

COUNCIL MEETING MINUTES
April 17, 2019

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

Niles City Council held its regular meeting on April 17, 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 Smith seconded by Cantola to excuse Mr. Kearney from the meeting.
Motion carried.

It was moved by Smith, seconded by Profato to amend the agenda to add Draft No. 68-19.
Motion carried.

It was moved by Marchese seconded by Lastic to accept the Minutes from the April 3rd meeting and place them on file.
Motion carried.

REPORTS AND COMMUNICATIONS

FROM – Auditor's Office

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

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

FROM – Auditor's Office

Statement of Cash from Revenue and Expense- March 2019

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

FROM – Auditor’s Office

Check Report by Check Number- March 2019

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

Motion carried.

FROM – Ohio Division of Liquor Control- Notice to Legislative Authority

To: Italian American War Vets Post 39 From: Italian American War Vets Post 39

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

Motion carried.

FROM – Ohio Division of Liquor Control- Notice to Legislative Authority

To: Cavamota Corp

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

Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

(Public comments began at 3:34 into recording)

Michael Harvey: 1509 Mahoning Ave. Youngstown, Oh. Mr. Harvey is here to speak on behalf of the friends and family of Mr. Matthew Burroughs that do not feel comfortable speaking here 105 days after his life was terminated prematurely on January 2, 2019. Mr. Harvey quoted Albert Einstein “A human being is part of the whole called by us universe.” We are all one body even though we refuse to act like it. All human, every color, are about 70% water just like the planet. We should be walking amongst each other like brothers and sisters like Dr. Martin Luther King dreamt about.

The second quote Mr. Harvey quoted was “Unthinking respect for authority is the greatest enemy of truth.” Mr. Harvey stated that the people who run this country and the world have it in their head that there are too many people on this planet. The truth is they would rather pay farmers not to farm, than to feed the hungry in this world. They would rather give money to their friends that run cooperations, like GM, that then cause cost cutting measures that pollute the water that go to poor people like the people in Flint, Michigan. GM knew the water was damaged and got their water switched back to Detroit. However, the people of Flint were forced to shower in that water for years.

Mr. Harvey asked if anyone of people here this evening think that the real people in power care one iota for them or their children. Mr. Harvey said if some type of class war were to break out, their children and relatives would be collateral damage. More people became billionaires last year after the Trump tax cut than any time in history. Those billionaires saw an 18% increase to their net worth. Mr. Harvey asked if this tax cut anyone’s families here or if it just put them in danger by creating scarcity where it doesn’t need to be.

The third quote that Mr. Harvey said was “Few are those who see with their own eyes and feel with their own hearts.” Mr. Harvey said that he has read the accounts the Mr. Matthew Burroughs was unarmed and he has even seen a video on the internet that shows his car in a parked position. Since the police haven’t released the videos, he hasn’t the dash cams or the body cams videos. He has never been shot but he has been shot at and he has ran. According to Mr. Harvey, there is no way on God’s earth that he stopped his vehicle after being shot. 105 days later, we are still waiting around for justice. It is ludicrous. Mr. Harvey thinks this is ridiculous. He asked what type of people council was the last time he was here 28 ago, Mr. Harvey said he thinks he has his answer.

Doug Sollitto: 125 Bentwillow. Mr. Sollitto does agree that this is ludicrous. It is ludicrous because this topic should not be discussed inside here. This matter is being investigated by the BCI and nobody in this room has the authority to intervene or interfere in the investigation. So, to keep coming in here and slandering and attacking council because they aren’t doing anything, they can’t do anything. The BCI owns this. If there is a finding of guilt, they will act on it. And if there’s not, these gentlemen are innocent until proven guilty.

Mr. Sollitto would respectfully request that the President of Council quit entertaining slanderous things toward the police department until this investigation is over.

Bria Bennett: 795 Lane West Rd. Warren, Ohio. Ms. Bennett also wanted to comment on Mr. Burroughs. As a Warren resident, she believes that the concerns should be voiced to the officials in the room. This is the not the first time she has been to a Niles City Council meeting and it won’t be the last time. She is here as an extension of the Niles/Warren community who are victims of gun violence. Especially when it comes down to the fact when it’s not justified. She’s not saying it isn’t justified, we have no idea. We aren’t here to point fingers. Ms. Bennett said they are simply here to ask questions to figure out what happened.

On January of this year, Matthew Burroughs was shot in an officer involved shooting. This was 3 months ago. The Niles Police Chief said “We feel some of the members of the community want to hear from their police department and that is understandable.” She would agree but there hasn’t been much information. She knows it is under investigation by the BCI, however it would be nice to have some information.

Ms. Bennett stated that Mr. Burroughs resided in the 2nd ward and she believes that Mr. Kearney is his councilman. President Steffey and Councilwoman Smith corrected Ms. Bennett. Ms. Smith explained that she is the 2nd ward councilwoman and Mr. Burroughs did not live in her ward. Ms. Bennett apologized for the misinformation that she was given, however the council person who oversees the Royal Mall has not reached out to Mr. Burroughs family or sent any condolences. There have not been any condolences sent from the city at all and as a Warren resident this makes Ms. Bennett feel sorry for the residents of Niles. She believes that the Warren Mayor would have reached out by now or reached out by now. Ms. Bennett would like to encourage the officials to start thinking about how they are going to unify a divided community.

COUNCIL COMMITTEE REPORTS

None

ORDINANCES AND RESOLUTIONS

(Legislation began at 13:13 into recording)

ORDINANCE NO. ____ (Draft No. 58-19)

AN ORDINANCE AUTHORIZING THE APPLICATION FOR THE 2019 COMMUNITY HOUSING IMPACT AND PRESERVATION (CHIP) PROGRAM GRANT FUNDS; AUTHORIZING THE MAYOR OF NILES TO ENTER INTO AN AGREEMENT, THE CITY OF GIRARD AND THE CITY OF HUBBARD FOR THE APPLICATION AND NEIGHBORHOOD DEVELOPMENT SERVICES FOR THE IMPLEMENTATION OF THE GRANT, IF AWARDED, AND DECLARING AN EMERGENCY.

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

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Profato, seconded by Cantola to adopt this Draft No. 58-19.

YEAS: 6 NAYS: 0

This Draft No. 58- 19 has been adopted on the 17th day of April 2019.

RESOLUTION NO. ____ (Draft No. 59-19)

A RESOLUTION AUTHORIZING THE MAYOR and/or SERVICE DIRECTOR TO ENTER INTO A STANDARD PIPE LICENSE AGREEMENT WITH AECOM, AS CONSULTANT FOR NORFOLK SOUTHERN RAILWAY COMPANY REGARDING

**THE PLACEMENT OF A 4-INCH DUCTILE IRON SANITARY SEWER PIPELINE;
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 Lastic, seconded by McNaughton to adopt this Draft No. 59-19.

YEAS: 6 NAYS: 0

This Draft No. 59- 19 has been adopted on the 17th day of April 2019.

RESOLUTION NO. ____ (Draft No. 60-19)

**A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE
UNAPPROPRIATED PROBATION FUND 266 TO THE PROBATION CONTRACTED
LABOR ACCOUNT; AND, DECLARING AN EMERGENCY**

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 McNaughton, seconded by Lastic to adopt this Draft No. 60-19.

YEAS: 6 NAYS: 0

This Draft No. 60- 19 has been adopted on the 17th day of April 2019.

RESOLUTION NO. ____ (Draft No. 61-19)

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

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

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Cantola, seconded by Smith to adopt this Draft No. 61-19.

YEAS: 6 NAYS: 0

This Draft No. 61- 19 has been adopted on the 17th day of April 2019.

RESOLUTION NO. _____(Draft No. 62-19)

A RESOLUTION AUTHORIZING THE APPROPRIATION FROM THE UNAPPROPRIATED SEWER FUND 503 TO THE SEWER MISCELLANEOUS ACCOUNT AND AUTHORIZING THE AUDITOR TO PAY THE INVOICE; AND, DECLARING AN EMERGENCY

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

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by McNaughton, seconded by Smith to adopt this Draft No. 62-19.

YEAS: 6 NAYS: 0

This Draft No. 62- 19 has been adopted on the 17th day of April 2019.

RESOLUTION NO. _____(Draft No. 63-19)

A RESOLUTION WAIVING THE SIGN PERMIT FEE FOR THREE DAYS FOR A CITY-WIDE RESIDENTIAL GARAGE OR YARD SALE; AND, DECLARING AN EMERGENCY

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

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Profato, seconded by Lastic to adopt this Draft No. 63-19.

YEAS: 6 NAYS: 0

This Draft No. 63- 19 has been adopted on the 17th day of April 2019.

RESOLUTION NO. _____(Draft No. 64-19)

A RESOLUTION AUTHORIZING TRANSFER OF FUNDS FROM THE COURT CONTRACTED LABOR ACCOUNT TO THE MISCELLANEOUS GENERAL FUND TRANSFER ACCOUNT; AND, DECLARING AN EMERGENCY

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

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Cantola, seconded by Smith to adopt this Draft No. 64-19.

YEAS: 6 NAYS: 0

This Draft No. 64- 19 has been adopted on the 17th day of April 2019.

RESOLUTION NO. ____ (Draft No. 65-19)

A RESOLUTION AUTHORIZING THE TREASURER TO ENTER INTO CONTRACT WITH THE OHIO AUDITOR OF STATE FOR ASSISTANCE WITH RECONCILIATION AS NEEDED AND FOR APPROPRIATION FROM THE UNAPPROPRIATED GENERAL FUND 101 TO THE TREASURER CONTRACTED LABOR ACCOUNT; AND DECLARING AN EMERGENCY

It was moved by Cantola, seconded by Smith 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. 65-19.

YEAS: 6 NAYS: 0

This Draft No. 65- 19 has been adopted on the 17th day of April 2019.

ORDINANCE NO. ____ (Draft No. 66-19)

AN ORDINANCE AUTHORIZING THE MAYOR and/or SAFETY DIRECTOR TO ENTER INTO CONTRACT FOR REPAIRS TO THE SAFETY SERVICES BUILDING; AND, DECLARING AN EMERGENCY

It was moved by Cantola, seconded by Lastic 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. 66-19.

YEAS: 6 NAYS: 0

This Draft No. 66- 19 has been adopted on the 17th day of April 2019.

ORDINANCE NO. ____ (Draft No. 67-19)

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 (vehicle repairs); AND, DECLARING AN EMERGENCY

It was moved by Cantola, seconded by Marchese 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. 67-19.

YEAS: 6 NAYS: 0

This Draft No. 67- 19 has been adopted on the 17th day of April 2019.

RESOLUTION NO. ____ (Draft No. 68-19)

A RESOLUTION REGARDING THE DEMOLITION OF GARFIELD SCHOOL, 101W. THIRD STREET; AND DECLARING AN EMERGENCY

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

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Lastic, seconded by Smith to adopt this Draft No. 68-19.

YEAS: 6 NAYS: 0

This Draft No. 68- 19 has been adopted on the 17th day of April 2019.

MISCELLANEOUS REMARKS

(Miscellaneous remarks began at 23:46 into recording)

Mayor Mientkiewicz wanted to recognize Bill Santell, one of the Niles firemen who is going to be retiring after 20 years of service. Mayor Mientkiewicz wanted to recognize and thank him for his service and dedication to the City of Niles.

Mayor Mientkiewicz updated council on a couple of projects. The billing audit has began and the GIS mapping program has also began. Both of these projects were tied to the financial plan and are underway and are moving smoothly. Mayor Mientkiewicz also stated that the restrooms in Waddell Park and Stevens Park are open for the season. He informed council that the LED street lighting project has started. The crews were out working on the south side today. 5th street and 3rd are the two streets that the project will start with.

Finally, Mayor Mientkiewicz said that himself, President Steffey, Service Director Flarey and Safety Director Kaniclides met with the Trumbull County Engineers this morning for a preconstruction meeting for the demolition of Garfield School. As of now, the bulldozers will be on site on Monday.

Chief Danielson wanted to thank council for passing the ordinance to get his truck fixed.

Auditor Merlo gave a quick financial update through March with the accounts that put the city in fiscal emergency. With the General fund, revenues are exceeding expenditures by \$1.1 million. Our cash balances are increasing in the General Fund. For the Water fund, revenues are exceeding expenditures and increasing our cash balance by \$300,000.00. The only fund that has decreased our fund balances is the Sewer fund; however, we did anticipate that due to the loan payment we had to make this year. Those were accounted for.

Mr. Crowley stated they have two demolitions coming up. 308 Maple and 411 Emma. These should be down within the next 30-45 days. On behalf of the housing department, Mr. Crowley wanted to thank council for approving the Garfield school demolition. That property has been nothing but problems for their department for years.

Mr. Robertson thanked council for passing the license agreement for Norfolk. It has been a long time coming. We received the grant over a year ago.

Ms. Rose also thanked council for approving the courts legislation for probation. President Steffey said it's a sign of times and it allows people more of an opportunity to come after hours. Hopefully this helps more people.

Treasurer Telago thanked council for passing his legislation. He also gave an update on tax collections. Tax collections are strong and are running a couple hundred thousand dollars ahead compared to last year. He wants to see how this holds up with GM closing.

Mr. Lastic thanked Auditor Merlo for the financial update.

Mr. McNaughton said it is really nice that everyone thanks them but they are doing their jobs. It is nice to be able to do their jobs based on the hard work they have put into getting to this point, especially led by our auditor. We are finally over that hump and doing some really positive things.

Mr. McNaughton also wanted to thank our Light department for their work with the wind storm that came through over the weekend. He doesn't recall hearing anybody that lost power but if they did, it was minuscule. We should all be proud of the work they do and the infrastructure we have. A lot of our neighbors in the area had trouble during that storm.


Mr. Profato commended Judge Shaker for his NARP program. It is an excellent program and he wanted to thank him for getting his implemented for the city. President Steffey agreed it is an excellent program and wonderful to help those people who need the help.

Ms. Marchese pointed out that there are students in the audience from a government class. President Steffey asked that the students to identify themselves. He said that they appreciate them coming here this evening and appreciate their interest in government. He is glad that they were able to attend this evening and thanked them for attending.

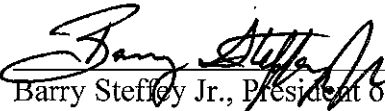
Ms. Marchese also wished everyone a Happy Easter.

ADJOURN

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



Nicole Bacak, Clerk of Council



Barry Steffey Jr., President of Council