

COUNCIL MEETING MINUTES

June 5, 2019

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

Niles City Council held its regular meeting on June 5, 2019 at 6:00 p.m. in Council Chambers Safety Service Complex in Niles, Ohio.

Council President Pro Tem, Mr. McNaughton, asked to have a moment in silence for the Crist family. He asked for everyone to keep them in their thoughts and prayers after the tragedy that struck them a couple of weeks ago.

The meeting was called to order by Council President Pro Tem Ryan McNaughton 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 Lastic, seconded by Kearney to excuse Mayor Mientkiewicz from the meeting. Motion carried.

It was moved by Marchese, seconded by Smith to accept the Minutes from the May 15th meeting and place them on file. Motion carried.

REPORTS AND COMMUNICATIONS

NONE

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

(Public comments began at 1:47 into recording)

George Karabin: 104 Belmont Ave. Niles. Mr. Karabin has lived there for approximately 30 years. He has had issues with heavy truck traffic on his street for a long time. Last winter, they had issues with the heavy truck traffic doing damage to personal property and city property. Mr. Karabin had pictures that he shared with council of different damages that have been done. Mr. Karabin said he used to park his truck outside on the street to try and stop this but he can't anymore due the ticketing.

Mr. Karabin said he doesn't what the situation is or how we can handle it, but he thinks the parking ban is an issue for a lot of people. He would like to know if that can be looked at. He was told it was because of the fire trucks. And there are probably some roads they cannot go down if there are cars on the road. But if you look at a road like his, there would still be 6 foot clearance even if cars on each side. Mr. Karabin suggested that the city should look at redoing the ordinance and allowing for cars to be on at least one side because he does agree that having them on both sides is a safety issue. He would like council to take these complaints into consideration.

Council President Pro Tem McNaughton thanked Mr. Karabin for his comments. He suggested that this could be something that the Safety committee could look at and talk about. Mr. Karabin agreed and stated that he knows every street is different but he would like for council to consider this. The truck traffic is just not affecting his road. As a taxpayer, he feels you should be able to utilize the road that you drive on and park on it.

Ralph Cartino: 26 Belmont Ave. Niles, Ohio. Mr. Cartino wanted council to know that he is back after being off for 2 and half years with his cancer. Mr. Cartino said he will be back with his complaints at a later time but he wanted to come down and back Mr. Karabin, his neighbor. Mr. Cartino said we should be giving these trucks tickets for going down the wrong streets. He has other issues with grass and stop signs. He has been trying to get a stop sign on Belmont Ave. to slow the traffic down. Mr. Cartino said the traffic that goes down his street compared to Ann St. or Scott St. is not the same.

Christopher Zucco: 230 Scott St. Mr. Zucco stated that there is a vacant home next to him at 304 Scott St., which now nature is overtaking. The porch can no longer be seen. The grass is at least 4 ft high. In his opinion this is causing a traffic issue at that intersection, which happens to be the intersection in front of his house. He has started to experience mice now in his garage. It is very difficult to explain to his child on why this is okay to happen. He has called the health department and has not received a reply. Mr. Zucco did want to thank Ms. Marchese for her help and support with this issue. He asked if there was anything council could do to get this under control, it would be greatly appreciated.

Council President Pro Tem McNaughton asked Mr. Crowley if he was aware of this property. Mr. Crowley said he is aware. This was a property that was cut every year by the Sherriff's department and now they are not doing that service for us anymore. The home owner still owns

the property and has about \$15,000 in back taxes owed. It is in the process of being foreclosed on. The owner has been in a nursing home for 9 years and his son lives out of town. For the past two years, Mr. Crowley has asked the son to contact the land bank directly so he can do a quick claim deed to the land bank so they can take it over. The son has not done that. The home is not condemned so we do not have a lot of options.

Mr. Crowley said we are struggling with what to do in these circumstances when the home is not condemned or foreclosed on. It is a privately owned home. They struggle with going onto privately owned property and cutting the grass and then assessing taxes for this when the owner is already behind \$15,000 in taxes. Council President Pro Tem McNaughton asked what can be changed if what we have on the books isn't good enough. What can we do to make it better? Mr. Crowley said it wasn't an issue before because the Sheriff's office was cutting the grass.

Ms. Marchese stated that she has talked to the Mayor about this. She did have volunteers and they were hoping to be able to use the machines from the city. Lawn mowers will not work. She was explained that they cannot use the city's machinery. Ms. Marchese mentioned that there might be something in the works with Judge Shaker and the criminals. Law Director Zuzolo said that is not going to happen. There is an issue with the city's workmen's comp and we have to carry them for liability issues.

Council President Pro Tem McNaughton said he understands the discussions about these things being on the books, but his issue is that the law abiding homeowners are the ones who are penalized. He wants to untie our hands for not only Mr. Zucco but for others in the city. He doesn't want this to be lip service. He thinks we need to collaborate and fix this.

Ms. Marchese brought up that this isn't the only issue in that area. There is also another issue with drug dealers. Mr. Zucco agreed and said last August he did go down to the Police Department and see Detective Aurilio because he had people hiding in the brush behind this house.

Harry Serena: 25 Ambrose Ave. Niles, Ohio. Mr. Serena is also here to back up Mr. Zucco's comments about the house at 304 Scott St. His father in law lives two doors down from this house and he is 92 years old. According to Mr. Serena, he went to a realtor to try and buy the property but couldn't because the nursing home owns it. They will not release it. The nursing home has put a lien on the property and it is in the process of getting foreclosed on.

The other point Mr. Serena would like to bring up is that 3 weeks ago the CDC issued a warning to the State of Ohio about Lyme Disease. Lyme disease comes from the deer and it is not curable. Trumbull County was hit with one of worst last year. Mr. Serena pointed out all of the parks we are surrounded by. He feels we need to address the Lyme Disease and the high grass. Mr. Serena mentioned that it was his understanding that a few years ago; the city was cutting the grass and charging it to the property. The state would get reimbursed when the property was sold. Acting Mayor Steffey said he was correct. Mr. Serena asked why the park department doesn't go out and cut the grass now.

Mr. Serena said that something has to be done and he cannot believe that the council members do not see this happening in their own areas. He does not want anyone in his family contracting Lyme Disease because of these issues. The grass has to be maintained.

Mr. Profato asked Mr. Crowley if the problem is that the Sheriff's wants too much money to cut the grass. Mr. Crowley responded that the administration should answer that question. He feels that we can find money for this service. Niles should come first. He feels we can find the money within the revenues to cut the grass, especially if someone else is doing it. He thinks we can find \$15,000- \$20,000 to cut the grass.

James Rodgers Jr.: 1711 Olsen Ave. Youngstown, Oh. Mr. Rodgers was born and raised in Niles and graduated in the class of 1967. His last address in Niles was 304 Grant St. Back then, all blacks lived on the East side. The events at the Royal Mall on January 2nd wasn't on the East side. He isn't here to rehash all of the particulars of the Matthew Burroughs tragedy. It has been done by others many times and he understands that some are tired of hearing about it.

Mr. Rodgers got involved in this issue when he joined #Justiceformatt rally outside of the Safety Service building following Mr. Burroughs's death. This felt odd to him growing up in this close knit community, he never imagined that one day he would part of an issue that he has only seen on TV. He now understand that racial animosity manifested as white supremacy is present in all communities. According to Mr. Rodgers, teaching history has become part of the plan to control the knowledge.

He didn't know Mr. Burroughs but his life is worth something to his family and friends. To care enough about someone who don't know says enough about one's character and he is glad to be among a few who show up for events. We are all brothers and sisters. Mr. Rodgers said he wrote a letter to Congressman Tim Ryan to ask for his help but before he did he asked his father for advice. His father will be 95 years old in July and has lots of knowledge of Niles. Mr. Rodgers remembers his dad telling him and his brothers to be extra careful around law enforcement. He was told to be respectful and not give them a reason to do something rash. This was to keep them safe.

He decided to join Justice for Matt because he feels it's the right thing to do. At the last rally, he had a conversation with Mr. Burroughs daughter, who is in second grade. She told him she loved art so Mr. Rodgers gave her some art photography and art supplies. He is hoping that the movement catches fire and gets more people involved. Council President Pro Tem McNaughton thanked him for his comments and the only thing he added was in regards to the comment Mr. Rodgers made about being careful and not doing anything rash. Council President Pro Tem McNaughton said his father told him the same thing and to listen to them.

Beth Nolan: 26 Beaver creek. Mrs. Nolan said a few weeks ago she was walking the trail and she walked from here to Mahoning County. During that walk, she noticed there was only one bench in Trumbull County. Mrs. Nolan posted this on Facebook. With this post, a woman named Rebecca Archer messaged her. Ms. Archer asked her if there was a way for her to get a bench in her father's name. Mrs. Nolan asked if there was a way to get more benches on the bike trail.

And maybe possibly water fountains. Council President Pro Tem McNaughton asked Mr. Burke if we could look at getting more benches on the bike trail. Mr. Burke said it would be possible.

Council President Pro Tem McNaughton wanted to make sure that he said the right thing before. His father told him to be respectful to law enforcement.

COUNCIL COMMITTEE REPORTS

None

ORDINANCES AND RESOLUTIONS

(Legislation began at 28:41 into recording)

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

Mr. Cantola had a question on this item. Since there were many questions around the grass issue, is this something council should give a second reading to since the item up for action is a lawn mower. Council President Pro Tem McNaughton said since it is obsolete is it operable or safe.

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

YEAS: 7 NAYS: 0

This Draft No. 73- 19 has received its 2nd reading on the 5th day of June 2019.

RESOLUTION NO. _____ (Draft No. 77-19)

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

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

Ms. Marchese asked Auditor Merlo if the money for the cemetery is coming from their budget that they already have allocated or is this additional. Auditor Merlo said it was already allocated. These transfers are done monthly.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Smith, seconded by Marchese to adopt this Draft No. 77-19.

YEAS: 7 NAYS: 0

This Draft No. 77- 19 has been adopted on the 5th day of June 2019.

RESOLUTION NO. _____ (Draft No. 78-19)

**A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE
UNAPPROPRIATED GENERAL FUND TO GENERAL FUND BUILDING & ZONING
DEMOLITION ACCOUNT; 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 Smith, seconded by Kearney to adopt this Draft No. 78-19.

YEAS: 7 NAYS: 0

This Draft No. 78- 19 has been adopted on the 5th day of June 2019.

RESOLUTION NO. _____ (Draft No. 79-19)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED GENERAL FUND TO GENERAL FUNDING BUILDING & ZONING DEMOLITION ACCOUNT; AND, DECLARING AN EMERGENCY

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

Mr. Cantola asked if this is in addition to the \$10,000 they just approved. Auditor Merlo said yes. This is the balance of the scrap money. He explained that they appropriated \$10,000 for the demolition of Garfield and now they are appropriating the remaining \$6000 for other demolitions.

Mr. Cantola stated that the scrap was higher than this number. This isn't all of it. Auditor Merlo explained that council appropriated \$10,000 of it in the previous legislation. They are appropriating the rest in this piece of legislation.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Smith, seconded by Lastic to adopt this Draft No. 79-19.

YEAS: 7 NAYS: 0

This Draft No. 79- 19 has been adopted on the 5th day of June 2019.

RESOLUTION NO. _____ (Draft No. 80-19)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED GENERAL FUND TO THE GENERAL FUND SENIOR CENTER BUILDING MAINTENANCE ACCOUNT; 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 Smith, seconded by Lastic to adopt this Draft No. 80-19.

YEAS: 7 NAYS: 0

This Draft No. 80- 19 has been adopted on the 5th day of June 2019.

RESOLUTION NO. ____ (Draft No. 81-19)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED CAPITAL PROJECTS FUND 401 TO THE CAPITAL PROJECTS CONSULTANT FEES ACCOUNT FOR THE McKEES LANE PROJECT; AND DECLARING AN EMERGENCY

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

Mr. Cantola has a question on this. He wants to know why we are appropriating funds for consultant fees when we don't have a firm number on what can be presented to council yet. This piece of legislation and the next one, which are totally \$5000 in change. Auditor Merlo interjected to clarify that these are consultant fees the city has already paid. The city has paid \$5100 to MS Consultants for this project. In return, the city was able to get a portion of that to be paid through the grant dollars. We were returned that entire \$5100, which was local dollars and now we are using grant dollars for the portion that is in front of council right now. The next piece of legislation is the total funding for local share, which is \$2800. The city saved \$2200 of local dollars because the rest came from the grant.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Lastic, seconded by Smith to adopt this Draft No. 81-19.

YEAS: 7 NAYS: 0

This Draft No. 81- 19 has been adopted on the 5th day of June 2019.

RESOLUTION NO. ____ (Draft No. 82-19)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED SEWER FUND 503 TO THE SEWER CONSULTANT FEES ACCOUNT FOR THE McKEES LANE PROJECT; 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 Smith, seconded by Lastic to adopt this Draft No. 82-19.

YEAS: 7 NAYS: 0

This Draft No. 82- 19 has been adopted on the 5th day of June 2019.

RESOLUTION NO. _____ (Draft No. 83-19)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED PERMISSIVE TAX FUND 218 TO THE PERMISSIVE TAX MAINTENANCE MATERIALS ACCOUNT; 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 Smith, seconded by Lastic to adopt this Draft No. 83-19.

YEAS: 7 NAYS: 0

This Draft No. 83- 19 has been adopted on the 5th day of June 2019.

RESOLUTION NO. _____ (Draft No. 84-19)

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

It was moved by Marchese, seconded by Cantola 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. 84-19.

YEAS: 7 NAYS: 0

This Draft No. 84- 19 has been adopted on the 5th day of June 2019.

RESOLUTION NO. _____ (Draft No. 85-19)

A RESOLUTION AUTHORIZING THE MAYOR and/or SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH YOUNGSTOWN STATE UNIVERSITY FOR GRANT WRITING SERVICES; AND DECLARING AN EMERGENCY

It was moved by Cantola, seconded by Profato to give a first reading to this Draft No. 85-19.

Ms. Marchese stated she is having a hard time with this because she cannot believe that we do not have people in the city, like we have had before, and we can't keep this work inside the city. She doesn't know why it has to go to Youngstown State. Council President Pro Tem McNaughton asked Ms. Marchese if she had a list of people who could do this. She is sure that we have people who can do this. Council President Pro Tem McNaughton said he isn't sure because he isn't the administration. Mr. Cantola said it should come from the administration, not from Ms. Marchese. It shouldn't come from her. She can't make that call on the employees of the city and it needs to come from the administration. Mr. Cantola said it isn't fair to ask her that question.

Service Director Flarey said this assumes that the city has employees who have nothing to do or the spare time on their hands that would be able to do these grant writings, if they had the skills to do it. The city has an individual who has the skills to grant writing and he does it all the time, which is Mr. Robertson. This is for other departments, like the park, to help get those departments grants.

Ms. Marchese asked if there were schools available to send people to so they can write grants. Service Director Flarey stated this assumes they have the time to do it in addition to what they are responsible for. It's not like the city is over manned with employees or overstaffed. This takes hours. You need people who have the availability and the ability to do this.

Ms. Marchese asked about Mr. Hess, who used to work for the city. Service Director Flarey said he no longer works here. She wants to know why we can't find someone like that. Auditor Merlo stated that Mr. Robertson does the same thing that Mr. Hess did. Service Director Flarey agreed that Mr. Robertson does what Mr. Hess did when it comes to grants.

Mr. Robertson explained that his department never went out and got park grants. They get grants for their department only in regards to resurfacing and infrastructure. Auditor Merlo said we have never gotten any other grants other than infrastructure. Mr. Cantola said the city has gotten

fire grants and have gotten grants before. It just takes someone taking pride in the city and the ownership to do it. He guarantees that the fire department doesn't write their grants every minute at work. He is sure that the gentleman who does it takes time away from his family and does it at home because he cares. Mr. Kearney asked if people are allowed to do that due to their contracts.

Council President Pro Tem McNaughton agreed that Mr. Stevens has done a lot of work and he shouldn't have to. His job is to be a fireman and a first responder. He has done it because as city over the past few decades, we haven't provided the necessary resources for those men and women to do their job. He will only speak for himself but in his job, he is writing grants. Saturday night at 10: 30 P.M. he submitted a grant because the time necessary is absurd just for the first level. That's just to see if he gets to the next step. Council President Pro Tem McNaughton thinks that progressive cities use as many resources as possible for economic development.

Ms. Marchese asked how much we would be paying Youngstown State. Service Director Flarey told her it cost the city \$10,500.00 for a 150 hours. She wants to know what happens if it costs more than that. Service Director Flarey said he cannot tell her that. The administration wants them to research the opportunities for grants. Once they do that, they can go after the grant and write the grant request. Ms. Marchese wants to know what specific grants they have in mind. Mr. Burke explained that there are plenty of opportunities for playground equipment. When he worked in Youngstown, \$100,000 in grants got them almost \$1,000,000 in grants. Service Director Flarey asked if they had a specific grant writer to do that and Mr. Burke said no that they hired YSU.

Council President Pro Tem McNaughton explained that on the last page it gives a list of types of grants. There are 15 plus items listed. Mr. Cantola stated that we are looking at 4-5 grants at 20 hours a grant. You aren't going to get 100 grants with 150 hours. If council moves on this after the first reading, they need to pick out the 4-5 grants that they are to go after and see if the city can get funding for those grants, with the knowledge that the city will probably have to match funds. It is best for the city to plan what we want to go after, to ensure we have the funds to get the grants. The city better have the money to back the grants before they pursued. If not, we are going to be back in the same situation and giving another \$15,000 before the end of the year because there isn't enough grant money out there. By the time we are done, we would have spent enough to hire a grant writer and bring it inside. Service Director Flarey said even if you hire someone, you still have to have the money to match it. Mr. Cantola agreed.

Mr. Cantola said this is what we have the tendency to do. Whether it is a consulting firm or whatever, we start out at \$10,000 and then we go to \$20,000. And then we are going to give them another \$10,000 and then another \$40,000 on top of that. Mr. Cantola said we need to look at bringing those jobs into our city so that instead of spending a half a million dollars with a consulting firm, we are paying a guy a fair \$80,000 wage with benefits to bring in grants. We need to be smarter than just giving money out to agencies.

Service Director Flarey responded that if that's what they want to do, we can hire somebody but it's going to cost a significant amount of money. And if come up with projects to earn their own keep, it will be matching funds of some sort. We are always on the hook for the matching funds.

Mr. Cantola said along with this we should look at having an intern hired to work with Kevin and Bob so that we groom that individual the way we want. We could potentially hire them in at a certain level. Service Director Flarey said this is in essence what these YSU students are. Mr. Burke explained that these people are a company that works for YSU. They are graduates. For the most part, it is a 5-6 person team that does the grant writing, along with a students. They write grants for municipalities all over.

Mr. Profato said he believes what Mr. Cantola is saying is to just give this draft the first reading so they will have time to talk to Mr. Robertson and do research. Ms. Marchese said this has nothing to do with Mr. Robertson because he is doing a great job. She would just like to see more things being done in house. Mr. Profato also stated that with 16 pieces of legislation, this is a lot to digest.

YEAS: 7 NAYS: 0

This Draft No. 85- 19 has received its 1st reading on the 5th day of June 2019.

RESOLUTION NO. _____(Draft No. 86-19)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED GENERAL FUND 101 TO THE GENERAL FUND MISCELLANEOUS CONTRACTED LABOR ACCOUNT FOR THE PAYMENT OF THE YSU GRANT WRITING SERVICES; AND, DECLARING AN EMERGENCY

It was moved by Cantola, seconded by Profato to give a first reading to this Draft No. 86-19.

YEAS: 7 NAYS: 0

This Draft No. 86- 19 has received its 1st reading on the 5th day of June 2019.

RESOLUTION NO. _____(Draft No. 87-19)

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

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

Ms. Marchese asked Auditor Merlo if he thought the cost would go over the \$52,000 and Auditor Merlo said he didn't know what else the audit would bring out so he wasn't going to commit to anything. Service Director Flarey said it's either we stop the audit or continue to keep going. The city has never had a billing audit and he would like to keep it moving and get it completed. He thinks this is worthwhile. Ms. Marchese understands and agrees. She just doesn't want it getting out of hand.

Mr. Cantola stated that this concerns him also because we sat here two weeks ago and said it's not going to exceed \$40,000 and we are \$15,000 over with a \$2500 discount on that making it \$12,500 over our not to exceed. He understands the concerns and the issues found, he is just stating this does concern him when a business quotes us a price of not to exceed and then here we are two weeks later adding funds to finish the audit.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Smith, seconded by Marchese to adopt this Draft No. 87-19.

YEAS: 7 NAYS: 0

This Draft No. 87- 19 has been adopted on the 5th day of June 2019.

RESOLUTION NO. _____ (Draft No. 88-19)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM VARIOUS UNAPPROPRIATED FUNDS TO VARIOUS ACCOUNTS TO PROVIDE FOR PAYMENT FOR THE NILES BILLING DEPARTMENT AUDIT TO JULIAN & GRUBE; AND, DECLARING AN EMERGENCY

Ms. Marchese asked if this additional money is on top of the \$52,000 they already approved. Auditor Merlo explained they just approved the addendum. This is now to approve the payment. Mr. Lastic commented on Mr. Cantola's concerns. When things do come back with some of these companies and they give a not to exceed and then they give us another bill, maybe it's time to find a new company. Instead of worrying about it now, find a company. Mr. Cantola agreed. He thinks that's how we get business into the city. They come in as the lowest bid, even though it will go up.

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Smith, seconded by Lastic to adopt this Draft No. 88-19.

YEAS: 7 NAYS: 0

This Draft No. 88- 19 has been adopted on the 5th day of June 2019.

RESOLUTION NO. _____(Draft No. 89-19)

A RESOLUTION AUTHORIZING THE LAW DIRECTOR and/or MAYOR and/or SERVICE DIRECTOR TO ENTER INTO AGREEMENT WITH ADVANCED LAND MEASUREMENT, INC., et al. FOR SETTLEMENT OF LAWSUIT CITY OF NILES, OHIO vs. ADVANCED LAND MEASUREMENTS, INC.,; AND DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Cantola, seconded by Lastic to adopt this Draft No. 89-19.

YEAS: 7 NAYS: 0

This Draft No. 89- 19 has been adopted on the 5th day of June 2019.

RESOLUTION NO. _____(Draft No. 90-19)

A RESOLUTION AUTHORIZING THE LAW DIRECTOR and/or MAYOR and/or SERVICE DIRECTOR TO ENTER INTO A GOODWILL AGREEMENT WITH CITIZENS RICKY D. RUSSO and SHANNON RUSSO FOR SETTLEMENT OF ALLEGED DAMAGES SUFFERED BY RUSSO; AND DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Kearney, seconded by Cantola to adopt this Draft No. 90-19.

YEAS: 7 NAYS: 0

This Draft No. 90- 19 has been adopted on the 5th day of June 2019.

RESOLUTION NO. _____ (Draft No. 91-19)

A RESOLUTION AUTHORIZING THE MAYOR and/or SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH THE YOUNGSTOWN WARREN REGIONAL CHAMBER FOR ECONOMIC DEVELOPMENT ASSISTANCE; AND DECLARING AN EMERGENCY

Mr. Profato wanted to amend the contract. Council President Pro Tem McNaughton explained that this is in regards to the conversation earlier that the contract in front of council may be an older one and the corrections may have already taken place. Mr. Profato just wants to make sure that in the first article, the part about the automatic renewal is removed. Law Director Zuzolo doesn't think this is an issue.

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

YEAS: 3 NAYS: 4 (Profato, Cantola, Marchese, and Kearney)

Rules are not suspended.

It was moved by Smith, seconded by Lastic to give a first reading to this Draft No. 91-19.

YEAS: 3 NAYS: 4 (Profato, Cantola, Marchese, and Kearney)

This Draft No. 91- 19 has not been approved on the 5th day of June 2019.

MISCELLANEOUS REMARKS

(Miscellaneous remarks began at 1:04:15 into recording)

Auditor Merlo informed council that prior to the next council meeting, we will be having our exit audit for our 2018 audit. This is a closed meeting because it is called by the auditors.

Mr. Pezzano wanted to send out a public message. About 6 years ago, he went to Randy Smith's office to get assistance for an issue in the 1st ward. Not only did Mr. Smith's office step up to the plate that first week, he has continued to do it twice a year since then. He knows that Mr. Papalas is here representing that office. He just wanted to thank Mr. Smith.

Mr. Robertson gave council a quick update on projects within the city. There have been two projects bid out in the last 4-5 business days. First is the 2019 resurfacing project and the price came in about 10% under the engineers estimate. This will allow us to probably do one or two more streets. Second was the McKees lane sanitary sewer project and unfortunately that came in over the engineers estimate but under the 10% threshold. Therefore, the law director has them and will review them. Once he does that, we will send out the notice to award to that contractor.

Mr. Burke was asked to thank the Mayor and the peoples of Niles this evening from Mr. Ugo Scarnecchia for the prayers for his daughter.

Mr. Cantola does have a couple of things to address. First, he stated that he has a lot of concerns with all of the legislation that came through today. Every single item came through finance today and none of the other committees are being shared the information to promote the legislation. He doesn't doubt that a lot of these items were from finance but he thinks there were issues on the table today that should have come through other council's committees.

Second issue he has is the grass all over the city. He is getting hammered with complaints. In his opinion, it is becoming a safety issue. In some instances, it is getting higher than stop signs and fire hydrants. Every street you ride through has issues, as brought up this evening from the residents who spoke up. There is no doubt that we have to come up plan on how to manage this. Mr. Cantola said he is not a fan of spending taxpayer dollars to do individuals properties. He understands the idea of putting the liens on the home, but if we never recoup the money we are just setting our tax dollars out there. Iowa park on the south side has grass that is knee high. He has concerns with the grass in our parks. Mr. Cantola said that Garfield does look great. That area is looking very well.

His last concern is the McKees Lane project and the quotes that have come in. He is very concerned. He knows what council approved on that initially. He had made some comments before Mr. Robertson got here today, not against him but just with the high dollar cost. The initial cost to the city was \$29,000. Is it something that should be looked at and just reconnecting that pipe across the creek and getting out from underneath this. He would expect the administration to question Mr. Robertson on this and looking at a more cost effective way to spend the grant money we have without adding additional cost to the city. He thinks that is something the administration should want to know. His concern is adding another \$200,000 from taxpayer dollars to this project.

Mr. Robertson said he thought it was more than \$29,000 in the beginning. He thought it was \$260,000 from the state and \$240,000 from local. That is what has been in his emails and what he has said on council floor at two different times. The \$240,000 local will go up some now that the estimates came in a little higher. Mr. Cantola said the initial pass through council was \$29,000 on a \$240,000 or \$268,000 project. And then it got put on hold. Trumbull County wanted to re-quote it. Then the numbers of \$500,000 were thrown around and we were going to look at additional funding from the state, which he understands we don't have other than what they have given us. Mr. Cantola is curious where these numbers are actually at and what it's actually going to cost the tax payers to complete this project. Or is it more cost effective to tie into the pipe that broke? This is above ground on cement pillars instead of tearing up a street and coming all the way down to tying into 46. Those were his questions. We will find out what the numbers are.

Ms. Marchese asked Police Chief Holland about a house on Cedar Street. She has had numerous calls on the drug activity. The gentleman that lives there is handicapped and everyone goes there and spends the night. The traffic there overnight is getting out of hand. Ms. Marchese asked for extra patrol in that area. Chief Holland stated that the drug unit has indicted a female that was selling drugs from that location. The problem is that no one controls his money and no one looks after him. These people use him. Chief Holland said it could be more a public health issue because maybe he shouldn't be on his own. It does take time to a build a case and they have already sent a female to prison for selling drugs out there that they did buys from.

Ms. Marchese brought up the issues with the grass on Scott, Ann and Fenton. Something has to be done but she doesn't know what or how. She did have volunteers ready to cut grass but a lawnmower would not work in that grass. She wants to know if there is an extra brush hog that we can use. Service Director Flarey explained that there are multiple issues with going onto those properties and cutting the grass. For one, people dump garbage and trash in the lots so you could end up with damaged equipment. Secondly, it takes funding. Some of those properties have swamps in them due to all of the rain we have had, like in some of the parks. If we want to spend tax payer dollars to cut grass that doesn't belong to the city to clean up the areas, we need the funding. Service Director Flarey asked council to come up with a plan or ordinance to keep up on the grass and to address the funding in it as well. They also need to look at what the return on investments is. Could the money be better spent replacing the old equipment that the departments need?

Mayor Pro Tem Steffey brought up what the city of Youngstown is doing to help assist with their grass issue. They passed an ordinance so that each of their 7 wards were assigned a contractor to cut the overgrown grass. This is becoming a safety issue due to the height of the grass. It has to start with committee meetings. Mr. Profato said this is an excellent idea. His neighborhood did something like this last year. It brings your community together.

Ms. Marchese mentioned that on Peffer St. and the constant running water. Service Director Flarey and Mr. Robertson explained that the contractor broke the watch dog valve and this is will be replaced and fixed tomorrow. Ms. Marchese said Linda Stahl is still having issues with her water. Service Director Flarey said he has spoken to her and she said everything was fine. She also followed up with the gentleman on Hilcrest. Mr. Lastic did interject and asked why aren't

these issues followed up during the week. We should not be waiting until Wednesday night to come here and talk about them. Ms. Marchese said this has been going on for years.

Ms. Marchese spoke about the wheel traffic going down Summit. And how people are throwing trash into lots there and now it is getting into people's yard in the second and third wards. Police Chief Holland said he is not aware of any calls that have come in about this. Ms. Marchese said the people are afraid to say something. She has pictures that people have taken.

Mr. Kearney wanted to thank everyone that participated in the city wide garage sale this weekend. He did stop at a lot of houses. He wanted to give a big thank you to Rachel Wiscott for putting together a flyer and passed them out and also put a posting on social media with all of the addresses involved. It was a very nice event.

Council President Pro Tem McNaughton directed his comments to the businesses in the city. He wanted to apologize to them on behalf of the city of Niles. It is his opinion that the legislative body failed them this evening by not renewing the contract with the Chamber. He took office in 2016 when the city only had \$200,000 in the general fund. We are in a position of strength right now because they have worked really hard. He thinks council did a grave disservice tonight as a legislative body. All he has heard from our representatives in Columbus is about the importance of partnering with Regional Chambers.


Council President Pro Tem McNaughton said he has never seen a chairman of economic development vote no against economic development. He respects his reasons why but he doesn't understand them. He has heard the argument that the Chamber has done nothing and that is factually inaccurate. They have done everything they stated in the deal. He always brings it back to the thesis: Year one, you do your research. Year two, you connect the dots with the research and where you want to go. Year three, is where you make the magic happen. We are knocking on the door for year three, and we pull up the rug. So all of the money we have spent is for nothing.

Council President Pro Tem McNaughton doesn't know what businesses have talked to his colleagues about being unhappy but everyone he has spoken to is thrilled that we took proactive steps to help them. Business owners that work 70-90 hours a week to put food on their table do not have time to economic development. Council President Pro Tem McNaughton said this could not have been a decision about money. It's less than 2/10 of 1/100 of a percent of our budget. We are not overspending. If folks don't think that our neighbors in Warren, Youngstown, Canfield, etc. will not be on the phone saying Niles doesn't have much interest in economic development, we want you to come here you are kidding yourselves.


Council President Pro Tem McNaughton quoted Tim Ryan at a town hall from the other night in regards to economic development. Again, he respects the decision because everyone gets their vote. He doesn't have to agree with them. But as a tax payer, it is his expectation that the folks who decided that there are other ways to do economic development that real soon they provide that alternative. He wants to see it, as a tax payer and not their colleague. The city is in a prime position to pounce after years of hiding in the corner and we just threw in the towel.

ADJOURN

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



Nicole Bacak, Clerk of Council



Barry Steffey Jr., President of Council