

COUNCIL MEETING MINUTES
September 18, 2019

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

Niles City Council held its regular meeting on September 18, 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 Smith, seconded by Kearney to accept the Minutes from the September 4th meeting and place them on file.

Motion carried.

REPORTS AND COMMUNICATIONS

FROM – Auditor's Office

Statement of Cash from Revenue and Expense- August 2019

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

Motion carried.

FROM – Auditor's Office

Check Report by Check Number- August 2019

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

Motion carried.

FROM – MS Consultant's

Letter in regards to the 2019 resurfacing project. (Letter was read and a copy is on file with clerk)

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

Motion carried.

FROM – Treasurer's Office

Report about subpoenas issued in the city.

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

Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

(Public comments began at 14:55 into recording)

Dee Seeban: 611 Warren Ave. Niles, Ohio. : Mrs. Seeben went out and visited the parks throughout the city with a few friends a couple of weeks ago. Her favorite park is Kennedy park. She wants to know why the bathrooms are not open during the day at Waddell Park. Mayor Mientkiewicz explained they are closed due to vandalism within the park. People can use the restrooms located within the Wellness Center. Those are open for everyone to use. Mrs. Seeban understands that but says there are people using the park as their private bathroom and going to the bathroom in the trees instead of using the restrooms in the Wellness Center.

Mrs. Seeban wants to touch on the vandalism comment the Mayor made. She knows that kids vandalize because they have nothing else to do. At Kennedy Park, there is a canoe launch and a kayak launch in the back behind the basketball courts. She wants to know if the city can find something for kids between the age of 13-17 to do something like canoeing or kayaking. The new playground equipment has age limits on it. President Marino asked Mrs. Seeban if she has spoken to Mr. Burke and the Park Board Members about her ideas. She said she has. President Marino reminded her that the Park Board sets the policies and gives direction. Council will pass along her concerns to the Park Board. She understands there might be issues with going down the river but she believes something needs to be done for the teenage kids.

Patricia Wyatt: 503 Belmont Ave. Niles, Ohio: Mrs. Wyatt would like to know what can be done about blowing the grass and leaves in the road. She would like to know if council could pass an ordinance to address this. She has an issue with her neighbor sweeping grass and leaves into the sewer and blowing his clippings towards her house. She knows Mayor Mientkiewicz was on television talking about it but not everyone saw that. She wants to know if it can be put on the utility bills. She would hope people would pay attention if it was on their bill.

Mrs. Wyatt said Niles is starting to look nasty because of this issue. President Marino said the Mayor, Service Director and Billing Department will have a conversation about her suggestion. Ultimately, it is the responsibility of the person cutting the grass to follow the law. She understands that but her neighbor still does this over and over. Ms. Marchese said she has been over there to talk to her neighbor and he does not listen.

George Kuriatnyk: 52 Morningside. Niles, Ohio: Mr. Kuriatnyk asked how many council members knew that the mulch that came from the grant money was used in other parks. He wants to know who knew that the grant was misused. He pointed out that President Marino said earlier that the Park Board is in control. He wants to know if that's why President Marino stepped down from the Park Board. Mr. Kuriatnyk said that the money had to be paid back. He said he spoke to Mr. Robinson from Columbus about the grant money. According to Mr. Kuriatnyk, between the

Mayor and council and the park director, all of the stories are changing. At the BOC meeting on September 11th, there was a motion to reimburse the grant money back into the account. Mr. Kuriatnyk wants to know who approved this transfer of money because it didn't go to the Park Board. The mulch money we are going to get stuck with once Mr. Robinson from the State does his inspection. Mr. Kuriatnyk said we are going to get cited for illegally spending that money. He said if sees and believes half of what he sent to him, they will take back the \$67,000 grant money and the city will be stuck paying for everything. If they take the money back, Niles will not get any more grant money.

President Marino informed Mr. Kuriatnyk that his time was up. He asked for 3 extra minutes to address what Mr. Robertson spoke about in regards to the street resurfacing.

It was moved by Cantola, seconded by Profato to grant an additional three minutes of time.

YEAS: 7 NAYS: 0

Motion carried.

President Marino cautioned Mr. Kuriatnyk on questioning Mr. Robertson because he just read the report. Mr. Kuriatnyk knows he is just the messenger. Mr. Kuriatnyk feels that MS Consultants should have been at the meeting this evening to speak instead of sending a letter. He lives on Morningside and MS Consultants was never on that road. They never showed up. Also in the letter, they spoke about how pot holes are formed. At the last meeting, Mr. Kuriatnyk spoke about this. The street is still not sealed properly. Water is going to get down in the street and it's going to crack. MS Consultants said Niles was to have their own inspectors on site. Mr. Kuriatnyk said he will tell them to their face that they were not on site.

A couple of last things, someone asked him to mention about the light at Main and Federal. A man told him he will sit there for 3-4 lights and it doesn't change. And another man said the lights on the railroad trusses are burnt out. He would like someone to look at that for safety purposes. He also wanted to know why if we hired NECO to do the meters, why are the city employees doing them now.

Finally, Mr. Kuriatnyk brought up council rules that state department heads shall be in attendance to the meetings. However, he has never seen the Street Supervisor, Tree Supervisor, Cemetery Supervisor and the Park Director is absent. Nobody excused them from the meeting. If they showed up and answered questions, it would stop all of the rumors.

COUNCIL COMMITTEE REPORTS

Meeting Minutes from the following council committee meetings:

Technology Committee Meeting Minutes- 5/8/2019 and 7/24/2019
Economic Development Committee Meeting Minutes- 8/15/2019

Finance Committee Meeting Minutes- 8/26/2019

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

ORDINANCES AND RESOLUTIONS

(Legislation began at 34:46 into recording)

RESOLUTION NO. ____ (Draft No. 147-19)

A RESOLUTION ADOPTING THE AMENDED DRUG FREE SAFETY POLICY FOR THE CITY; AND, DECLARING AN EMERGENCY

It was moved by Smith, seconded by Marchese 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. 147-19.

Mayor Mientkiewicz informed council that there was a meeting with the ASFCME union today and they agreed to this policy.

YEAS: 7 NAYS: 0

This Draft No. 147- 19 has been adopted on the 18th day of September 2019.

RESOLUTION NO. ____ (Draft No. 148-19)

A RESOLUTION AUTHORIZING LINE ITEM TRANSFERS WITHIN THE WATER DEPARTMENT; 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 Kearney, seconded by Smith to adopt this Draft No. 148-19.

YEAS: 7 NAYS: 0

This Draft No. 148- 19 has been adopted on the 18th day of September 2019.

ORDINANCE NO. _____ (Draft No. 149-19)

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

It was moved by Smith, seconded by Cantola to amend Section B of the original draft to read "For all non-union, non-elected employees, this section does not supersede The City of Niles's Overtime Policy."

YEAS: 7 NAYS: 0

Motion carried.

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 Cantola, seconded by Smith to adopt this Amended Draft No. 149-19.

YEAS: 7 NAYS: 0

This Amended Draft No. 149- 19 has been adopted on the 18th day of September 2019.

MISCELLANEOUS REMARKS

(Miscellaneous remarks began at 39:08 into recording)

Mayor Mientkiewicz wanted to address the comments that were made earlier about the playground mulch. The Mayor explained that himself, Law Director Zuzolo and the Park Director have spoken to Mr. Robinson from the State. Mayor Mientkiewicz said the pettiness of the comments directed towards to his office, he was appalled. The State advised the city to remove the mulch from the grant. The city intended to spend every dollar of the grant in Waddell Park. The mulch was purchased and placed in Waddell Park. There was additional mulch delivered. Mayor Mientkiewicz said it's ridiculous that they have to listen to this when the playgrounds were enhanced. The administration asked the State to come up and see what was purchased and measure it. They didn't want. They felt it was petty. Every improvement has been done in Waddell Park. As far as the transfer of money from the operational supply, they had the money in there and they did what the State advertised them to do. The city did not buy extra mulch on purpose.

In regards to the comments about Morningside or any other street in the city, Mr. Robertson has all of the daily inspection reports. The reports show that inspectors were involved. If council has streets in their wards that were completed, they can contract Mr. Robertson to view those reports.

A couple quick announcements, October 27th @ 1:00 P.M. is the Halloween parade. We will be setting trick or treat hours for October 31st soon. Those will be released October 1st. Also, he was notified today that the Fire Department did receive a grant for approximately \$100,000 for their exhaust system. There will be legislation needed from council for this grant and the matching dollars. Finally, the city was notified that we have been awarded the CHIP grant for 2020. The total will be around \$900,000 to be split between Niles, Girard and Hubbard.

Treasurer Telago informed council that today was the final day that RITA was at the Wellness Center to go over the subpoenas that were sent out. RITA sent out 3,899 follow up letters and 2,908 subpoenas. As of 3:00 P.M. today, they had identified \$267,868 in tax collections for the City of Niles and have collected 15.6% of that. Treasurer Telago passed out a report to council about tax collections and subpoenas. Treasurer Telago gave a quick update about tax collections. \$7,421,634 has been deposited so far. In 2018, we had \$7,244,000. We are running about 2.5% more this year.

President Marino told Treasurer Telago this report would have to be accepted next meeting unless council wants to accept it now.

It was moved by Lastic, seconded by McNaughton to accept the Treasurer's report on subpoenas from RITA.

Motion carried. (This was noted in the reports and communications section)

Mr. Cantola asked if these reports could be presented at the beginning of the meeting. President Marino agreed and these will be presented at the next meeting at the beginning.

Ms. Smith asked how all of these people were identified. Treasurer Telago explained that RITA can go into the federal returns and that's why so many people were identified.

Auditor Merlo stated that this afternoon, council should have received notification that the city's financial audit has been released. There were no findings against the city this year. And everything that was found in 2017 was corrected in 2018. President Marino asked if there were any management letters and Auditor Merlo said no.

Mr. Cantola asked Mr. Robertson about the resurfacing. He said he has had a few calls and he wants to know if they going back and do the edging. Mr. Robertson said yes that's part of the punchlist. The only other thing he has is about the park grant. Mr. Cantola knows when they talked about what the grant was going to be used for, some of that was tweaked. He thinks some of the things that were done should have just been normal maintenance. When he gets a call or someone questions him that is what he hearing. It should have been maintenance to reseal the parking lot. He supports what the city is doing, but sometimes what they approve as the plan isn't really the plan that transpires. We might not have done a good job of conveying that out to people. We are still working on bettering and improving the parks.

Ms. Marchese asked Mr. Newbrough if he has received any complaints about the new poles and wiring. She has some residents that have concerns. Spectrum is telling people that it is the City of Niles fault they are having issues. It is a neutral wire that is connected bad and causing issues with their cable, etc. She asked if they could meet to talk about this. President Marino told Mr. Newbrough that Ms. Marchese will come down and meet with him tomorrow about this issue.

Mr. Kearney stated that Morningside is in his ward. He was able to go there and introduce himself to people from MS Consultants who were inspectors.

President Marino said that moving forward that if a department head is going to be absent, the Service Director to excuse them. Department heads do not work for city council. This has been a problem for years since it is listed in council rules. The Mayor and Service Director will need to come up with a plan to excuse them until council can amend their rules, if they choose.

It was moved by Smith, seconded by Kearney to adjourn into executive session pursuant to ORC section 121.22 for consideration of compensation for a public employee or elected officials. Motion carried.

Council adjourned into executive session at 6:54 P.M.
Council reconvened from executive session at 7:32 P.M.

ADJOURN

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



Nicole Bacak, Clerk of Council



Robert Marino Jr., President of Council