

COUNCIL MEETING MINUTES
August 19, 2020

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

Niles City Council held its regular meeting on August 19, 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

REPORTS AND COMMUNICATIONS

Consent Agenda-

- A. Reports and Communication to be accepted by City Council**
 - a. Check Report by Check Number- June
 - b. Statement of Cash from Revenue and Expense- June
- B. Minutes to be accepted**
 - a. Council Meeting- July 15th
- C. Legislation to be adopted by suspension of rules**
 - a. **Draft 84-20-** A RESOLUTION AUTHORIZING THE SALE BY INTERNET AUCTION OF A CERTAIN OBSOLETE VEHICLE NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE BY THE CITY; AND, DECLARING AN EMERGENCY
 - b. **Draft 85-20-** A RESOLUTION AUTHORIZING THE SALE BY INTERNET AUCTION OF A CERTAIN OBSOLETE KUSTOM SIGNALS RADAR SPEED TRAILER NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE BY THE CITY; AND, DECLARING AN EMERGENCY
 - c. **Draft 88- 20-** AN ORDINANCE AUTHORIZING MONTHLY CASH TRANSFERS; AND, DECLARING AN EMERGENCY
 - d. **Draft 91-20-** AN ORDINANCE 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 Marchese, seconded by Smith to accept and place on file the reports and minutes and to approve legislation to be suspended and adopted.

YEAS: 7 NAYS: 0

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

(Public comments began at 4:00 into recording)

NONE

COUNCIL COMMITTEE REPORTS

NONE

ORDINANCES AND RESOLUTION

(Legislation began at 4:17 into recording)

RESOLUTION NO. ____ (Draft No. 86-20)

A RESOLUTION AUTHORIZING THE CITY OF NILES TO ACCEPT A REGIONAL GRANT FOR THE COVID 19 SUPPLEMENTAL AFG THAT WAS AWARDED TO TRUMBULL COUNTY WITH THE CITY OF NILES RECEIVING THE AMOUNT OF THREE THOUSAND EIGHT HUNDRED AND TWENTY EIGHT DOLLARS AND 00/100 (\$3,828.00) IN FEDERAL FUNDING; AND, DECLARING AN EMERGENCY

It was moved by Cantola, seconded by Lastic to amend the agenda to say first reading for this Draft 86-20.

Motion carried.

It was moved by Marchese, seconded by Cantola to give a first reading to this Draft 86-20.

Ms. Marchese asked if there was a deadline on this. Mayor Mientkiewicz said that was a question for the Fire Chief.

YEAS: 7 NAYS: 0

This Draft No. 86- 20 has received its 1st reading on the 19th day of August 2020.

ORDINANCE NO. ____ (Draft No. 87-20)

AN ORDINANCE REQUIRING THAT ANY CONTRACT OR EXPENDITURE IN AN AMOUNT OF \$5000.00 OR GREATER MUST BE AUTHORIZED BY RESOLUTION OR ORDINANCE OF THE CITY LEGISLATIVE AUTHORITY AND DECLARING AN EMERGENCY.

It was moved by Cantola, seconded by Sollitto to give a first reading to this Draft 86-20.

Ms. Marchese stated that she was not a fan of this when he came up under the previous Mayor. Ms. Marchese said it went through as a fast ordinance and they did not fully understand it. She believes it used to be \$25,000 and then went to \$50,000. Auditor Merlo stated that never happened. Ms. Marchese said it did. Auditor Merlo said they have gone through legislation since 2011 and there is no legislation for this item.

Ms. Marchese said the items from 2018 on the website has disappeared. Auditor Merlo said the clerk of council has ordinances back until the 1800's. Ms. Marchese insisted this came to council and that she has the notes on it at home. Auditor Merlo asked her to find it because he would like to see it. She said she will find it. She would like to see the minutes from that meeting. The clerk said she can get Ms. Marchese the meeting minutes if Ms. Marchese can supply a date.

Ms. Smith asked if there is legislation already existing, shouldn't this legislation be amending the current one? President Marino said that is a question for the Law Director. Law Director Zuzolo said he does not have an ordinance to amend at this point. However, under the rules, an ordinance that is passed later would supersede any previous legislation. If this ordinance did pass, it would not amend it would supersede.

Ms. Marchese said she is actually more concerned with the actual tapes. President Marino explained that council used to do verbatim minutes and they probably don't have the tapes. Mr. Cantola said all of the sessions at the courthouse were recorded. President Marino agreed however, the audio tapes are destroyed per the records the retention policy. The city has a records commission that meets back from when the city was in fiscal emergency. The city follows this schedule.

Mr. Sollitto said the issue is re-evaluating and re-adjusting the dollar amount. Whether there is an ordinance or isn't, what is the process from here? It doesn't matter because this would supersede it anyway.

Mr. Profato said he was under the impression that this was under ORC 35 or 37. He would refer to the law director on this. The Board of Control spending is under the Mayor, Service Director and Safety Director. He wants to know if this is applicable here. Law Director Zuzolo said it is. Anything under \$50,000 under ORC 735.05 and 737.07 provides them the ability to spend money under \$50,000. As a statutory city, anything over \$5000 has to be approved by BOC. But the city also has in place anything over \$500 has to be approved by the BOC. All of this must be appropriated and budgeted for at the beginning of the year.

President Marino explained to Mr. Profato that he was correct in what he said.

Mr. Sollitto said the question is not that the \$50,000 is illegal. They are looking to re-evaluate the spending limit and lower it. This is what Mr. Cantola would like to do and have them come to council in order to spend that money. They are not disputing that the ORC says \$50,000.

Mr. Cantola said he will put it in writing and will be requesting the retention schedule. The issue with this legislation is that the city got out of fiscal emergency and now we are in COVID and we are continually spending. As the chair of finance, council does not get communication on spending. They see what is approved through the BOC. They approve a budget. The city does not have billions of dollars coming in because of taxes and this pandemic and job losses. It is his view from the financial chair, and he is looking for support from council, to put the brakes on the spending. He would like to see more things be brought to council's attention for approval. Mr. Cantola says there needs to be better control of the spending in the city. And he thinks this is the proper way to do it.

Mr. Cantola stated that the city building is locked down every day. Mayor Mientkiewicz said the building is not on lockdown.

Ms. Marchese said she is receiving messages that people on the outside cannot hear anything online. President Marino said we will continue with the meeting because we are in person.

Ms. Smith said that council approved a budget in October for this year. In April of this year after COVID hit, council did reduce items from the budget. Council is continuing to do that as far as she knows. The Auditor and the Mayor look at the numbers every day. The city is still operating within the budget. She does not believe that anything that goes through BOC is not without the knowledge of council. She doesn't believe that.

Mr. Cantola said there is a situation would require approximately \$75,000 to be spent through the city and it has been brought to council to approve these expenses. Now that the city is looking for an additional appropriation of funds, it has to come from somewhere. He appreciates the administration every single day and the elected officials every single day. It is only fair to the public to give council the opportunity to oversee the funds that they are spending. He isn't saying it won't be approved. He is saying it should come through council. They need to slow down on spending.

Ms. Smith said yes they are elected officials and are responsible for the tax dollars. The administration are also elected officials. She believes they are diligent in what they do.

Auditor Merlo said he can appreciate where Mr. Cantola is coming from. He has worked with him in his office frequently. Auditor Merlo is still trying to find out what is being spent through BOC that council is not aware of. Council is provided an expense report, revenue report, check report and statement of cash. They went through all expenses and there were no issues. Mr. Cantola said there were minor issues. Auditor Merlo asked what they were and Mr. Cantola said he has concerns with the expense for the Regional Chamber. It was a membership fee that the

city pays. He knows that he was never approached about spending this money. However, there is a \$300 piece of legislation put in front of them today but they knew nothing about the chamber. And yes they do see the checks, but only after they are written. He isn't saying that anyone is doing anything wrong and it is being misconstrued.

Mr. Sollitto said he knows it was voted to not give the chamber any money. Mayor Mientkiewicz said the city is a member of the chamber for a yearly fee of \$900. Mr. Sollitto said they did not want any part of the chamber. Mayor Mientkiewicz stated that council did not want to approve an economic development contract with the chamber. Not a yearly membership fee. Mayor Mientkiewicz said the chamber does numerous things for the city with this membership fee.

Mr. Sollitto told the Mayor that this is why Mr. Cantola has the issue that he has. The will of council was not to pay the chamber money and the city did pay a due. The intent was for them not to get any money from the city. Furthermore, if everything is on the up and up with the city, then why do they care if it goes to council. He does not know who doesn't want to do their job. He doesn't mind doing the extra work.

Mayor Mientkiewicz explained that this will do nothing but hamstringing the administration. Routine expenses that need to be approved to continue to provide services to the tax payers in a timely manner, this will effect that. For example, last night there was a 10 inch water main valve break and people were without water. They had to go and spend money to rectify the problem. If they have to wait for council to have a meeting to approve these expenditures, are they to let the water run for days and keep people without water? People will be without services.

Mr. Sollitto again said that council said no to the chamber and they still paid it because the Mayor has total control without having to go through council. He told the Mayor he has an open book to do that and he cannot handle it. Mayor Mientkiewicz said that is not true. Last week at the financial roundtable, the Auditor presented the cities finances and our finances are pretty good in the city. Himself, the Auditor and the Treasurer review the numbers daily. They take this very seriously. Mayor Mientkiewicz was also a finance chair on city council and he takes this very serious and he does not believe that there is any erratic spending happening.

Mr. Sollitto said he is not talking about that. He is talking about council saying no to the chamber and they still found a way to give money to the chamber. President Marino interjected and asked if anyone had anything new. No one had anything new to say on this topic.

YEAS: 3 NAYS: 4 (Lastic, McNaughton, Profato, and Smith)

This Draft No. 87- 20 has not received enough votes for a first reading.

ORDINANCE NO. ____ (Draft No. 89-20)

AN ORDINANCE AUTHORIZING THE DISPOSAL OF IT HARDWARE TO BE SOLD BY INTERNET AUCTION ON GOV DEALS AS THE ITEMS ARE NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE BY THE CITY AND AUTHORIZING TO SCRAP IF THE IT HARDWARE IS NOT SOLD; AND, DECLARING AN EMERGENCY

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

YEAS: 6 NAYS: 1 (Sollitto)

Rules are suspended.

It was moved by McNaughton, seconded by Smith to adopt this Draft No. 89-20.

YEAS: 6 NAYS: 1 (Sollitto)

This Draft No. 89- 20 has been adopted on the 19th day of August 2020.

RESOLUTION NO. ____ (Draft No. 90-20)

A RESOLUTION AUTHORIZING THE CITY OF NILES TO ENTER INTO AGREEMENT FOR THE CONTINUED PARTICIPATION INTO THE TRUMBULL COUNTY COUNCIL OF GOVERNMENTS; AND DECLARING AN EMERGENCY

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

Ms. Marchese said that she read something about this being more for townships so she would like to know why the city is involved. She does not understand this. Mayor Mientkiewicz explained it is for all entities and the city directly benefited from the COG with the demolition of Garfield school last year.

Mr. Profato stated that he is a member of the COG and the city did benefit on an \$80,000 project. The entire county will benefit from it because it pulls in everyone's resources. Mr. Sollitto asked what the future benefits would be and how we benefited from it. Mr. Profato stated that the city was able to save money by the COG assisting with the project. It was the biggest project initiated at the COG. Without the COG, we would not have saved that money.

Mr. Cantola would like to see section four of the legislation be removed. He does not want the agreement automatically renewing every year. President Marino explained they could not make that amendment since there was already a motion to suspend. It would have to wait based on the vote.

YEAS: 2 NAYS: 5 (Lastic, Cantola, Marchese, Smith, and Sollitto)

Rules are not suspended.

It was moved by Profato, seconded by Smith to give a first reading to this Draft No. 90-20.

It was moved by Cantola, seconded by Marchese to amend this Draft 90-20 and remove section four.

Motion carried.

YEAS: 7 NAYS: 0

This Amended Draft No. 90- 20 has received its 1st reading on the 19th day of August 2020.

ORDINANCE NO. _____ (Draft No. 92-20)

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR OR HIS DESIGNATED REPRESENTATIVE TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACTS FOR THE FIBER ROUTE PLANNING AND PERMITTING FOR EXPANSION OF THE CITY FIBER OPTIC NETWORK (FON) AND, DECLARING AN EMERGENCY

It was moved by Cantola, seconded by McNaughton to give a first reading to this Draft 92-20.

YEAS: 7 NAYS: 0

This Draft No. 92- 20 has received its 1st reading on the 19th day of August 2020.

ORDINANCE NO. _____ (Draft No. 93-20)

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR, OR HIS DESIGNATED REPRESENTATIVE, TO ADVERTISE FOR BIDS FOR THE TRENCH DRAIN IMPROVEMENTS PROJECT AT THE SAFETY SERVICE BUILDING AND, DECLARING AN EMERGENCY

It was moved by Cantola, seconded by Marchese to give a first reading to this Draft 93-20.

YEAS: 7 NAYS: 0

This Draft No. 93- 20 has received its 1st reading on the 19th day of August 2020.

MISCELLANEOUS REMARKS

(Miscellaneous remarks began at 40:20 into recording)

Mayor Mientkiewicz informed council that Shelly and Sands is wrapping up the street resurfacing project. If anyone has any issues with the streets in their ward, let him know and they will address it. They are still going around to clean up the mess and to seal the curb lines.

Also, the city was recently approved for the 2021 Community Development Block Grant for \$150,000.00. This money will go to 10 new hydrants and valves, new sidewalks and the demolition of one or two homes. President Marino asked if there was an update on the house behind High Pointe. Mayor Mientkiewicz said that property is in Weathersfield and they have contacted them about it. He believes it has been sold.

Law Director Zuzolo told council that he has pending litigation that he needs to discuss with council. President Marino said they will address this in executive session after comments.

Mr. Lastic wanted to thank everyone who was involved in the Battles Ave project. He has received a few phone calls. They did a great job.

Mr. Cantola stated that he feels a disservice was done this evening. As elected officials, the legislation should not have gone down. He cannot believe that 4 people would vote that way. They should want to look at the spending.

Second, he has had residents call with their concerns about the house on Federal Street. He wants them to know they are still working on it. Their next step is to contact the school administration and get them involved and find out why we are allowing this to occur within 300 feet of our high school. He said we need to pay attention closely to our neighbors and when he says that he means our townships and how we address them. There are a lot of things going on and there are a lot of people who do not want to work with us.

Ms. Marchese had some concerns with Shelly and Sands going up and down Summit street. She said they were using it like a race track. She understands they were going there to dump but they were traveling fast and those heavy trucks are over the ton limit for the street. She is concerned there could be damage done. Mayor Mientkiewicz said he will have the inspector look into it.

Ms. Marchese said she thinks council needs to address opening the city building. She feels the tax payers should be allowed to enter the building. It shouldn't be one person's decision but she does understand why it was made due to COVID. But other places are re-opened. She thinks people should be able to go in and pay their bills. They can social distance and mark the floors just like everywhere else. Should the citizen want to see someone else, they can contact the Mayor's office to set an appointment. She thinks it is time that council take a stand and open the building.

Law Director Zuzolo said this is a grey area between legislative and administrative duties. While it is a city building, the delegation to run the building falls to the Mayor. Mr. Sollitto asked if this would fall under public grounds and Law Director Zuzolo said it could.

Ms. Marchese said she isn't talking about opening the whole building, just enough for people to go in and pay their bills. The workers are behind the glass and the rest would be roped off. She thinks council needs to move forward on this. Mayor Mientkiewicz again stated the building is open. It isn't wide open but it is open. Given the circumstances we are in, people understand. He has not had any complaints. Bills are being paid and money is coming in. Ms. Marchese said he should want the building open so he can see the citizens and let them know that they are welcome. They are just coming in to pay a bill.

Mr. Sollitto said they had a recommendation at the public grounds meeting to open the building so he can submit that. President Marino told him to work with the Law Director on this.

Ms. Smith wanted to reiterate that she thinks everyone in the body takes their job as a council person very seriously. They are all stewards of the citizen's money. She reads all of the financial reports and if she has questions, she contacts the auditor. She contacts the Mayor about things and also reads the online checkbook. She does not like the implications that people are not doing their job.

Mr. Sollitto followed up on the implications that people aren't doing their job. That is exactly what he is saying. People are not doing their jobs. They have responsibilities to be financial stewards and be in the decision making before. He absolutely think that people aren't doing their job and the record will reflect that on the vote. The citizens will see that.

Mr. Sollitto wanted to follow up on an issue that was happening in the parking lot next to Madden's. People were loitering and drinking in the parking lot. He asked Safety Director Kaniclides for an update. Safety Director Kaniclides confirmed there was a meeting about this. There will be police officers monitoring this parking lot and instructing people to leave. It has been taken care. They will begin watching it this weekend.

There was an issue with the cemetery and the marking of the pins. Mr. Sollitto did go out there with Mr. DeChristefaro and the markings were not correct. They were on someone else's grave. He says they need to work on getting the caretaker trained better or getting him help. This is a very serious thing. He said himself and Mr. Cantola went there, and you could see the pins and the markings very clearly and see that they were on someone else's grave. He is not trying to be adversarial. He just wants to get it corrected.

Mayor Mientkiewicz said he did go there this morning and looked at it. He saw pictures of where a flag was marking where the memorial needed to be and that is exactly where the memorial is. So, he doesn't think there is an issue. The memorial footer has been installed. Mr. Sollitto asked Mr. Cantola if that is what he observed, and Mr. Cantola said the flag was just being put in. He has had discussions with other businesses and individuals. Other businesses go into a variety of other cemeteries and things are managed very consistently in other areas and not as consistent in ours. His recommendation would be to look at the surrounding cemeteries and see what they are

doing and copy what is working for them. Mr. Cantola had an issue like this with a mismarking with his parents, so he understands what people are saying. Mayor Mientkiewicz said if a company is not satisfied, they need to go talk to Nick in the cemetery and he will rectify the issue. If there any issues, please direct them to the Mayor or Service Director.

Mr. Sollitto said on a positive note he went down Camrose and noticed the streets. He wanted to say that the street department is doing an excellent job. The streets look very nice.

It was by Marchese, seconded by Smith to adjourn into executive session under ORC 121.22 G3 for the purpose of pending litigation.

YEAS: 7 NAYS: 0

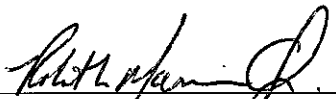
Council adjourned into executive session at 6:57 P.M.
Council reconvened from executive session at 7:14 P.M

ADJOURN

It was moved by Cantola, seconded by Sollitto to adjourn the meeting.



Nicole Bacak, Clerk of Council



Robert Marino, Jr, President of Council