

COUNCIL MEETING MINUTES
September 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 September 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-NP, Smith- P, Sollitto-P, Marino-P

It was moved Smith, seconded by Cantola to excuse Ms. Marchese from the meeting due to an illness.

Motion carried.

It was moved Smith seconded by McNaughton to accept the minutes from the September 2nd meeting and place them on file.

Motion carried.

REPORTS AND COMMUNICATIONS

FROM- Auditor's Office

Statement of Cash from Revenue and Expense- August 2020

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

Motion carried.

FROM- Auditor's Office

Check Report by Check Number- August 2020

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

Motion carried.

FROM- Water/Sewer Superintendent

2020 Water loss report- August 2020

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

Mr. McNaughton asked if the 19.24% that the city is showing is an acceptable number. Mr. Catanzarite said he has spoken to the EPA and we are in line.

Mr. Cantola asked if the city has a method to track the water that we lose based on if it is a main line break or not. He thinks it would be good information to review if it is available. Mr. Catanzarite said they can somewhat track the service breaks or the line breaks. If it is a main line break, it could be a pinhole leak, a split, etc. If they had an absolute failure of a clean break and the water is just flowing, they could calculate that. But if they do not know when the leak started, they cannot track it.

Mr. Catanzarite said there was an issue in the past where water was leaking for a couple of weeks and was going into the sewer and no one ever knew it. He doesn't know if there a good way to track this. He did say that service line breaks generally lose less water and that lose is minimal compared to a main line break.

Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

(Public comments began at 5:05 into recording)

Dee Seeben: 611 Warren Ave. Ms. Seeben has a question about the electric bill. She paid her bill last month on the 9th and she has not received her bill yet this month. President Marino asked if she has spoken to the billing office and Ms. Seeben said she has tried but has not been able to get a hold of anyone there. Ms. Seeben knows her meter was read 2 weeks ago and she was told there was an upgrade to the system. Mayor Mientkiewicz explained there was a little delay due to the Labor Day holiday. He also stated the billing office is converting the bills from a rounded gallon mark to an actual gallon mark. For example, the bills would have shown an even 5000 gallon on the bill. Now, you will see 5181 gallons. This was something that a lot of residents complained about and they wanted to see the actual usage. So, this conversation did delay some of the billing.

Ms. Seeben asked if this will delay in her read then. Will she be receiving a 45 day read now? Mayor Mientkiewicz said typically the reads are between 25-35 days. The bill should be in the mail.

Judee March: 1644 Gypsy. Ms. March mentioned at the last meeting there were conversations about grants. The first grant was the Community Development Grant and she found that this grant has been given to the city since 1974. We have received it for 46 years and it comes from the state. She thought when this grant was presented that it was a new grant. Second, Ms. March said there is the Ohio Public Works Grant, which the city has been receiving since 1983 which is for gasoline tax that the city receives a percentage of.

Ms. March stated that she has probably had 5 water breaks in just in her yard and it has flooded 12 times. To date, Ms. March would like to know what the city has paid to YSU and have they secured any type of grant for the city. She would like to know if they are working on any grants for the city currently. If they are, can the public be made aware of what they are. And if they are not working on any grants, why not?

Ms. March asked if the city has gone after any capital improvement grants because those are million dollar grants. Ms. March pointed out that some of the water lines are 80-90 years old. The city needs someone to go for these grants because the town is crumbling. There is flooding everywhere, and sewer backup. She says someone needs to go after new grants for the city and not just the ones that we have received for 30-40 years that are given to us from the state.

President Marino said he will work on getting answers to her questions. If she is not at the next meeting, he will make sure he works with her council person and the Mayor to get her the answers.

George Kuriatnyk: 823 North Road. Mr. Kuriatnyk asked about the annex plan. He said he has asked a couple council members and they told him they do not know what the plan is. Are we just doing the annex because we want their money? He wants to know if there will be any development.

Mr. Kuriatnyk asked about the COG that Mr. Profato speaks about. He said not one, but two meetings, no one has been there to ask for help to tear down the Daily Times. It was in the paper three weeks ago and no one showed up. He spoke to a lady there and she said it was not the first time no one has showed. Mr. Kuriatnyk asked Mr. Profato about this. Mr. Profato said he did attend a week ago. Mr. Kuriatnyk said that someone was lying because she said no one has been there and he will call her again.

Mr. Kuriatnyk said he asked about Garfield school and the lady told him no one asked for help. Mr. Profato said that was not true and the city saved money using them. Mr. Kuriatnyk said the tax payers paid for it. Mr. Profato stated the city worked with the COG on the Garfield project and it would have cost roughly \$100,000 and the city saved \$80,000. President Marino confirmed the city did save money to tear down Garfield by utilizing the COG. Mr. Kuriatnyk does not know why the city would waste tax payers money for this when there was help available. Mr. Kuriatnyk said it is was also in the paper and no one showed up for the meetings. He is going to call the lady tomorrow and confirm. President Marino confirmed that the city absolutely saved money to tear down the building by using the COG.

Mayor Mientkiewicz said the Daily Times project has been presented to the COG. The project has been pushed back due to budget issues because of COVID. The city still plans to pursue the COG to assist with tearing down the building probably next year. President Marino said everyone understands what the Mayor is saying about the COVID situation and the project is on the card to be addressed. He does not want to get into a he said/she said this evening.

Mr. Kuriatnyk said it has been 5 years now that he has been cutting grass for 4 other houses off of Fenton. Within that 5 years, no one has cleaned the drains. He wants to know why no one is cleaning the drains. If the city has 4 employees to water plants, can't they send some of them to clean the drains? The drains need cleaned.

COUNCIL COMMITTEE REPORTS

Utilities committee meeting minutes from August 11, 2020.

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

ORDINANCES AND RESOLUTION
(Legislation began at 17:55 into recording)

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 McNaughton, seconded by Profato to give a third reading to this Draft 92-20

YEAS: 6 NAYS: 0

It was moved by McNaughton, seconded by Profato to adopt this Draft No. 92-20.

YEAS: 6 NAYS: 0

This Draft No. 92- 20 has been adopted on the 16th day of September 2020.

ORDINANCE NO. ____ (Draft No. 95-20)

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR, OR HIS DESIGNATED REPRESENTATIVE, 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

Mr. Lastic asked if this was time sensitive. Mayor Mientkiewicz explained it is. The application deadline is October 5th.

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

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Lastic, seconded by Smith to adopt this Amended Draft No. 95-20.

YEAS: 6 NAYS: 0

This Amended Draft No. 95- 20 has been adopted on the 16th day of September 2020.

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, amend this draft to reflect the correct dollar amount for the project.

Motion carried.

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

Mr. Cantola asked why there was a change in the cost. Was anything added? Law Director Zuzolo explained that the original legislation had the savings listed instead of the bid amount. It was a mix up in the amount. The correct number is \$74,000.

YEAS: 6 NAYS: 0

This Amended Draft No. 96- 20 has received its 2nd reading on the 16th day of September 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 Sollitto to give a second reading to this Draft 97-20.

Mayor Mientkiewicz wanted council to know that if this was not passed this evening, the cost will be going up due to higher mobilization charges for the equipment. Auditor Merlo said he did send the information to Mr. Sollitto.

YEAS: 6 NAYS: 0

This Draft No. 97- 20 has received its 2nd reading on the 16th day of September 2020.

RESOLUTION NO. ____ (Draft No. 98-20)

RESOLUTION ACCEPTING THE AMOUNT AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

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

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Cantola, seconded by Sollitto to adopt this Draft No. 98-20.

YEAS: 6 NAYS: 0

This Draft No. 98- 20 has been adopted on the 16th day of September 2020.

RESOLUTION NO. ____ (Draft No. 99-20)

A RESOLUTION INDICATING THE SERVICES TO BE PROVIDED FOR CERTAIN TERRITORY PROPOSED FOR ANNEXATION TO THE CITY OF NILES, UPON ANNEXATION; AND DECLARING AN EMERGENCY

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

Mr. Cantola asked if council will get a document for every person that wants to annex into the city. He wants to know if this is the process for everyone. Law Director stated yes because this is set by ORC. The city's legislative body has to accept the parcel. President Marino pointed out that it is listed in the first section of the legislation.

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Profato, seconded by McNaughton to adopt this Draft No. 99-20.

YEAS: 6 NAYS: 0

This Draft No. 99- 20 has been adopted on the 16th day of September 2020.

ORDINANCE NO. ____ (Draft No. 100-20)

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO AN AGREEMENT WITH OHIO ADULT LIVING II, LLC FOR SETTLEMENT OF PENDING LITIGATION AND DECLARING AN EMERGENCY

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

Mr. Cantola asked Law Director Zuzolo if there is an agreement that they will pay the rates now. Law Director Zuzolo said there is no issue with the rates. This issue stems from the installation and purchase of the transformer at the start of the project.

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Smith, seconded by Sollitto to adopt this Draft No. 100-20.

YEAS: 6 NAYS: 0

This Draft No. 100- 20 has been adopted on the 16th day of September 2020.

ORDINANCE NO. ____ (Draft No. 101-20)

AN ORDINANCE AUTHORIZING MONTHLY CASH TRANSFERS; AND, DECLARING AN EMERGENCY

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

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Cantola, seconded by Sollitto to adopt this Draft No. 101-20.

YEAS: 6 NAYS: 0

This Draft No. 101- 20 has been adopted on the 16th day of September 2020.

ORDINANCE NO. _____(Draft No. 102-20)

**AN ORDINANCE AUTHORIZING BUDGET TRANSFER WITHIN PARK FUND 221,
AND DECLARING AN EMERGENCY**

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

Mayor Mientkiewicz updated council that this was passed at the park board meeting. This project will address the renovations to the tennis courts at Stevens Park. They will be going from 4 tennis courts to 2 but adding 4 pickle ball courts. They will be doing a complete resurfacing of the playing surface.

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Sollitto, seconded by Lastic to adopt this Draft No. 102-20.

YEAS: 6 NAYS: 0

This Draft No. 102- 20 has been adopted on the 16th day of September 2020.

MISCELLANEOUS REMARKS

(Miscellaneous remarks began at 34:01 into recording)

Mayor Mientkiewicz forgot to mention that the updates to the tennis courts are being funded by grant dollars and donations. He wanted to thank the Youngstown Park Regional Chamber for donating approximately \$6000.00 and the Trumbull County Combined Health District for their grants of \$5000.00 for this project.

Law Director Zuzolo updated council that TCTC went radio silence on him and that is why they are using the equipment they had this evening for the meeting. He thinks they will be back to contacting DATACOM. The biggest problem we have is the WIFI. Council will need to figure out where they want to go from here on this issue.

Mr. Sollitto asked Law Director Zuzolo about the inquiry that Mr. McNaughton made and he wanted an update to that inquiry. Law Director Zuzolo clarified that the inquiry was about a residency requirement or issue with another council member and potential conflict of interest issue. Law Director Zuzolo is waiting for a proposal for a cost of the investigation. He will be removing himself from this. Once this special council investigates, they will report to him and he will update council. He has spoken to the County Prosecutor and he was told an investigation would be to be done and then formal action from council would need to be initiated. There would need to be input from city officials on this matter. As of right now, he has spoken to Mr. Cantola about this and he will keep everyone updated. The process has just started.

Auditor Merlo said yesterday the State Auditors released the city's 2019 financial audit. He has spoken to Mr. Cantola and they are looking to do a finance roundtable on the 30th to discuss. There were no findings. There were some GASB changings with the accounting procedures and some recommendations for us to adopt some GASB policies. They city will work with Julian & Grube on this.

President Marino asked if they were management letters on these policy changes. Auditor Merlo said yes. President Marino asked if there was a way for them to let us know these changes in advance. If they are aware of them, they could let us know.

Treasurer Telago wanted to touch base on the report he sent to council. There was a deposit from RITA made yesterday. The city is now at \$676,531.14 for September. The city is about \$659,285.21 behind from last year. It is far less than the million they predicted. It is not bad, but it isn't good.

Mr. Sollitto asked if this was because of the back taxes owed and are not being paid. Treasurer Telago said the back taxes do not make up that much of the deficit. It is mainly due to people losing their jobs and going on unemployment. The city does not collect taxes when people are on unemployment. There is also a delay in people filing their taxes.

President Marino asked if they provide Treasurer Telago with metrics on the stability of our business as they bring people back to work. Treasurer Telago said no. President Marino asked if we could ask for something like that because that might give us an update on the businesses keeping people gainfully employed. Council might not be entitled to it but he might be. He might be able to get this information, so we know the strength of the economy. Treasurer Telago said there are some things he receives that he is not able to share. President Marino understands that but while reviewing the reports if he is able to put something together. Treasurer Telago said he would rely on the information RITA gives him. President Marino said they can absolutely give him the tax payments for every business because if they didn't then how do they go after people.

Mr. McNaughton had one comment on Draft 97-20 which received a second reading. Apparently, there was an email sent that talked about it being time sensitive. It is his expectation with legislation coming to council and there is something time sensitive, they all are made aware. This way everyone is prepared.

Mr. Cantola said since Ms. Marchese is not present that she would want them to know she wants Beaver street done. This is something she would have said.

Mr. Cantola brought up the Madden Bar issue on the strip. It is out of control. He drove past it on Friday night and there had to be 300 plus cars. President Marino interjected and said Mr. Cantola can say whatever he feels is most appropriate. But when they speak about a specific business that it be handled with the Safety Director, Police Chief and appropriate authorities. Mr. Cantola understands but he is communicating out to the administration that they need to look at what is going on.

Law Director Zuzolo responded that his understanding is that one of the issues this particular establishment has is that when certain bars in Warren let out at 10:00 P.M. and they stay open and serve food. He does know pictures were taken. He did speak to the officers who arrived there. They did keep people from going inside and kept the occupancy level where it needed to be and got people to leave.

Mr. Sollitto also interjected that Safety Director Kaniclides is aware of this issue and he is meeting with the police and he has other concerns from other businesses across the street. He would rather let Safety Director Kaniclides do his proper meeting and due diligence and come back with to them with what he found out. What Mr. Cantola is raising is valid, but there are other issues that need to be looked into from other businesses. He would like to wait and see what they can find out. Mr. Cantola is saying something at the council meeting because two of our cars are there. He doesn't think it looks good. This is a concern and should be a concern.

Mr. Cantola also wants to follow up with Law Director Zuzolo on the clubs/organizations legislation. He doesn't want this to fall by the wayside.

ADJOURN

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



Nicole Bacak, Clerk of Council



Robert Marino, Sr., President of Council