this be? The only answer Mr. Harvey can come up with is systemic racism from the top down. White too is a color. Racism is nonsense designed to keep us divided and conquered by the rich. The rich are diluted into thinking human nature is as evil and greedy as they are.

Mr. Harvey stated that Mr. Burroughs's family just wants equality and they want the rules to apply to everyone fairly. They want a truly independent investigation. They want an impartial prosecutor. They want the tapes of what happened released. Mr. Harvey said they want the same justice that you or I take for granted.

According to Mr. Harvey, 10 years ago GM took \$330 billion from the country and an extra \$1.7 billion from Michigan. The cost cutting in Michigan forced people to pay \$270 per person to poison their own children. Mr. Harvey asked everyone to think about that. He does not find it coincidental that Donald Trump is our 45th President. A blind eye was turned to the theft in Michigan. What calamity will come to us turning a blind eye to this?

Mr. Harvey asked if we want a ripple of hate and evil to spread in Niles. Mr. Harvey quoted an excerpt from RFK's Ripple of Hope speech. Mr. Harvey stated that he stands because Colin Kaepernick had the guts to kneel. This speech stands for the ideal of justice and acts to improve the law of colored people by striking out at the injustice that Mr. Matthew Burroughs suffered 77 days. We are one body and he and his family deserves the same justice that you or I do. Mr. Harvey said to release the tapes and show what happened.

Erica Royster: Warren Oh. When it comes to community, her best friend reminded her that she has always had a deep concern for her neighbor and what happens to who is beside her. Ms. Royster has come here tonight on behalf of the family of Matthew Burroughs. She is asking those who are in public service to remember why they got into public service in the beginning. Sometimes as time goes forward, you tend to forget that fire you had to help your community or the reason you ran for office. Ms. Royster stated she went to Harding High School and you could sit beside someone who didn't eat breakfast and someone who was going to have lobster and shrimp for dinner. We have to look at every situation that way. Justice should apply to everyone, not just a particular group, not just a particular class.

Ms. Royster stated that we all know that there is motivation when it comes to people of color. You can try and deny it but we all do it. When someone is fat or disabled, that's why you have people that lobby on behalf of other people. All they are asking that the public servants remember why they got into it in the first place. Find it in your heart to do what right.

Albert Metz: 165 Bentwillow Ave. Mr. Metz has come to council to ask for relief and help in regards to the flooding in their area. There is erosion in the property. It's a dangerous situation there anymore. He has brought dirt into his yard every year for the last ten years. After the last rain storm we had, it is gone. He has massive craters in his yard and his grass is gone. Two houses up from him, it took out all of the vegetation. It's empty. There is garbage floating down there. It is a dumping ground now. In this day and age, we shouldn't have to live like this. He can't even let his dog out after a rain storm.

Mr. Metz did bring pictures in that he passed out to city council. Mr. Metz stated that he did go to the city building this week and met with Mr. Robertson about this issue. At one time, there was state money appropriated for this area but the project went away and they did Camrose. He doesn't know what happened. If a kid falls, he is gone.

Mr. Metz built a wall to protect his property at the beginning. Mr. Metz also pointed out that the AT&T wires that were buried at one time are now exposed. President Steffey did confirm with Mr. Robertson that he did meet with Mr. Metz and that he is working on something for him. Mr. Robertson confirmed he did meet with Mr. Metz and he has already brought this issue to the attention of the Mayor and Service Director.

Ms. Marchese asked if the damage was being done to the creek rising. Mr. Metz said he built his wall to curve because it washed out his property. That wall has been up for approximately 15-20 years. He added onto that wall and somebody turned him in to the Army core engineers and he had to remove the addition. He had to build a natural wall. President Steffey said he is confident with him working with Mr. Robertson, Mayor and Service Director that they will give him the attention he deserves on this matter. Mr. Metz just wants to know if they can meet with the Army Core Engineers, or divert the creek or what other options they can do.

Mayor Mientkiewicz explained that it is their intentions to keep the ball rolling on this matter. It is going to big a project. They are going to have to have grant dollars tied to it. They will continue to keep it on the table to talk to Trumbull County Engineers in hopes to put together a project to get this solved. Mr. Robertson did bring this to Mayor Mientkiewicz's attention and

there was money allocated for this years ago and why it was taken away, he does not know. It is a problem area back there. Mr. McNaughton asked if Mr. Metz knew when this money was allocated for the project. Mr. Metz believes it was around 15-20 years ago. Everyone was on board with it.

Katie Moran: 174 Morningside Rd. In all of the 40 years she has live there, her street has only been resurfaced one time. And that was about 30 years ago. Right now, they tore up the front half of the street putting in a new waterline. This is good because the waterlines broke monthly. It was really bad. Her complaint is that when the road was redone years ago, it was not slanted to go into the storm sewers. Every time it rains, water does not flow up hill. It backs up the hill and backs up her driveway. And right now, the front of her house has grass growing in the street.

Mrs. Moran doesn't really mind the city patching the street but she would like for them to fix it so that the water flowing issue can be fixed. It never makes the storm drains. They need to make sure that they slant it. Mayor Mientkiewicz told Mrs. Moran that Morningside is slated for resurfacing this year. They are getting new waterlines, new streets and he believes new LED lights as well.

George Kuriatnyk: 52 Morningside. Niles, Oh. Mr. Kuriatnyk has a couple of concerns. First is the Garfield issue. Two meetings ago, the Mayor spoke about waiting for the assessment on the asbestos. He was trying to make the people think that he was concerned about the asbestos being in there. According to Mr. Kuriatnyk, the report was given to the City of Niles on November 29, 2018. 5 months ago. He isn't sure what the Mayor was trying to get across there. This means that council knew about this assessment and nobody brought it up. They kept is hush.

The next is Robbins Ave. They say they are spending all of this money to tear down houses or buildings. Mr. Kuriatnyk said he is going to say it right now that there is a building on Robbins Ave. owned by resident that is going to come across their table and they will vote to tear it down because it's nasty looking. And they will come up with the excuse that you are trying to better Niles.

Back to Garfield, Mr. Kuriatnyk asked if anyone knows what will happen when they tear up the floor at Garfield. No one knows. No one knows what is under there and he has talked to three council members and nobody read the report but they voted on it. That troubles him. Mr. Kuriatnyk mentioned the Board of Control minutes and purchases through there. He feels that there is still wasteful spending happening.

According to Mr. Kuriatnyk, 93.7% of the ordinances passed through council were passed as an emergency. However, Mr. McNaughton brought the cell tower issue over and on Feb 6th it was not passed as an emergency. February 12th, the permits were pulled and 8 days later the tower was being built and he believes it is done today. The property that they are building it on happens to be the Mayor's aunt. He asked if that is why it was passed that way, so he could get it passed for his aunt. President Steffey told Mr. Kuriatnyk that he cannot impugn someone's integrity. Mr. Kuriatnyk said he isn't it is a fact. President Steffey said because he says it's true, it isn't a fact.

Mr. Kuriatnyk went back to the Board of Control and questioned how items are purchased. He wants to know if they get something in front of them about the item or do they just approve to pay. Mr. Kuriatnyk wants to know if they actually see what they pay for.

At this time, Mr. Kuriatnyk's time was up and he asked if his time could be extended per council rules. President Steffey instructed the clerk to do a roll call of council to see if they would be in favor of granting Mr. Kuriatnyk extra time.

YEAS: 0 NAYS: 6

Extra time was not granted and President Steffey informed Mr. Kuriatnyk that his time was up.

Jennifer Cost: 1 Ohio. Ms. Cost is the mother of Matthew's daughter, Jayla, who is standing beside her. Ms. Cost stated that Jayla wanted to speak but she is nervous. Ms. Cost said they just want to know what happened that day and they just want to know the truth. She doesn't believe what was said about what happened. Jayla is really hurt about her dad being killed. She is only 8 years old and they just want to know what happened. Ms. Cost just feels that everything that is being said isn't true. Ms. Cost asked her daughter, Jayla, if she wanted to talk and Jayla said no. President Steffey said he appreciated her coming in and sharing her thoughts.

Maria Bennett: Warren Ohio. Ms. Bennett knows that she cannot ask questions and get answers but she would like to pose the questions out loud so that there is an understanding of what they are. The first question is why hasn't there been a release of the dash camera footage or body camera footage or the police report or footage from the facility or the royal mall itself. There have not been answers because, in her opinion, there has not been any transparency. There have been articles in the newspaper calling out Matthew Burroughs's criminal history, his confrontations. Ms. Bennett wants to know why there hasn't been a release of the disciplinary records of the police officers or their personnel files. She feels it seems to be one sided.

Ms. Bennett understands it is under BCI investigation but she doesn't know why no information has been released at this time. It's not that she thinks the Niles Police Department has anything to hide but when you are preventing something (information) from going out it causes skepticism. She doesn't want to be skeptical of her police officers and you don't want to be skeptical of their police officers but answers are necessary in this situation.

COUNCIL COMMITTEE REPORTS

None

ORDINANCES AND RESOLUTIONS

(Legislation began at 30:48 into recording)

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 Smith, seconded by Lastic to give a third reading to this Draft No. 37-19.

YEAS: 6 NAYS: 0

It was moved by McNaughton, seconded by Smith to adopt this Draft No. 37-19.

YEAS: 6 NAYS: 0

This Draft No. 37- 19 has been adopted on the 20th day of March 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 Smith, seconded by McNaughton to give a third reading to this Draft No. 38-19.

YEAS: 6 NAYS: 0

It was moved by Smith, seconded by Lastic to adopt this Draft No. 38-19.

YEAS: 6 NAYS: 0

This Draft No. 38- 19 has been adopted on the 20th day of March 2019.

RESOLUTION NO. ____ (Draft No. 46-19)

A RESOLUTION AUTHORIZING THE MAYOR and/or SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH YOUNGSTOWN STATE UNIVERSITY FOR GIS MAPPING AND SCANNING OF THE CITY OF NILES' INFRASTRUCTURE; AND DECLARING AN EMERGENCY

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

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by McNaughton, seconded by Lastic to adopt this Draft No. 46-19.

YEAS: 6 NAYS: 0

This Draft No. 46- 19 has been adopted on the 20th day of March 2019.

RESOLUTION NO. ____ (Draft No. 47-19)

A RESOLUTION AUTHORIZING THE CITY OF NILES TO AUTHORIZE THE TRUMBULL COUNTY ENGINEER TO DEVELOP AND ADVERTISE BID SPECIFICATIONS FOR THE CITY OF NILES 2019 STREET RESURFACING PROGRAM; AND, DECLARING AN EMERGENCY

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

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by McNaughton, seconded by Lastic to adopt this Draft No. 47-19.

YEAS: 6 NAYS: 0

This Draft No. 47- 19 has been adopted on the 20th day of March 2019.

RESOLUTION NO. ____ (Draft No. 48-19)

PRELIMINARY PARTICIPATORY LEGISLATION (Regarding resurfacing of SR 169 from South Cleveland Avenue to the Niles Eastern Corporation Limit.)

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

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by McNaughton, seconded by Marchese to adopt this Draft No. 48-19.

YEAS: 6 NAYS: 0

This Draft No. 48- 19 has been adopted on the 20th day of March 2019.

RESOLUTION NO. ____ (Draft No. 49-19)

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH MS CONSULTANTS, INC. FOR THE PURPOSE OF ADMINISTRATION OF AND IMPLEMENTATION WORK RELATED TO THE 2019 CITYWIDE RESURFACING PROGRAM; AND DECLARING AN EMERGENCY

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

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by McNaughton, seconded by Lastic to adopt this Draft No. 49-19.

YEAS: 6 NAYS: 0

This Draft No. 49- 19 has been adopted on the 20th day of March 2019.

MISCELLANEOUS REMARKS

(Miscellaneous remarks began at 37:09 into recording)

Mayor Mientkiewicz appreciated the support from council in passing the GIS mapping. This is something that the city can now check off the financial plan and it meets the EPA requirements and most importantly it will save tax payers \$40,000. It is a good program. Mayor Mientkiewicz also thanked council for passing the three pieces of legislation about the street resurfacing. There will be roughly \$700,000 spent on street resurfacing this year for the city. It is a good commitment to the city and to the citizens. He is happy to get the ball rolling on this program. Mr. Robertson has done a great job administering this program.

Mayor Mientkiewicz reminded everyone that there will be a movie at the Wellness Center at 8:00 P.M. It is a collaboration with the Mr. Burke, the Park board, the McKinley Memorial Library and the Mahoning Valley Scrappers. The movie will be Field of Dreams. This is open to the public and is free of charge. Also, Saturday afternoon from 1:00 P.M. – 4:00 P.M. at the Wellness there will be a Wellness Fair that is also open to the public and free of charge.

Service Director Flarey informed everyone that the water department would be working this evening doing a water repair on 422 near Dr. Malvasi's office. If anyone is traveling in that area, please be cautious. The crew is to begin working at 7:00 P.M. and will work all night.

Chief Holland wanted to address some of the comments made this evening in regards to Mr. Matthew Burroughs. The BCI has been called in and they are conducting an independent investigation. We are on their time table. He cannot rush them. He cannot make them go any faster than they are in their investigation. When the report is published, it will become public record once the investigation is complete. All officers' personnel files are public record and he has the newspaper and citizens come in and examine them. If anyone wants to make an appointment and come in and view those, they are more than welcome to do that. Until the report comes out from the BCI, it would be improper for him to make any comment on the investigation.

Chief Danielson updated council that over the last few days they have had Great Garage Door replacing their bay doors. They should be finished tomorrow.

Mr. Crowley gave an updated on the demolitions within the city. One on Federal St, one on Park Ave. came down this week and one on Warren Ave. to come down next week. He hopes to have 8-10 more this year.

Mr. Pezzano wanted to give a quick update on housing inspections. As of today, he has completed 1017 and has completed 534 reports that were sent out.

Mr. Catanzarite thanked everyone for their patience with the water breaks they have had. There was quite a mess on State St. It ended up being a 3 day fix. He also wanted to thank council for passing the contract with YSU for the GIS mapping. It's going to save the city a lot of money and it is a major step with the EPA requirements. And lastly, they did get a new piece of equipment called a travel vac. It is a unit that has a vacuum with hoses that can help clean out curb boxes. It also has a very strong valve turner.

Mr. McNaughton said that the conversations are one sided with the gentleman with the video so he can't let the citizens know that the cell technology legislation that went through absolutely has nothing to do with the cell tower that went up. In fact, the name of the legislation is small cell technology. It is involving technology just emerging. They are not even in our city. The odds of them coming here any time soon are not there but we are not protected. The legislation affords our residents and cities protections that the larger cities in Ohio are doing and no one else is around here. So any allegations of impropriety of legislation and landowners is nonsense. Mr. McNaughton said you know my feelings on civility. If that's where we are at, that is pathetic. He asked that people please share this with folks who pay attention to those videos since they cannot hear him. That was a fallacy that was said.

Mr. McNaughton asked Ms. Marchese if he ever called her to cancel a meeting on Monday and Ms. Marchese replied no. Ms. Marchese said that's why she went on there. She did come to the city building and met with the Mayor. She cancelled the meeting herself. Mr. McNaughton asked that the record reflect that a candidate for Mayor lied saying that he called a councilwoman asking to cancel the meeting. Mr. McNaughton asked Mayor Mientkiewicz if he called him and asked him to cancel the committee meeting, even though this is something the Mayor cannot do. Mayor Mientkiewicz replied absolutely not.


Mr. McNaughton asked that it be noted again that a candidate for Mayor is impugning the character of yours truly and others. Can we please be civil? Lies and fabrications are ridiculous in this city. Please be better than this.

Mr. Cantola mentioned that a citizen brought up an Ohio Edison mailer that went out for a free month of electricity. This went out to residents in Niles. Mr. Cantola explained that this is not the electric provider in the city. He was probably sent in error and was sent to all of the communities in the area and to please disregard it. He would like something to be put on the website about this.

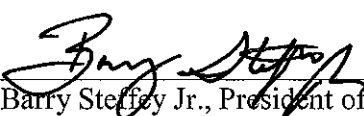
Mr. Cantola expressed how pleased he was to have taken the State Auditor trainer for the second year in a row. It was a very successful training. 88 counties in Ohio send people in for training and to become more proficient in the auditing and laws from state level. President Steffey said he was glad that he found the value in it.

ADJOURN

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



Nicole Bacak, Clerk of Council



Barry Steffey Jr., President of Council