

**COUNCIL MEETING MINUTES**  
**October 7, 2020**

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

Niles City Council held its regular meeting on October 7, 2020 at 6:00 p.m. at the Niles Senior Center 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, Sollitto-P, Marino-P

President Marino turned the meeting over to Mayor Mientkiewicz to introduce Mr. Tim Schaffner, Director from Trumbull County Children Services. Mr. Schaffner passed out information to council about the upcoming levy they have on the ballot. Ohio provides the least amount of funding to local children services, so they really count on the levy for funding. They take care of a little over 3000 families a year with the funding. He hopes that people will talk about voting for this levy. Mr. Schaffner thanked the Mayor for the opportunity to speak this evening.

It was moved Marchese seconded by McNaughton to accept the minutes from the September 16<sup>th</sup> meeting and place them on file.

Motion carried.

**REPORTS AND COMMUNICATIONS**

**NONE**

**MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL**

(Public comments began at 3:48 into recording)

Richard Sprague: 132 Hartzell Ave. Mr. Sprague wanted to address the concerns he has about the speeding on Hartzell. Since the street was paved, the speeding has gotten worse. The weekends are very bad with speeders and he is concerned for the safety of citizens in this area. Someone has already hit his garbage can. The cars are flying up and down the road. Mayor Mientkiewicz did respond that Hartzell does have one of the new speed signs that is collecting data.

Mr. Sprague understands that but his bedroom faces the front of the street and when he has his windows open he can hear the people racing down the streets and then the police and fire trucks

at times also. It is constant because there is no stop sign on Hartzell. Mayor Mientkiewicz said he will address this with the Police Chief.

Mr. Sprague questioned several correspondents he has received about solar panels being installed on his house for free. He has been down to the city and spoke to the Service Director, who directed him to come to council. Mayor Mientkiewicz said he can have solar panels but he cannot have Niles electric. Mr. Sprague said the companies told him that they can tap into it and anything extra can go into the reserves. Mayor Mientkiewicz explained that the city does not offer that on any utilities at this time. If he wishes to have solar panels, he can and the city will just pull the meter for electric. Currently, there is not a way to have both. The city is looking into alternatives for clean energy options. Mr. Sprague said he appreciated the information.

James Sheely: 31 Belmont Ave. Mr. Sheely has some questions about annexation. He read something about \$700,000 that the city is going to get for this project for water and sewer. Mayor Mientkiewicz explained that the city is not giving away \$700,000. There are tax incentives which eventually come back to the city over time. The city would front the infrastructure improvement and then it would be paid back overtime.

Mr. Sheely asked if this was a big project that the city is looking for and Mayor Mientkiewicz said the city is looking for economic growth. The city of Niles is pretty much landlocked and doesn't have a lot of room for growth. There are a lot of people moving out of Niles because they have nowhere to build a home. This is something that the city is looking at.

Mr. Sheely said he tries to look at both sides. If we look at the income tax that the city has lost from COVID, he is sure it is quite a bit. Where he works, their shifts were cut but now they are back up and running. They are moving to put their second shift. He was just asking because he looks at everything. His only question is he sees things being put out there about people's power being shut off and he wonders if that is the best way to do things. He doesn't know everything behind it, just to him, it leaves a bad taste in people's mouths.

He did not go grow up in Niles. He is from Weathersfield in a rural area. Out there, neighbors took care of each other. He remembers when the tornado came through Niles, all of the surrounding areas came together and helped in the clean-up. The way he sees things is that it does not look good. It just does not sit well with him because people are looking at Niles badly now.

### **COUNCIL COMMITTEE REPORTS**

Safety committee meeting minutes from August 19, 2020.

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

### **ORDINANCES AND RESOLUTION**

(Legislation began at 14:51 into recording)

**ORDINANCE NO. \_\_\_\_ ( Draft No. 96-20)**

**AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR, OR HIS DESIGNATED REPRESENTATIVE, TO ADVERTISE FOR BIDS FOR THE PLANNED NETWORK CORE UPGRADE AND, DECLARING AN EMERGENCY**

It was moved by McNaughton, seconded by Profato to give a third reading to this Amended Draft 96-20.

**YEAS: 7      NAYS: 0**

It was moved by McNaughton, seconded by Sollitto to adopt this Amended Draft No. 96-20.

**YEAS: 7      NAYS: 0**

This Amended Draft No. 96- 20 has been adopted on the 7th day of October 2020.

**ORDINANCE NO. \_\_\_\_ ( Draft No. 97-20)**

**AN ORDINANCE AUTHORIZING THE MAYOR AND/OR THE SERVICE DIRECTOR TO AUTHORIZE CHANGE ORDERS FOR RENOVATIONS OF THE CITY OF NILES ADMINISTRATION; AND DECLARING AN EMERGENCY**

It was moved by McNaughton, seconded by Lastic to give a third reading to this Draft 97-20

**YEAS: 7      NAYS: 0**

It was moved by Marchese, seconded by Lastic to adopt this Draft No. 97-20.

**YEAS: 7      NAYS: 0**

This Draft No. 97- 20 has been adopted on the 7th day of October 2020.

**ORDINANCE NO. \_\_\_\_ ( Draft No. 103-20)**

**AN ORDINANCE ALLOWING THE SERVICE DIRECTOR TO APPLY FOR FEDERAL SURFACE TRANSPORTATION PROGRAM (STP) FUNDS PROGRAMMED BY THE EASTGATE REGIONAL COUNCIL OF GOVERNMENTS (EASTGATE) FOR STREET RESURFACING; AND, DECLARING AN EMERGENCY**

Mr. Cantola made a motion for a first reading, following that Mr. McNaughton made a motion for suspension. Initially there was no second for either motion. Mr. Cantola said they cannot just take the suspension motion over this first reading motion. President Marino deferred to Law Director Zuzolo. Law Director Zuzolo said a motion to suspend supersedes a motion for a first reading. Law Director Zuzolo said that is his reading of rules. There are priorities of the motion in the rules.

After some discussion, Law Director Zuzolo explained the priority of motions. He told council if they want to continue doing what they have been doing, they can move forward with a first reading. Ms. Marchese said since Mr. Cantola made his motion, he can rescind it if he wishes. After further conversations, it was decided to move forward on the first reading as directed by Law Director Zuzolo.

It was moved by Cantola, seconded by Marchese to give a first reading to this Draft 103-20.

**YEAS: 7      NAYS: 0**

This Draft No. 103- 20 has received its 1<sup>st</sup> reading on the 7th day of October 2020.

**ORDINANCE NO. \_\_\_\_ ( Draft No. 104-20)**

**AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR OR HIS DESIGNATED REPRESENTATIVE TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR RESURFACING OF WEST PARK AND EAST STATE STREET AND, DECLARING AN EMERGENCY**

Mr. Cantola said this was supposed to have been started in September. He does not understand why they have an ordinance in front of them now. Mr. Sollitto said the city is just moving forward on what they originally agreed on. Mr. Cantola said this was already approved. Mayor Mientkiewicz explained that funding was secured for this project through federal aid. This project had to be engineered and designed by ODOT since it is a federal project.

A few meetings ago, Mayor Mientkiewicz did inform council that they were waiting for ODOT to give the final approval. All of the projects were delayed and pushed back due to the COVID. The city had no control over this. Once the city received final approval from ODOT (like every other federal contract) they must bid and enter into contract, which is what they are doing. It will be a tight squeeze, but they are going to try and get it completed this year. If it does not get

paved this year, it will be first on the list next year. Typically, it would have been done, but due to coronavirus it was delayed. Mr. Sollitto said the reason he sponsored this was because it was delayed, we are not going to push it back and not do the streets. That is why we are here. The streets need paved for the citizens. This is council's job.

Mayor Mientkiewicz again reiterated that they will try their best to get it completed by the end of the year. With the asphalt plants closing soon, it will be a stretch. So, if it is not this year, it will be next year. Mr. Sollitto wants to get this moving.

It was moved by Marchese, seconded by Sollitto 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. 104-20.

**YEAS: 7      NAYS: 0**

This Draft No. 104- 20 has been adopted on the 7th day of October 2020.

**ORDINANCE NO. \_\_\_\_ ( Draft No. 105-20)**

**AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR OR HIS DESIGNATED REPRESENTATIVE TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR THE NORTH ROAD WATERLINE PROJECT AND, DECLARING AN EMERGENCY**

Mayor Mientkiewicz told council that this legislation is time sensitive. The city was awarded funded for this project previously in 2019. It was \$150,000 to replace 1200 feet of water lines, 2 hydrants and 6 valves. The reason this took so long was because the city was dealing with an easement issue. They finally got them all signed and are ready to move forward on this project.

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

**YEAS: 7      NAYS: 0**

Rules are suspended.

It was moved by Marchese, seconded by Profato to adopt this Draft No. 105-20.

**YEAS: 7      NAYS: 0**

This Draft No. 105- 20 has been adopted on the 7th day of October 2020.

**ORDINANCE NO. \_\_\_\_ ( Draft No. 106-20)**

**AN ORDINANCE AUTHORIZING AN AUDIT TRANSFER ADJUSTMENT FROM THE LIGHT FUND TO THE WATER AND SEWER FUND; AND DECLARING AN EMERGENCY**

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

Ms. Marchese had a question since she did not make the finance meeting. Auditor Merlo explained that this came about through a self-discovery. We did report it to the auditors, and we are able to make the adjustment through the legislative body.

**YEAS: 7      NAYS: 0**

Rules are suspended.

It was moved by McNaughton, seconded by Sollitto to adopt this Draft No. 106-20.

**YEAS: 7      NAYS: 0**

This Draft No. 106- 20 has been adopted on the 7th day of October 2020.

**ORDINANCE NO. \_\_\_\_ ( Draft No. 107-20)**

**AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO AUTHORIZE CHANGE ORDERS FOR EXTERIOR AND INTERIOR REPAIRS AT THE CITY OF NILES MUNICIPAL BUILDING; AND DECLARING AN EMERGENCY**

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

**YEAS: 6      NAYS: 1 (Cantola)**

Rules are suspended.

It was moved by Lastic, seconded by McNaughton to adopt this Draft No. 107-20.

Ms. Marchese did have a question on the attachment about the bonds and permits. She wanted to make sure that it was all included in the price and they cannot come back. Mayor Mientkiewicz said this is the total amount. Everything else was included in the price. They cannot come back to the city and ask for more money.

**YEAS: 6      NAYS: 1 (Cantola)**

This Draft No. 107- 20 has been adopted on the 7th day of October 2020.

**ORDINANCE NO. \_\_\_\_\_ ( Draft No. 108-20)**

**AN ORDINANCE AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE CORONAVIRUS RELIEF FUND 220 AND ALSO AUTHORIZING THE CITY AUDITOR TO CORRECT CERTAIN DESIGNATED EXPENDITURES TO THE CORONAVIRUS RELIEF FUND AND DECLARING AN EMERGENCY.**

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

**YEAS: 7      NAYS: 0**

Rules are suspended.

It was moved by Lastic, seconded by Profato to adopt this Draft No. 108-20.

**YEAS: 7      NAYS: 0**

This Draft No. 108- 20 has been adopted on the 7th day of October 2020.

**MISCELLANEOUS REMARKS**

(Miscellaneous remarks began at 34:54 into recording)

Mayor Mientkiewicz wanted to remind everyone that the city will have its first electronics drop off from October 9-October 16<sup>th</sup>. This program is fully funded by our partners at Trumbull-Geauga. The location for the drop off is behind the police station in the bin.

Mayor Mientkiewicz also encouraged everyone to check out the tennis courts and pickle ball courts at Stephens Park. Everything should be completed by Friday. The contractors did a phenomenal job on this project.

Auditor Merlo wanted to follow up with items from the finance meeting. Now that the city is moving forward with the Covid relief fund. Council will probably have to have special meetings moving forward due to the time sensitive nature of these funds. He wanted council to keep that in mind.

Ms. Marchese asked Auditor Merlo if we have to keep track of what we spend. Auditor Merlo said yes, we do. There are a few things they have to keep in mind, and one is documentation. We keep track of documentation and give it to Law Director Zuzolo and go from his recommendations on whether we can spend the Covid relief funds on those items. Also, the legislative body would have to approve those expenses, like they did today.

Auditor Merlo wanted to talk about the bond that the city took out in 2011 that was for \$7,500,000.00. He has been working with bond counsel on refinancing this bond and bringing the interest rate anywhere from 3% to 1.49%. It would cut our interest in half and saving the city approximately \$518,000.00 in interest over the next 11 years.

It was also discussed in the finance meeting additional purchases that the city would need in the near future. There is another fire rescue, a new street sweeper and ram hoe. It was his perception at the finance meeting to go ahead and move forward with bond counsel to get this moving. He will work with them and get items in front of council. He will work on refinancing the bond and adding those new purchases to it.

President Marino asked council if there were any questions and no one responded. President Marino asked if the payment would stay the same and Auditor Merlo said the payment would go from roughly \$530,000.00 to \$588,000.00 and the term would stay the same. This is with borrowing the additional \$1,000,000.00. Currently the average rate is 1.49% for the bond bidding. President Marino said this was very good and thanked Auditor Merlo. President Marino said by council's silence he is to move forward.

Treasurer Telago gave an update to council on income tax collections. The city has received the first deposit for October of \$536,850.00 and there will be another deposit around the 15<sup>th</sup>. \$7,383,412.52 year to date for this year. Last year at this time, it was \$9,124,000.00. We are currently behind \$1.7 million. He wishes he had better news to report.

Mr. McNaughton wanted to let everyone know that there was nothing nefarious with his motion earlier. It was the way he read the rules. He also stated that he is in complete agreement with his colleagues on paving the streets. It has been one of his go-to things since he has been elected. He is glad that draft 104-20 was passed and wishes the same would have done with draft 103-20.

Mr. Profato commended Auditor Merlo and his staff for being on top of these things and for the work they do.

Mr. Cantola said he is still confused on the issue with the motions earlier. He would like there to be communication on this for the future. There needs to be clarification on this. Next, he wanted to touch base on spending money on the city building. He understands there is a bond but he doesn't think it is the best way to spend the tax dollars on a building that no one can come inside. Even though there is this bond, the place is locked down trying to keep COVID out yet this week there is COVID in the building. He thinks they really need to look at how they are spending the tax dollars and what we are trying to accomplish because it is not happening.



Mayor Mientkiewicz wanted to clarify that the comment about workers in the city building having COVID is false.

Ms. Smith asked Mayor Mientkiewicz is draft 103-20 was time sensitive. Mayor Mientkiewicz said he will get with the grants coordinator and let them know. Ms. Smith said she was looking at it and it says say 10-24-2020 in there so she wanted to verify. Mayor Mientkiewicz said the project is set in stone and he will check with Mr. Robertson on it being time sensitive.

Mr. Sollitto requested that prior to the next council meeting they have clarity on the rules for the voting. They can't have whoever yells it out first or hits the buzzer. They have to know what the protocol is. President Marino said he has been here a long time and he does not ever remember that happening. Generally, there is a motion to suspend and it is voted down and then it is moved for a first reading. And when he doesn't know for certain, he looks to the Law Director.

Law Director Zuzolo had there is an order of precedence in motions. He clarified that he is not a parliamentarian by trade, it is by appointment. But his reading of this is the list that was adopted in council's rules. His understanding is that a motion to suspend would take precedence. However, in this particular case since there was a motion for the first reading before there was a motion for the suspension, then the first reading would have the precedence. Mr. Sollitto understands that, but he would like some clarification by the next meeting.

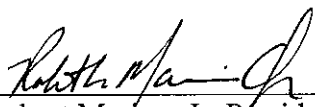
Mr. Sollitto asked if Halloween was still up and running as they discussed previously. Mayor Mientkiewicz confirmed it was October 31<sup>st</sup> from 5:00 P.M.-7:00 P.M. as long as the governor does not come down with an order causing this to change.

And finally, Mr. Sollitto said Mr. McNaughton was correct about not being able to give a name. But there a duty that they should be notified about someone being out with COVID. They should be informed on how many cases there are, just not the names. Ms. Marchese also would like clarification on this issue with the motion. President Marino said once it is voted on, the ordinance is dispensed for that meeting and you move on. Mr. Sollitto said he is sure that is defined by law how it should work. We just need to get the official ruling.

**ADJOURN**

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

  
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Nicole Bacak, Clerk of Council

  
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Robert Marino, Jr, President of Council