

COUNCIL MEETING MINUTES

May 15, 2019

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

Niles City Council held its regular meeting on May 15, 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 Lastic, seconded by Profato to excuse Mr. Kearney from the meeting.

YEAS: 2 NAYS: 4(McNaughton, Cantola, Marchese, and Smith)

It was noted that this absence is not excused.

It was moved by McNaughton, seconded by Cantola to accept the Minutes from the May 1st meeting and place them on file.

Motion carried.

REPORTS AND COMMUNICATIONS

FROM – Statement of Cash from Revenue and Expense- April 2019
Auditor's Office

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

Motion carried.

FROM – Check Report by Check Number- April 2019
Auditor's Office

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

Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

(Public comments began at 2:50 into recording)

Michael Harvey: 1509 Mahoning Ave. Youngstown, Ohio. Mr. Harvey has come to city council 133 days after the death of Mr. Matthew Burroughs to seek justice for him. Mr. Harvey mentioned that at the last meeting he attended, a gentleman from the union disagreed that he should be coming to city council meetings to seek justice. Mr. Harvey wants to know if you can't go to elected officials then who do you go to. He stated if the BCI held meetings, he would be there.

Mr. Harvey said he is here to tell council a few things that he finds to be ludicrous. Mr. Harvey did some research on how long someone can go without paying their mortgage before their house is foreclosed on. He says the legal foreclosure process generally cannot start with the first 120 days that you are behind on your mortgage. However in Ohio, the process starts after 90 days, which is a full 30 days before other states. Mr. Harvey also mentioned that Ohio sends breach letters between 45-60 days late. He asked if anyone sent Mr. Burroughs family a letter. President Steffey reminded Mr. Harvey that this is not a question and answer session. Mr. Harvey goes on to explain the process of how a foreclosure works in the state of Ohio based on information from Save the dream Ohio.

Mr. Harvey stated that he read in the Vindicator that we are waiting on Toxicology reports. He wants to know if those reports are just on Mr. Matthew Burroughs or if the police had to submit to them as well. He believes that seems fair. The tapes still have not been released. Mr. Harvey asked what summary of justice are the tax payers making about the people in this room. Are they crooked and racist as the day is long? President Steffey interjected and stopped Mr. Harvey. He told him he would end his comments if he continued to impede the integrity of others in the room.

Mr. Harvey told council that they are in their redemption period now. The lack of transparency in addressing this matter has already caused dispersions that he will not go into. He said they can buy back their metaphorical home with the only acceptable payment. Justice. He is asking for the tapes to be released and start the process.

Sophia Glenn: 1600 Southeast 151st Ave. Portland, Oregon. Ms. Glenn is the sister of Mr. Matthew Burroughs and she is here to seek justice for him. She raised him since he was a teenager. She needs to know what happened to her brother. Her whole family is still suffering and they have been waiting a long time. She does understand that there is an investigation but she needs answers. Because she doesn't have full information, she can't say what happened. She knows he was shot in car in his apartment complex. There are children and families there that are traumatized by that event, according to Ms. Glenn. Ms. Glenn said there are people that are now afraid. There is a whole generation of families that are fearful of police. Her brother has left two children.

Ms. Glenn feels that the whole city should be outraged. She doesn't know why but they want answers. President Steffey told Ms. Glenn that in fairness he feels everyone, including the council body, wants answers. But it is out of our hands at this time because it is with the BCI.

President Steffey told Ms. Glenn that he is sorry for her loss. Ms. Glenn said her concern is for the future of Niles, the future of her nieces, she implores this council and the Mayor and all of the people in this city to take action. Justice not just for Matthew but justice for every person in the community to never allow such an event to happen to again. Whatever is required to make corrections for that, she is pleaded for that.

Annette McCoy: 2005 Arthur Dr. Warren, Ohio. Ms. McCoy is the Trumbull County NAACP President. At this time, she would like to say to the city of Niles that we have a lot of healing to do within the community. There is a family that is hurting and waiting for answers. She does understand the protocol for the BCI. But as stated, they are looking for justice. Part of the justice is after the tragic loss of Matthew, there was no remorse. There was no reaching out to the community. There was no healing. One of the things she hopes Niles will learn from this is that they have to reach out to the community. The NAACP for Trumbull County will be doing a further investigation into the incident, even after the BCI submits their report.

COUNCIL COMMITTEE REPORTS

None

ORDINANCES AND RESOLUTIONS

(Legislation began at 13:45 into recording)

It was moved by Profato, seconded by McNaughton to add Draft No. 76-19 to the agenda this evening.

YEAS: 5 NAYS: 1 (Lastic)

Motion carried.

RESOLUTION NO. ____ (Draft No. 73-19)

A RESOLUTION AUTHORIZING THE SALE BY INTERNET AUCTION OF CERTAIN OBSOLETE ITEMS NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE BY THE CITY; AND, DECLARING AN EMERGENCY

It was moved by Marchese, seconded by Cantola to give a first reading to this Draft No. 73-19.

YEAS: 6 NAYS: 0

This Draft No. 73- 19 has received its 1st reading on the 15th day of May 2019.

RESOLUTION NO. _____ (Draft No. 74-19)

A RESOLUTION AUTHORIZING THE MAYOR and/or SERVICE DIRECTOR TO ENTER INTO THE MODIFICATION NO. 1 TO ENGINEERING AGREEMENT WITH MS CONSULTANTS, INC. REGARDING THE 2019 CITYWIDE RESURFACING PROJECT; AND DECLARING AN EMERGENCY

Mr. Robertson explained that this is for an inspection for the resurfacing job. There are three capitol project jobs going on at the same time that will all overlap at one time. He doesn't feel comfortable having just one inspector doing all of the inspections.

It was moved by Lastic, 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. 74-19.

YEAS: 6 NAYS: 0

This Draft No. 74- 19 has been adopted on the 15th day of May 2019.

RESOLUTION NO. _____ (Draft No. 75-19)

A RESOLUTION AUTHORIZING THE DISPOSAL OF CERTAIN OBSOLETE ITEMS NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE BY THE CITY; AND, DECLARING AN EMERGENCY

Mr. Cantola just wanted to verify that if we are selling the hard drive or any sensitive material, that the IT department had a chance to clean it or replace it and get rid of our information. Auditor Merlo explained that the hard drive has been removed.

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

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Smith, seconded by McNaughton to adopt this Draft No. 75-19.

YEAS: 6 NAYS: 0

This Draft No. 75- 19 has been adopted on the 15th day of May 2019.

ORDINANCE NO. ____ (Draft No. 76-19)

AN ORDINANCE APPROVING A THEN AND NOW PAYMENT REQUEST AUTHORIZING THE AUDITOR TO MAKE PAYMENT TO WESTERN EQUIPMENT FINANCE, INC. FOR THE FINAL PAYMENT ON A FINANCED LAWNMOWER FOR THE CEMETERY DEPARTMENT; AND, DECLARING AN EMERGENCY

Auditor Merlo stated that the ordinance is for the last payment of the mower that was purchased 3 years ago. If this invoice isn't paid before the next council meeting, there will be a \$575.00 late fee that we are trying to avoid. This is to try and avoid any interest or late payment associated with not making this payment on time.

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

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Profato, seconded by Smith to adopt this Draft No. 76-19.

YEAS: 6 NAYS: 0

This Draft No. 76- 19 has been adopted on the 15th day of May 2019.

MISCELLANEOUS REMARKS

(Miscellaneous remarks began at 21:53 into recording)

President Steffey informs everyone that after public comments, council will be adjourning into executive session. There will be no business after executive session.

Mayor Mientkiewicz announced that the Touch a Truck event that is put on by the City of Niles Park Department will be May 25th from 11:00 A.M.- 2:00 P.M. There will be trucks from the service departments, as well as from the safety departments. Secondly, Mayor Mientkiewicz just reminded everyone not to blow their grass clippings into the street. It alters the flow of the water and could cause flooding.

Chief Holland wanted to let everyone know that the Police department's tank has been returned and will be at the Touch a Truck event. It was gone for quite some time at Greenwood Chevrolet. Greenwood donated all of the time and paint to for the tank.

Chief Holland also wanted to address the other comments this evening. He stated the Police Department also wants this case to be resolved. It would be improper of him to ask the BCI to hurry up their investigation. He is supposed to stay out of it now that it is in their hands. Some officer investigations can take 6 months, if not longer to conclude. He cannot force them to speed up their investigation. Once the report is released, he will release all of the documents around the investigation. Everything will be public record.

Treasurer Telago gave a quick update on tax collections. Currently the city is ahead on collections by approximately \$106,000.00 on gross collections. He also wanted to let council know that even though at the last meeting they passed legislation for his office to enter into a contract with the State Auditors for assistance with reconciliation, this month his office was able to balance without assistance.

Mr. McNaughton wanted to commend one of the city workers at the Waste Water Treatment Plant, Michael Nicastro. He just obtained his class 2 water license. Mr. McNaughton said when our employees better themselves with education, we all benefit at the city. He appreciates the work he did and he wanted to give him some public accolades. President Steffey agreed.

Mr. Cantola stated that he knows this is a very touchy subject but he would like to take a moment today and honor our police officers. This week is Peace Memorial week for Police Departments around the country. Across the country, we have lost 158 police officers in the line of duty over 2018. And so far in 2019, we have lost 42 officers. They put their lives on the line every day. He would like to take a moment today to honor them and respect them. He would like to say thank you to our chief and our officers.

Ms. Smith scheduled a Finance meeting for Wednesday, May 29th at 5:00 P.M. in the lower level conference room of the city administration.


Law Director Zuzolo asked that a motion be made to go into executive sessions pursuant to ORC 121.22 G3 and G4, to discuss pending litigation and compensation of public employees.

It was moved by Lastic, seconded by McNaughton to adjourn into executive session.
Motion carried.

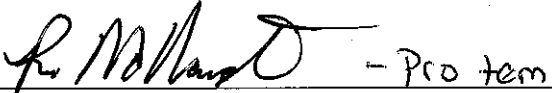
Council adjourned into executive session at 6:30 P.M.
Council reconvened from executive session at 7:16 P.M.

ADJOURN

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



Nicole Bacak, Clerk of Council



Barry Steffey Jr., President of Council