

COUNCIL MEETING MINUTES

August 21, 2019

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

Niles City Council held its regular meeting on August 21, 2019 at 6:00 p.m. in Council Chambers Safety Service Complex in Niles, Ohio.

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

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

It was moved by Marchese, seconded by Cantola to accept the Minutes from the July 10th meeting and place them on file.

Motion carried.

REPORTS AND COMMUNICATIONS

FROM – Auditor's Office

Statement of Cash from Revenue and Expense- July 2019

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

Motion carried.

FROM – Auditor's Office

Check Report by Check Number- July 2019

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

Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

(Public comments began at 2:05 into recording)

James Sheely: 31 Belmont, Niles. Mr. Sheely recognized the police department for doing a great job. However, he has concerns with the drug problem in the city. It is getting more and more out of hand. Mr. Sheely's son lives on Fenton and approximately two weeks ago he witnessed a drug deal in front of his house. He told his son to call the police and no one showed. Mr. Sheely has spoken to the police chief about this before. He is very frustrated.

According to Mr. Sheely, this issue is very bad on Cedar Street and there is a business involved with drugs flowing in and out of it. President Marino cautioned Mr. Sheely on what he was saying about the business. He suggested that Mr. Sheely meet with the Mayor and Safety Director in private about this issue because there could be something going on that cannot be discussed in public. Mr. Sheely understands but he is frustrated because the guy got out of the car and told his daughter in law that he knows where she lives and that he lives on Scott Street. Mr. Sheely said his son was able to get the license plate of the man's car. President Marino understands his frustration and suggested him to speak to the chief about this.

COUNCIL COMMITTEE REPORTS

None

ORDINANCES AND RESOLUTIONS

(Legislation began at 5:39 into recording)

ORDINANCE NO. ____ (Draft No. 106-19)

AN ORDINANCE AMENDING CODIFIED ORDINANCE NO. 149.10; AND, DECLARING AN EMERGENCY

It was moved by McNaughton, seconded by Smith a third reading to this Draft No. 106-19.

YEAS: 7 NAYS: 0

It was moved by McNaughton, seconded by Lastic to adopt this Draft No. 106-19.

YEAS: 7 NAYS: 0

This Draft No. 106- 19 has been adopted on the 21st day of August 2019.

RESOLUTION NO. ____ (Draft No. 98-19)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED GENERAL FUND 101 TO THE GENERAL FUND

MISCELLANEOUS CONTRACTED LABOR ACCOUNT FOR MAINTENANCE TO THE NILES GREENWAY BIKE TRAIL; AND, DECLARING AN EMERGENCY

It was moved by Marchese, seconded by Kearney a second reading to this Draft No. 98-19.

Mr. Cantola said this legislation was brought to council in June and there was no action in July. Even if this was inadvertently missed, how is brought back now with no action being taken in July. President Marino explained that the committee chair, 4 members of council, council as a whole or 2 members of the committee can add the legislation. Since this is his first meeting back, he isn't sure what happened prior to this.

Mr. Cantola doesn't want a routine to happen where things are left off the agenda and then brought back a month later. If nothing is done with it, there should be something that says what they do next. President Marino said if they are given a first reading, they should appear on the next agenda. President Marino stated that moving forward; he is going to strictly enforce the submission of ordinances moving forward. If you are a committee chair, if you have an ordinance that needs to be on the agenda, it needs to be in the Law Director's office before end of business day on the Friday before the meeting. The Law Director needs time to get the legislation prepared and the clerk needs time to prepare and get everything out to council by end of day Monday. President Marino promises that he, the clerk and Law Director will do their best to make sure everything is seamless when it comes to legislation.

Law Director Zuzolo said that according to council's rules says the ordinances have to be read on three separate days. It doesn't say three consecutive days. Mayor Mientkiewicz explained it was brought in during the June meeting and received its first reading. It was not brought in for the Jul. We have not had a meeting since.

Mr. Cantola has no problem with that. His concern is that council is informed about issues like this and they know about it before 24 hours before the meeting. We need to be more up front and as long as council has a say and says no problem then he thinks we are in good shape. President Marino interjected and reminded council that the committee chair has responsibilities. If you are ushering in a piece of legislation as the chairman of the committee, you should also be paying attention to the legislation you are sponsoring. And if it is left off the agenda, because we all make mistakes, you call and let someone know that the ordinance was left off the agenda and it can be rectified.

Mr. Profato brought up that some legislation is time certain. And we don't want to table items, because then they can't be brought back.

YEAS: 7 NAYS: 0

This Draft No. 98- 19 has received its 2nd reading on the 21st day of August 2019.

ORDINANCE NO. _____ (Draft No. 121-19)

AN ORDINANCE PROVIDING THAT THE OWNER OF THE PROPERTY IS RESPONSIBLE FOR THE LATERAL TIE IN AS PREVIOUSLY ESTABLISHED BY THE OHIO COMMON LAW OF OHIO AND DECLARING AN EMERGENCY

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

Mr. Cantola asked the administration if they looked at doing a minor increase on the bill to cover complete city wide coverage instead of making it solely the responsibility of the home owner. He thinks we are inviting more rentals in the city by doing this. He thinks we should have a plan set up and have a fund set up. Each bill has \$2.00 added on and that money goes into that fund in case an issue comes up. Other companies do this and it is not solely the responsibility of the home owner. It is like an insurance policy.

Mayor Mientkiewicz stated that they have looked at this and right now it is the responsibility of the home owner per Ohio Law. He is just asking that it is codified. The administration did look at some programs. As far as taxing the city to offset the cost, he is not in favor of putting another tax on the citizens. Mr. Cantola said it is not really a tax. Mayor Mientkiewicz said it's still an additional fee. Also, this would be outside of the scope of work for the city employees and we would have to contract that work out.

Mr. McNaughton said the Mayor explained this already. He is codifying something that is already policy. He does agree that even though it might not be a tax in name, but that is how it will be viewed. Mr. McNaughton believes this is the common sense way to do this. There are certain things you accept when you become a home owner. That's why he supports this.

YEAS: 6 NAYS: 1 (Cantola)

Rules are suspended.

It was moved by McNaughton, seconded by Kearney to adopt this Draft No. 121-19.

YEAS: 6 NAYS: 1 (Cantola)

This Draft No. 121- 19 has been adopted on the 21st day of August 2019.

ORDINANCE NO. ____ (Draft No. 125-19)

TO APPROVE THE FORM AND APPROVE CONSENT TO AUTHORIZE THE DIRECTOR OF TRANSPORTATION FOR THE BRIDGE INSPECTION PROGRAM SERVICES; AND, DECLARING AN EMERGENCY

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

Mr. Lastic stated this is no cost to the city. Mr. Robertson said this is a cost free program that the city opts into. ODOT will do the maintaining of the bridge.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Kearney, seconded by Profato to adopt this Draft No. 125-19.

YEAS: 7 NAYS: 0

This Draft No. 125- 19 has been adopted on the 21st day of August 2019

ORDINANCE NO. _____(Draft No. 126-19)

AN ORDINANCE APPROVING A THEN AND NOW PAYMENT REQUEST AUTHORIZING THE AUDITOR TO MAKE PAYMENT TO JACK DOHENY COMPANIES FOR EMERGENCY REPAIRS TO THE CITY OF NILES VAC TRUCK (vehicle repairs); AND, DECLARING AN EMERGENCY

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

Mr. Cantola asked what happened. Mr. Catanzarite explained the crew called him when they were out on a job. They lost pressure on the line. He had them take it back to Jack Doheny since that's where the truck was purchased. They had to take apart a lot of pieces to fix that. It was not under warranty.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Smith, seconded by Kearney to adopt this Draft No. 126-19.

YEAS: 7 NAYS: 0

This Draft No. 126- 19 has been adopted on the 21st day of August 2019.

RESOLUTION NO. _____(Draft No. 127-19)

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 Smith, seconded by McNaughton to suspend the rule requiring three readings.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Kearney, seconded by Smith to adopt this Draft No. 127-19.

YEAS: 7 NAYS: 0

This Draft No. 127- 19 has been adopted on the 21st day of August 2019.

ORDINANCE NO. ____ (Draft No. 128-19)

**AN ORDINANCE CREATING THE NILES-GREENWAY BIKE TRAIL RULES
ORDINANCE, ORDINANCE NUMBER 160.01**

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

Mr. Cantola asked who will be the enforcer of these rules. He said these are great rules but who will be enforcing them. Ms. Marchese said this is to help the police. There have been issues with people sleeping there and since we have no rules, they have nothing to enforce. Mayor Mientkiewicz agreed. He took these rules from Trumbull County Metro Park. They are feel good, common sense rules. If something were to happen, these rules give the police ground to stand on.

Ms. Marchese asked if they will be drawn up and posted and Mayor Mientkiewicz said yes. They will be posted as soon as this is passed.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Marchese, seconded by Kearney to adopt this Draft No. 128-19.

YEAS: 7 NAYS: 0

This Draft No. 128- 19 has been adopted on the 21st day of August 2019.

ORDINANCE NO. ____ (Draft No. 129-19)

AN ORDINANCE AMENDING ORDINANCE NO. 11-15, DIRECTING THE TREASURER TO ISSUE A MONTHLY BANK TO BOOK RECONCILIATION REPORT; AND, DECLARING AN EMERGENCY

Ms. Smith stated that this is simply to change the date from the 11th to the 15th of month to allow ample time to receive their statements.

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

Mr. Cantola asked Treasurer Telago if the 15th was a good date. He wanted to make sure he was comfortable with it. Treasurer Telago said he was comfortable with the 15th.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Smith, seconded by Cantola to adopt this Draft No. 129-19.

YEAS: 7 NAYS: 0

This Draft No. 129- 19 has been adopted on the 21st day of August 2019.

RESOLUTION NO. ____ (Draft No. 130-19)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED FIRE LOSS CLAIMS FUND 664 TO THE FIRE LOSS CLAIMS REFUND ACCOUNT; AND DECLARING AN EMERGENCY

It was moved by Smith, seconded by Cantola 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. 130-19.

YEAS: 7 NAYS: 0

This Draft No. 130- 19 has been adopted on the 21st day of August 2019.

RESOLUTION NO. ____ (Draft No. 131-19)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED POLICE AND FIRE 1% FUND 217 TO THE FIRE EQUIPMENT PURCHASE ACCOUNT; AND DECLARING AN EMERGENCY

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

Mr. Cantola asked if there was more than one quote. Chief Danielson explained that Finley is the only company that is authorized to sell that camera. Warren Fire Equipment sells a different camera. He is replacing exactly what he had. President Marino asked Auditor Merlo if this compliance with the purchasing policy and Auditor Merlo said it was as long as council approves it. The city did have to provide the insurance company with a quote of what we were replacing and they did approve the replacement.

Mr. Cantola doesn't understand why the fire department is going with just one brand. Chief Danielson explained that they already have the chargers for that camera on the trucks. If he were to change brands, he would have to spend more money for extra equipment. This camera will fit with the existing equipment.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Marchese, seconded by Smith to adopt this Draft No. 131-19.

YEAS: 7 NAYS: 0

This Draft No. 131- 19 has been adopted on the 21st day of August 2019.

RESOLUTION NO. ____ (Draft No. 132-19)

A RESOLUTION AUTHORIZING THE SERVICE DIRECTOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED; AND DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Profato, seconded by Lastic to adopt this Draft No. 132-19.

YEAS: 7 NAYS: 0

This Draft No. 132- 19 has been adopted on the 21st day of August 2019.

RESOLUTION NO. ____ (Draft No. 133-19)

A RESOLUTION AUTHORIZING THE SERVICE DIRECTOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED; AND DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Lastic, seconded by Kearney to adopt this Draft No. 133-19.

YEAS: 7 NAYS: 0

This Draft No. 133- 19 has been adopted on the 21st day of August 2019.

ORDINANCE NO. ____ (Draft No. 134-19)

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE NILES BOARD OF EDUCATION AND THE CITY TO UTILIZE CITY POLICE OFFICER(S) AS SCHOOL RESOURCE OFFICERS; AND, DECLARING AN EMERGENCY

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

Mr. Cantola asked where the attached agreement was. Ms. Marchese asked if anything changed in this new contract. Auditor Merlo stated that nothing changed in the contract. The city will receive the same dollar amount as last year. He explained the schools will have the one full time SRO and then they will be hiring officers as special duty officers for the school days. There will be two officers in the schools.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Marchese, seconded by Smith to adopt this Draft No. 134-19.

YEAS: 7 NAYS: 0

This Draft No. 134- 19 has been adopted on the 21st day of August 2019.

RESOLUTION NO. _____(Draft No. 135-19)

A RESOLUTION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED WATER FUND 501 TO THE WATER GRANTS ACCOUNT FOR THE DIFFORD DRIVE WATERLINE REPLACEMENT PROJECT; AND DECLARING AN EMERGENCY

It was moved by Smith, seconded by Marchese to amend the dollar amount in the draft from \$50,000 to \$35,000.

Mr. McNaughton asked why she wanted to make this amendment and Ms. Smith said she wasn't comfortable with that much money being put aside for contingency funds.

Motion carried.

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. 135-19.

YEAS: 7 NAYS: 0

This Amended Draft No. 135- 19 has been adopted on the 21st day of August 2019.

Mayor Mientkiewicz wanted to make sure that council knows that since this falls under the 10% contingency for this project, if something were to happen and there was more than \$15,000 they will have to come back to council for additional funds. Ms. Smith wanted to make sure that council is kept in the loop on the change orders. Mr. Cantola asked if there is a start and end date for this project and Mr. Robertson said it is going out for bid in a couple of weeks. President Marino asked who came up with these numbers and Mr. Robertson said it was MS Consultants.

RESOLUTION NO. ____ (Draft No. 136-19)

A RESOLUTION ADOPTING THE TREE TRIMMING / REMOVAL POLICY FOR THE CITY; AND, DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by McNaughton, seconded by Lastic to adopt this Draft No. 136-19.

YEAS: 7 NAYS: 0

This Draft No. 136- 19 has been adopted on the 21st day of August 2019.

ORDINANCE NO. ____ (Draft No. 137-19)

AN ORDINANCE AMENDING CHAPTER 163, "EMPLOYEES GENERALLY" OF THE CODIFIED ORDINANCE OF THE CITY OF NILES, IN PART, TO UPDATE VARIOUS SECTIONS FOR THE NON-UNION, NON-ELECTED EMPLOYEES; AND DECLARING AN EMERGENCY

It was moved by Smith, seconded by McNaughton 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. 137-19.

YEAS: 7 NAYS: 0

This Draft No. 137- 19 has been adopted on the 21st day of August 2019.

Mayor Mientkiewicz reminded council that this ordinance is a work in progress and they will continue to see it on the agenda in the future with updates.

MISCELLANEOUS REMARKS

(Miscellaneous remarks began at 46:05 into recording)

President Marino informed council that it is his expectation that they have committee meetings and follow the Ohio Sunshine Law. Most importantly, council needs to submit their meeting minutes in a timely fashion. There are some meetings that were held months ago and we are still missing the minutes.

President Marino would like to have caucus at 5:30 P.M. moving forward. He thinks it is a healthy business practice to continue those. Lastly, council did conduct roundtables. He believes those are healthy and good for members to discuss things, rather than doing it here. This is supposed to be the legislative action of the body not the deliberation or concoction of ordinances. It is his hope that council entertains this and has these meetings.

Mayor Mientkiewicz said he appreciated council's action on items 11 and 12. These are the OPWC projects for next year. We are going to keep our fingers crossed that they come to fruition. He feels they have a good chance of receiving them. Both of them will be a tremendous improvement for the residents of Niles.

The yearly tire drop off will begin on September 2nd. There will be a bin located at the recycling center behind the police station. This will run through the evening of September 6th. Ms. Marchese asked why they cannot be picked up at the houses. Mayor Mientkiewicz stated it is more strain on the employees and taking away from their everyday activities. Also, when he was council, he would receive calls saying their tires were not picked up. The city did go around to every street but people were putting them out after the fact. So now there will be a bin at the recycling center.

Finally, it was brought to his attention about a new program for senior citizens. It is called senior transit and it is funded by the Trumbull County Senior Levy. It is free transit for our seniors and that information is uploaded to our website.

Chief Holland welcomed President Marino back.

Chief Danielson updated council on a grant they applied for in the spring for equipment. They were awarded it and the grant is for \$1200.00. They are going to put together new medical bags.

President Marino said he was missing something from his comments. He wanted to thank Barry Steffey. Barry Steffey has been a lifelong friend of his and you will not find anyone who is kinder or gentler than him. This city definitely owes him a debt of gratitude for his service with the public and his work with the Avenue and Main. He has nothing but the utmost respect for him. He is an asset to the city of Niles.

Law Director Zuzolo stated that a legal opinion was requested on the respect of compatibility of positions between council members and Trumbull County Board of Developmental Disabilities. He has provided a 5 page memorandum after 2 months of extensive research. The stance of the city is that the positions are compatible provided that they council member does not engage in any negotiations or vote on anything contracts involving the Trumbull County Board of Developmental Disabilities. If anyone has any questions, they are free to reach out to him. He did give everyone a copy.

Auditor Merlo wanted to go back to the SRO contract. The contract is for \$59,430.00. In our fiscal year of 2019, they will pay the city \$26,415.00 and in 2020 they will pay \$33,015.00. The cost is identical to last year.

Auditor Merlo wanted to publicly introduce the new Human Resource Generalist for the city. The city budgeted for this last year in budget hearings. He received approximately 15 applications and it was narrowed down to a few. The administration interviewed 8 candidates. He wanted to publicly introduce Dawn Slusher. She comes to the city with certifications the city was looking for. She is a graduate from YSU with her bachelor's degree and she has over 20 years of HR experience. Auditor Merlo thinks she will do great.

Treasurer Telago updated council that there is an issue with the State's website when they uploaded the online checkbook. The file won't be available for about another week. At the end of July, the city booked \$283,707 in interest on the investments. Lastly, our RITA collections for the year are slightly ahead. In 2019, we collected \$6,761,585. In 2018, we collected \$ 6,605,000.

Mr. McNaughton welcomed back President Marino. He said President Marino took the words right out of his mouth about Mr. Steffey. He cannot say enough about him. He also thanked Law Director Zuzolo on getting that opinion and said he was sorry that he had to waste so much time on it.

Mr. Profato welcomed back President Marino.

Mr. Cantola said he was glad to hear that the water department has moved into their new building. That is a major plus for the city and they guys are now in a much safer place. He still has some concerns with our park equipment being installed. He will follow up with the park director.

Ms. Marchese welcomed back President Marino. She does have a question about the old pictures that were hung on the first floor of the city building. She has been getting calls about them being

removed and she wants to know if they are going back up. Mayor Mientkiewicz said they will not. He is in the process of updating and modernizing the city building to a more professional look. The floor of the building will be painted in September. Instead of having notices plastered everywhere, there is a new tv on the wall that will show the notifications digitally.

President Marino asked if the Carmen DeChristofaro award plaque to be hung back up or to be placed somewhere else since the rotary still issues that award. Mayor Mientkiewicz said it hasn't been updated since 2000. Ms. Marchese understands but said there a lot of people who look for those plaques.

Ms. Smith welcomed back President Marino. Ms. Smith wanted to schedule a finance meeting for Wednesday, August 28th @ 5:00 P.M. in the conference room of the city administration building.

Mr. Kearney congratulated President Marino and the HR Generalist.

It was moved by Smith, seconded by Profato to adjourn into executive session pursuant to ORC code 121.22, section G1 for the purpose of compensation of a public employee and section G3 to talk about pending litigation.

Motion carried.

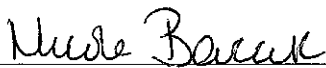
Council adjourned at 7:06 P.M. to executive session.

It was moved by McNaughton, seconded by Profato to adjourn from executive session at 7:42 P.M.

Motion carried.

ADJOURN

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



Nicole Bacak, Clerk of Council



Robert Marino Jr., President of Council