

COUNCIL MEETING MINUTES
December 16, 2020

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

Niles City Council held its regular meeting on December 16, 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

It was moved Marchese seconded by Smith to accept the minutes from the December 2nd and December 9th meetings and place them on file.

Motion carried.

REPORTS AND COMMUNICATIONS

FROM-Auditor's Office

Statement of Cash from Revenue and Expense – November 2020

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

Motion carried.

FROM-Auditor's Office

Check Report by Check Number – November 2020

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

Motion carried.

FROM-Water Superintendent

2020 Water loss report – November 2020

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

Motion carried.

FROM-Planning and Permitting Department

Year to Date Update through December 15, 2020

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

Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

(Public comments began at 2:49 into recording)

Andy Bickerstaff: 38 Wayne Street. Niles, Ohio. Mr. Bickerstaff wanted to thank the Mayor and council for the resolutions getting passed for the new fire truck. Being almost a 10 year veteran of the fire department, he is looking forward to using this truck for many years. He wanted to say thank you.

President Marino thanked Mr. Bickerstaff for his service to our community.

Anthony Vigorito: 729 Warren Ave. Niles, Ohio. Mr. Vigorito asked for permission to speak as a landlord and President Marino said he had the right to do that. Mr. Vigorito wanted to address the ordinance that council was going to be giving a second reading tonight. The city has about 300-400 landlords in this town and we have problems with approximately a dozen of them. The ordinance only repeats what is already in Chapter 14 under the housing ordinance. In that housing ordinance, the housing inspector has the authority to ask for interior inspections anytime he wants. If he feels the property is not being taken care of properly, he can ask for that inspection. He can shut a landlord down anytime he wants.

Mr. Vigorito has worked in this office for 18 years and there have been plenty of times they have had these issues. People have complained about the way the house has smelled, etc. They would go out on the call and put a condemned sticker on the house and move them out. This was all done legally under Chapter 14.

To him, he has been in this game for 49 years and it is getting rougher every day. We are getting more and more trash moving into this town. He does not know a better way to say it. It is tough to screen them. All you can do is do your best. But this ordinance goes after 95% of the landlords for no reason. He does not know why we should have a mandated inspection in between each tenant. He disagrees with this. If you have a problem with one person, then go after that one person. He does not know what else to say about it.

To increase inspection fees or dwelling fees, it is another way to harass landlords that do not have any problems. The last one that was passed was not passed fairly. The fees that are charged are charged less to bigger corporations. It doesn't make any sense to him. If there are rules, they should be across the board.

James Sheely: 31 Belmont Ave. Mr. Sheely wanted to comment on what Mr. Vigorito was saying about the landlords. It only takes a few bad apples to spoil the bunch. There are some that are absolute slumlords here in Niles. And he doesn't know how they continue to operate here. He used to live on Fenton street next to one for years. He dealt with issues such as holes in the siding, drug dealers, people in and out, etc. He came to council about this issue.

How is it that certain properties over and over continuously get drug dealers in them and people say well how do you know they are drug dealers? You watch the activities and you get the idea of what is happening. He understands where Mr. Vigorito is coming from because you are punishing everyone. There are certain ones that are absolute slumlords and they get away with it. It breaks Niles down and makes us look trashy.

COUNCIL COMMITTEE REPORTS

Safety Meeting Minutes- October 28, 2020

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

Motion carried

Utility Meeting Minutes- October 13, 2020

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

Motion carried

President Marino reminded council again to submit their minutes to the clerk by the end of the calendar year.

ORDINANCES AND RESOLUTION

(Legislation began at 12:20 into recording)

It was moved by Profato, seconded by McNaughton to move the following Draft's to a consent agenda:

Draft No. 143-20, Draft. No 144-20, Draft No. 145-20, Draft No. 146-20, Draft No. 147-20, Draft No. 149-20, Draft No. 150-20, Draft No. 151-20, Draft No. 152-20, Draft No. 153-20, Draft No. 154-20, Draft No. 155-20, Draft No. 156-20, Draft No. 158-20, Draft No. 159-20, Draft No. 160-20, Draft No. 161-20

YEAS: 7 NAYS: 0

Motion carried.

The consent agenda has been approved for the following agenda items:

Draft No. 143-20

AN ORDINANCE UPDATING COMPENSATION SOURCES ONLY FOR THE POSITIONS OF MAYOR, PRESIDENT OF COUNCIL, WARD COUNCIL MEMBERS AND COUNCIL MEMBERS AT LARGE, THE LAW DIRECTOR, THE AUDITOR AND THE TREASURER FOR 2021; AND, DECLARING AN EMERGENCY

Draft. No 144-20

AN ORDINANCE AMENDING ORDINANCE NO. 34-19, KNOWN AS THE AUTHORIZED STRENGTH ORDINANCE, AND DECLARING AN EMERGENCY

Draft No. 145-20

AN ORDINANCE AUTHORIZING THE MAYOR AND THE SAFETY DIRECTOR TO ENTER INTO AN AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS FOR INDIGENT LEGAL SERVICES; AND DECLARING AN EMERGENCY

Draft No. 146-20

AN ORDINANCE CREATING A NEW CAPITAL PROJECTS FUND, FUND 407 SEWER CAPITAL IMPROVEMENTS FOR PURPOSES OF INFRASTRUCTURE AND DECLARING AN EMERGENCY

Draft No. 147-20

AN ORDINANCE AUTHORIZING BUDGET TRANSFER TO SEWER CAPITAL PROJECTS FUND 407, AND DECLARING AN EMERGENCY

Draft No. 149-20

AN ORDINANCE AUTHORIZING GENERAL FUND BUDGET TRANSFERS; AND, DECLARING AN EMERGENCY

Draft No. 150-20

AN ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS FROM THE WATER DEPARTMENT TO THE GENERAL FUND FOR LOAN REPAYMENT

Draft No. 151-20

AN ORDINANCE AUTHORIZING THE APPROPRIATION OF FUNDS FROM VARIOUS FUNDS FOR THE PURPOSE OF THE 2020 BOND ISSUANCE AND RETIRING THE 2011 BOND ISSUANCE AND DECLARING AN EMERGENCY

Draft No. 152-20

AN ORDINANCE AUTHORIZING YEAR END CASH TRANSFERS; AND, DECLARING AN EMERGENCY

Draft No. 153-20

AN ORDINANCE AUTHORIZING APPROPRIATIONS FROM UNAPPROPRIATED FUNDS TO PAYROLL CLEARING FUND 665; AND, DECLARING AN EMERGENCY

Draft No. 154-20

AN ORDINANCE AUTHORIZING APPROPRIATIONS FROM UNAPPROPRIATED GENERAL FUND FOR PURPOSES OF PURCHASING THE FIRE TRUCK; AND, DECLARING AN EMERGENCY

Draft No. 155-20

AN ORDINANCE ACCEPTING THE DONATION FROM THE NILES FOP FOR THE PURPOSE OF PURCHASING A POLICE VEHICLE AND APPROPRIATING THE DONATION FUNDS IN ORDER TO PURCHASE THE VEHICLE; AND, DECLARING AN EMERGENCY

Draft No. 156-20

AN ORDINANCE AUTHORIZING THE PURCHASE OF A NEW CAT 420 IT THROUGH THE STATE PURCHASING PROGRAM; AND, DECLARING AN EMERGENCY

Draft No. 158-20

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR OR HIS DESIGNATED REPRESENTATIVE TO ENTER INTO A SERVICE CONTRACT WITH NECO TO REPLACE RF OUTSIDE TRANSMITTERS AND PROCODER REGISTERS AND, DECLARING AN EMERGENCY

Draft No. 159-20

AN ORDINANCE AUTHORIZING THE SAFETY DIRECTOR/OR HIS DESIGNATED REPRESENTATIVE TO ENTER INTO A CONTRACT WITH FINLEY FIRE EQUIPMENT FOR THE PURCHASE OF A NEW FIRE TRUCK, AND DECLARING AN EMERGENCY

Draft No. 160-20

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR OR HIS DESIGNATED REPRESENTATIVE TO ENTER INTO A PROFESSIONAL SERVICE CONTRACT WITH PRIME AE GROUP FOR TRAFFIC SIGNAL STUDIES AND, DECLARING AN EMERGENCY

Draft No. 161-20

AN ORDINANCE AUTHORIZING THE TRANSFER OF MONIES FROM VARIOUS ACCOUNTS TO THE UNCLAIMED FUND 663 AS SEVERAL CHECKS REMAIN UNCASHED FOR MORE THAT ONE HUNDRED AND EIGHTY DAYS (180), AND, DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by McNaughton, seconded by Smith to adopt this consent agenda.

YEAS: 7 NAYS: 0

This consent agenda has been adopted on the 16th day of December 2020.

ORDINANCE NO. ____ (Draft No. 138-20)

AN ORDINANCE AMENDING CHAPTER 1402.10, "DWELLING PERMIT" OF THE CODIFIED ORDINANCE OF THE CITY OF NILES, IN PART, TO INCREASE THE FEES CHARGED FOR INITIAL DWELLING PERMITS AND ADDING OCCUPANCY CHANGE INSPECTION; AND DECLARING AN EMERGENCY

Ms. Marchese said this was a tough decision and she is going to move forward with suspension but she wants it on record that this can always be brought back to council with issues.

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

YEAS: 6 NAYS: 1 (Cantola)

Rules are suspended.

It was moved by Marchese, seconded by McNaughton to adopt this Draft No. 138-20.

YEAS: 6 NAYS: 1 (Cantola)

This Draft No. 138- 20 has been adopted on the 16th day of December 2020.

ORDINANCE NO. ____ (Draft No. 148-20)

AN ORDINANCE AMENDING ORDINANCE NO. 39-17, PROVIDING CERTAIN BENEFITS FOR NON-UNION, FULL-TIME EMPLOYEES; AND DECLARING AN EMERGENCY

It was moved by McNaughton, seconded by Sollitto to amend the language in section two to read as an increase of salary of \$400.00.

YEAS: 7 NAYS: 0

Motion carried.

AN ORDINANCE AMENDING ORDINANCE NO. 39-17, PROVIDING CERTAIN BENEFITS FOR NON-UNION, FULL-TIME EMPLOYEES; AND DECLARING AN EMERGENCY

It was moved by Cantola, seconded by Smith 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. 148-20.

YEAS: 7 NAYS: 0

This Amended Draft No. 148- 20 has been adopted on the 16th day of December 2020.

RESOLUTION NO. ____ (Draft No. 157-20)

A RESOLUTION AUTHORIZING PHILLIPS/SEKANICK ARCHITECTS, INC. TO ISSUE REQUESTS FOR BIDS FOR INTERIOR REPAIRS AND RENOVATIONS OF THE CITY OF NILES ADMINISTRATION BUILDING; AND DECLARING AN EMERGENCY

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

Mr. Cantola does not agree with spending \$400,000 on the interior of a building that none of the residents can see the inside of. It is strictly for a hand full of employees. He feels that it is unnecessary to spend taxpayer dollars on this at this time. It should be looked at to amend the bond money so they can do something proper and not make the inside \$400,000 in painting, carpeting, and changing walls and restrooms. Do some things need to be done, yes but not \$400,000 worth.

Mr. Cantola said everyone has been working in there and half of the employees are working from home so the updates aren't going to be for the employees or for the residents of the community. It is a waste of taxpayer's money.

Mayor Mientkiewicz stated there are approximately 10-12 employees working from home, not half of the city employees. And he has said it before, taxpayers do have the right to enter the building but there is just a different procedure. He believes there were four people off the streets today in the building and the sign in sheets reflect that today.

Mr. Sollitto asked about the current procedure in place. Since it is pandemic driven, eventually is the city going to reopen normally? Mayor Mientkiewicz said after the pandemic they will evaluate if they will leave the doors wide open to the public. He does not know of any other government building or school doing where you can walk in at will. He has not had any resident question procedure. It is a simple procedure to come in at the handicap entrance and sign in and hit in the intercom button.

Mr. Profato stated he did some research and pulled the draft 139-17 about the bond. People do have access to downtown. All they have to do is go to the ground floor and pick up the phone and call the appropriate department. He has been there a number of times. He recently has seen

the restrooms and they are a disgrace. He does not think anybody should be in that kind of environment.

Mr. Cantola said if the restrooms are that bad that is not a necessary fix for the employees. Mr. Profato said it has nothing to do with the employees, it is the equipment inside of them. Mr. Cantola said he made it sound like it was a disgrace. There is a bathroom and a sink. Mr. Profato said with all due respect if he was a female in the building and he had to use the restroom, he would not use it. He will say no more.

Ms. Marchese said her problem is not with the building being open or closed because we are in the middle of a pandemic. She understands some renovations need done. Do the bathrooms need updated? Yes. But do tearing down of walls need done? No. She remembers talking about putting in a handicap accessible ramp and it became too much money. She wants to know if they bond can just be used on certain things. She believes that just certain things need to be done.

Mr. Sollitto is about maintaining and beautifying the city, starting with our city building, how can we not. Anything that needs done across the city, period, we should be maintaining and getting it up to speed. Assuming that the cost on there is genuine and there is no extraordinary cost, I do not know how we say no.

If someone is questioning the amount or services being rendered is too high, then that's a different thing. But in regard to just fixing a building, why would we want to just letting it just deteriorate to where it isn't pleasurable for anyone to even walk into. For now, we are in a pandemic and he doesn't know why we wouldn't want to start with our own building and have it maintained. He does not have any self-serving goal. He does not go there or work out of there.

President Marino said his thoughts are we are responsible for a \$85 million company. It does make a statement to people when they walk into a facility. He works at another government agency. You cannot just walk into his facility. The times have sadly changed, and we are not going back to 1950 contrary to what some people wish. So we have to ensure that not only the safety of the visitors, but also the safety of those who work there. So by looking at increasing the safety, enhancing the facility itself, making workspaces more conducive to the responsibilities of the responsibilities of the positions in which those job functions have to be accomplished.

President Marino reminded council that Mr. Dibble works in a closet and the servers are on the other side of the room and are not secured, which was an issue when the investigation which started. He is cognizant of Mr. Cantola's concerns from the finances side considering where the city was and where we are. But it also is not lost on him to Mr. Sollitto's point about making sure the facility suits the needs of the community and those who work in it. He doesn't get a vote in it but he feels compelled to offer his two cents. He feels this is an important project. This is a project that they promised the community they would do.

Mr. Sollitto would like to see down the road the building be more citizen friendly. Maybe have coffee in the mornings for citizens.

Mr. Lastic said it is proven that the aesthetics of a building increase productivity. That's what we are going to do.

Ms. Marchese asked Auditor Merlo if there was a way to change the bond and just do some things. President Marino pointed out that when you walk into the Auditor's office, you walk by the safe to go see the Auditor. You walk through payroll and accounts receivable and that is not appropriate. You go through the billing office to get to the server. We need to change some things to ensure that what we are responsible for is protected. And that we never ever live through what we lived through before with records and servers eating servers.

Mr. Sollitto asked if more cameras will be put up. Mayor Mientkiewicz said there are enough cameras installed at this time.

Mr. Cantola said he didn't say nothing needs done. He said \$400,000 is too much money to spend on the interior. He is all for putting paint on the walls and making it look presentable for residents. He isn't saying don't do anything. If you were saying that you were taking the entire third floor and turning it into council chambers so council has somewhere to go, he would support that. But to do it for a handful of employees is not the right answer. He doesn't think we are doing it in a responsible manner.

President Marino said council does have chambers and they are across the street. It is his hope that council returns to its chambers when this pandemic is over. That facility was designed to house a municipal court and a city council government.

Ms. Smith asked if anyone remembers when there were any other major improvements to the city building. Mayor Mientkiewicz said he believes it was the addition to the light department. He cannot remember the exact date that is on the plaque in the front of the building.

Ms. Smith also agreed with Mr. Lastic that it is a proven fact that an efficient, productive workplace make people happy. Yes, they are a hand full of people, but they work hard for the city and she doesn't see anything wrong with making something an efficient, productive workplace.

YEAS: 6 NAYS: 1 (Cantola)

Rules are suspended.

It was moved by Lastic, seconded by Smith to adopt this Draft No. 157-20.

YEAS: 6 NAYS: 1 (Cantola)

This Draft No. 157- 20 has been adopted on the 16th day of December 2020.

MISCELLANEOUS REMARKS

(Miscellaneous remarks began at 35:28 into recording)

President Marino wanted to congratulate the city auditor on the recent award the city received in regard to the recent policies and processes put into place. He would also like to compliment the Mayor on his administration of those policies. As we sit here and here how we are doing this wrong and that wrong and there is that corruption, and we had the Auditor of State in our community providing an award to the city of Niles that only 4% of the State earned. That is a testament to the hard work by everybody and he think that's a wonderful thing. He wanted to congratulate Auditor Merlo and Mayor Mientkiewicz.

President Marino also wanted to wish everyone a Merry Christmas and he hopes that this vaccine cure the ills of this disease and we move forward as a country and a community and our families because this has been absolutely horrendous.

Mayor Mientkiewicz said this year has been a year of up and downs and we got through it collectively as a city, as a community, without any cuts in service or cuts in personnel. We are looking forward to moving on from 2020 to 2021 and getting back on track. Mayor Mientkiewicz also wanted to give kudos to city council. Council is the watch dog of the finances and it is important that they get recognized for the work they did for holding everyone accountable for the city's finances.

Lastly, Mayor Mientkiewicz wanted to thank council for supporting Draft No. 138-20. He believes this is a step in the right direction in addressing the rental problem that is well known in our community. He appreciates it. He wished everyone a Merry Christmas and a Happy New year.

Auditor Merlo appreciated that recognition and stated from day one, back in 2014, as he sat where council is now it was eye opening on what we were facing as a government. That was when he decided that he wanted to help this community move in a different direction financially. He had a lot of support from the councils and administrations that have sat there and without them and everyone here this evening, this would not have happened. He appreciates the support he has received.

Auditor Merlo thanked his staff. He said his staff has been tremendous since day one when he got there. Without them, without the help of Nikki (your clerk of council) we set a goal from day one. We have accomplished that goal and we are continuing to move forward. We are hoping to continue that award annually moving forward. He appreciates everyone's support.

Safety Director Kaniclides wanted to comment on the drug situation in the city. If you look around, the police department has it pretty well under control. The street crimes unit does a great job. They have confiscated more money and drugs and money. He wishes they had the manpower to put two or three more people on there. They do a great job.

Service Director Flarey wanted to let everyone know that the street department would be out all night around the clock working cleaning and salting the streets. He also wanted to wish everyone a Merry Christmas.

Treasurer Telago wished everyone a Merry Christmas.

Mr. Pezzano wished everyone a Merry Christmas.

Chief Danielson thanked everyone for passing the ordinance for the fire truck. He appreciates it. He also wished everyone a Merry Christmas.

Mr. Lastic wished everyone a Merry Christmas and a Happy New Year, and he hopes this COVID goes away before the end of next year.

Mr. McNaughton wanted to echo everyone's comments and give cheers to the Auditor and the administrator.

Mr. McNaughton said yesterday they were supplied with a report and they did not find out anything new. The investigator attempted to obtain information numerous times and our colleague was guarded and less than cooperative. All of this could have been avoided by simply providing the facts, documents, evidence presiding in the city that he is elected to serve. Again, according to the report, nothing of that nature was provided.

Ohio Revised Code clearly states the minimum requirements for them to serve as elected officials for the city of Niles and one of those is to reside in the city of Niles. The report clearly finds their colleague resides elsewhere, which is his absolute right. This evening, there is a for sale sign and giant dumpster at his Niles residence. The report states the Niles homes is not a legal residence of their colleague. Not one of them are above the law. It is this type of cavalier attitude against rules, laws, expectations that helped get Niles in the mess that we worked to get out of. 2020 is different. It is strong. It is secure. It is earning awards from the state. It is investing in infrastructure and people when others are not in a pandemic.

Therefore tonight, before this turns into a circus and brings on unnecessary angst to the city during the holiday season, it will not change any of the facts that they all ready know. He calls on the 4th ward council man to do the right and honorable thing and resign. It did not even need to get to this point. They as colleagues deserve better. The administration deserves better and most important of all, the residents of the 4th ward deserve better. Silence tends to be the loudest voice that you are doing something wrong.

Mr. Profato said he is proud to be part of this association and this administration. They have mad it through a tough year and he prays to God they don't go through another year like this. It's going to be a better time after the holidays. He wished everyone a Merry Christmas and Happy New Year.

Mr. Cantola wanted to thank the police and fire departments and the administration and council for supporting them this year. The fleets look good. They have been able to replace some of the

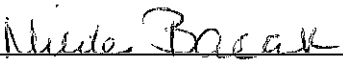
older equipment. It is great that we are taking care of our safety forces to protect our city. He wanted to wish everyone a Merry Christmas and a Happy New Year. He also wanted to thank Mayor Mientkiewicz for the Christmas card that was sent to him at his residence in the city of Niles at 208 Vienna Ave.

Ms. Marchese said she is not going to comment on Mr. McNaughton letter. She does not think that should have come out this evening. She does want to wish everyone a Merry Christmas and hopes everyone has a nice New Year's.

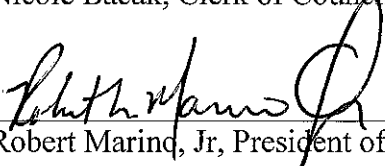
Ms. Smith wished everyone a Merry Christmas.

ADJOURN

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



Nicole Bacak, Clerk of Council



Robert Marino, Jr, President of Council