

COUNCIL MEETING MINUTES
September 2, 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 2, 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-NP, Marchese-P, Smith- P, Sollitto-P, Marino-P

Mr. Cantola was not present at the time of roll call but did arrive to the meeting at 6:03 P.M.

Mayor Mientkiewicz read a proclamation to support Prostate Cancer Awareness Month.

It was moved Sollitto, seconded by Marchese to accept the minutes from the August 19th meeting and place them on file.

Motion carried.

REPORTS AND COMMUNICATIONS

FROM- Auditor's Office

Statement of Cash from Revenue and Expense- July 2020

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

Motion carried.

FROM- Auditor's Office

Check Report by Check Number- July 2020

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

Motion carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

(Public comments began at 5:19 into recording)

Sandy Scott: 128 West St. Niles. Mrs. Scott understands that at the last few meetings there have been discussions about the activities at the pineapple house. Mrs. Scott wanted to give council an update that the gentleman has died. She encouraged council to amend their ordinance against sexually based businesses, clubs, etc. Mrs. Scott said the children do not deserve to have that in this town. They just celebrated their 3rd anniversary. Mrs. Scott also raised concerns about human trafficking and council should be aware and amend their ordinance.

George Kuriatnyk: 823 North Road. Every meeting he comes to, he hears the Mayor state that city hall is open. Ms. Marchese says it is not. He came down to the building and saw the signs posted saying the building was closed to the public. He had to discuss his utility bill and made 48 calls to the billing office within 8 days. He only got through 6 times. He would like to know if the building is open. Mayor Mientkiewicz stated the building is open. People can come in through the west entrance and they come in every day. Mayor Mientkiewicz said he would look at the signs tomorrow.

Mr. Kuriatnyk asked why the CIC and city want to give money to the bank. He does not know why they would give money after the building was already bought.

Mr. Kuriatnyk asked about the \$21,000 update for repairs to city hall. He asked Mayor Mientkiewicz to explain what the updates were. Mayor Mientkiewicz went through and explained what all the extra work was that needed to be done such as lintel work, upgrades to the flashing, masonry repair for leaks, etc. Mayor Mientkiewicz did stress that if these items are not addressed, they will continue to get worse. Mr. Kuriatnyk asked Law Director Zuzolo if he can get a copy of items that were submitted. Law Director said yes he could.

COUNCIL COMMITTEE REPORTS

Mr. Sollitto wanted to give council an update on the upper roads in the cemetery. Originally, cuts were done to the budgets and there was \$15,000 cut out from the cemetery. They did send out some bids for this work. The bids came back between \$20,000-\$30,000. They will be able to get the roads done under budget even with the cuts.

Mayor Mientkiewicz informed council that they did receive three bids to do the work. Trumbull Paving was \$19,800, \$24,000 was Pantalone and \$32,500 was Carl's Paving. These numbers are well below the original budget and the administrative cuts that were done so they will be moving forward with this project.

ORDINANCES AND RESOLUTION (Legislation began at 15:46 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 Marchese, seconded by Lastic 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 Draft No. 86-20.

YEAS: 7 NAYS: 0

This Draft No. 86- 20 has been adopted on the 2nd day of September 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 Smith 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 Amended Draft No. 90-20.

YEAS: 7 NAYS: 0

This Amended Draft No. 90- 20 has been adopted on the 2nd day of September 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 McNaughton, seconded by Smith to give a second reading to this Draft 92-20.

YEAS: 7 NAYS: 0

This Draft No. 92- 20 has received its 2nd reading on the 2nd day of September 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 Marchese, seconded by Lastic to suspend the rule requiring three readings.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Marchese, seconded by Smith to adopt this Draft No. 93-20.

YEAS: 7 NAYS: 0

This Draft No. 93- 20 has been adopted on the 2nd day of September 2020.

ORDINANCE NO. ____ (Draft No. 94-20)

AN ORDINANCE REPEALING ORDINANCE NO. 49-20, AN ORDINANCE AUTHORIZING REIMBURSEMENT OF UP TO TEN THOUSAND DOLLARS AND 00/100 (\$10,000.00) TO THE COMMUNITY IMPROVEMENT CORPORATION OF

NILES FOR EXPENSES RELATED TO A PROPOSED DONATION OF THE NILES BANK BUILDING; AND DECLARING AN EMERGENCY

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

Mr. Cantola wanted to clarify and make sure that everyone knows that this was money council already had appropriated to the CIC for the bank building. Since that building has been purchased, this ordinance puts this money back into the general fund. This is not any additional funding going to the CIC.

Ms. Marchese wanted to update Mr. Cantola on the request that Mayor Mientkiewicz had during caucus. Mayor Mientkiewicz asked city council to keep this money for economic development because there are two businesses that will be submitting requests to the CIC for grant money to assist with signage/sidewalks/façade. There is a CIC meeting at the end of the month and these businesses will be presenting their plans to CIC for consideration. If the CIC does approve these grant request, the administration will be coming back to council and asking for those dollars to be given to those projects. Mayor Mientkiewicz wants the money to stay in the account for the original intent, which is economic development.

Mr. Cantola appreciates that and he was not aware of the requests from the businesses. However, there is a potential \$75,000 project at the Safety Service Complex which is a need. This was not something that was appropriated. He would have thought with this money going back to the general fund, that the city would use it for the Safety Service Complex. This \$10,000 might be better used there at the Safety Service Complex for those repairs.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Smith, seconded by Sollitto to adopt this Draft No. 94-20.

YEAS: 7 NAYS: 0

This Draft No. 94- 20 has been adopted on the 2nd 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

Mayor Mientkiewicz reminded council that there is a time constraint on this legislation in order to be approved.

Ms. Marchese made mention of Beaver Street. She wanted to know why it is now missing from the legislation. She said the people on Beaver have been on the list. Mayor Mientkiewicz said they are the list for potential paving next year. Ms. Marchese asked about the other repairs the street needs. She said this is has been talked about before. Mr. Lastic asked if Ms. Marchese was on council when they talked about paving it before. She is not talking about it being paved. She wants to know about it being fixed and repaired.

Mayor Mientkiewicz said there has only been one break there and it was a service line break. He knows there is the issue of flooding at Robbins. He doesn't think there would be an issue with putting in a catch basin and leading the water to Robbins. He would have to discuss that with the superintendents. Ms. Marchese continued to stress the poor condition of the road and that it needs to be addressed and redone. Mayor Mientkiewicz stated again that the road is on the list for a potential for next year. He said it is either that or spend \$500,000 to rebuild the street.

Mr. Cantola agreed with Ms. Marchese on the condition of the street. He said improvements do need to be done on that street. He has a question on the wording of the legislation. He wants to know what infrastructure improvements they are talking about and how do to relate to any annexation. He wants to know if this relates to any of the things on the list they have.

Mayor Mientkiewicz explained to Mr. Cantola that he covered this during the caucus. The application is for \$225,000 which will match the city's \$500,000 for street resurfacing. Next year, they are looking at completing \$725,000 in street resurfacing. Mr. Cantola wanted to clarify that this does not include waterlines or infrastructure. It is just roads. Mayor Mientkiewicz confirmed it is for roads.

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

YEAS: 5 NAYS: 2 (Cantola and Marchese)

Rules are not suspended.

It was moved by Marchese seconded by Lastic to give a first reading to this Draft No. 95-20.

Mr. McNaughton asked Mayor Mientkiewicz since this is time sensitive, how much time do they have left for this to get passed? Mayor Mientkiewicz said until the first meeting in October.

Mr. Sollitto said he understands the issue with Beaver street, but he does not want to risk losing the entire grant over that one street. He does agree it needs to be addressed but he does not want to sacrifice everyone else.

Mayor Mientkiewicz said they can leave Beaver Street off and address it a different way. This application is get the money to pave \$725,000 in streets next summer. If they do not want Beaver on the list, they can leave it off. Ms. Marchese said she wants Beaver Street on the list. Mayor

Mientkiewicz said earlier Ms. Marchese said she didn't want the street paved and that she wants it rebuilt. Ms. Marchese stated she didn't say that and yes the street needs redone. She doesn't believe paving will work. Mayor Mientkiewicz said the engineers have said with a base coat and a top layer it will work. Every road in the city is paved over brick. Ms. Marchese again stressed the poor condition of the road. Mayor Mientkiewicz said the engineers have walked the street and they believe it will work. He hopes the city still has enough time to get this application in.

Mr. Sollitto questions the motion to move forward with the vote.

YEAS: 7 NAYS: 0

This Draft No. 95- 20 has received its 1st reading on the 2nd 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 Sollitto to give a first reading to this Draft 96-20.

Mr. Cantola asked where exhibit A was. Law Director Zuzolo said it didn't make it over. President Marino said it will get delivered to everyone.

YEAS: 7 NAYS: 0

This Draft No. 96- 20 has received its 1st reading on the 2nd 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 Lastic to give a first reading to this Draft 97-20.

YEAS: 6 NAYS: 1 (Cantola)

This Draft No. 97- 20 has received its 1st reading on the 2nd day of September 2020.

MISCELLANEOUS REMARKS

(Miscellaneous remarks began at 37:24 into recording)

Mayor Mientkiewicz updated council on the state and federal grants with ODOT. Unfortunately, with COVID, there is a chance that West Park and East State Street will be pushed to next spring. COVID delayed a lot of these projects. He does have a meeting with ODOT on Friday to move them along. These projects will get bid for three weeks so they will be cutting it close. Plus, there is the issue with the asphalt plants close usually in the beginning of November. He hopes the bids to smooth and everything goes according to plan, but there is a chance it will not happen due to the delays from COVID. This is something completely out of the city's hands.

Mayor Mientkiewicz spoke to State Representative Blair and he was informed the city is going to receiving approximately an additional \$133,000 in COVID funding. This money cannot be used for budget deficits but can be used for PPE, sanitizer, specific COVID related expenses etc. The city already received \$265,000.

Lastly, the city will have their annual tire drop off and the dates are September 12-18. There will be a bin located behind the police department.

Law Director Zuzolo stated he did look, and he did not send out the exhibit for the legislation. He overlooked it. He also told council that he will need help setting up the room for the meetings.

He also said he is getting a lot of positive feedback on how the meeting is being broadcasted this week. Datacom has agreed not to charge the city for the last meeting since things did not run smoothly. He also spoke to TCTC and they have two students from Niles who would receive hours of credit if they would come here and work. All TCTC asks for is a donation. They were not able to be at this meeting. Law Director Zuzolo said to allow TCTC a chance to run the next meeting and see how it goes.

President Marino asked what the purpose of the donation is for and Law Director Zuzolo said it is for the program the students are in at TCTC. The donation is not required. President Marino said he would donate personally to them. Council members can make personal donations.

Mr. Vigorito updated council on new businesses coming into the city. He stated that after a few months of being shut down, Boscovs is back to construction and is moving full speed ahead with their plans. There are also 3-4 new businesses that have opened. There is a garden center café on 422, Tino's restaurant, and a new hot dog shop getting ready to get started.

Treasurer Telago wanted to touch base on the report he sent to council. Currently the city is approximately \$592,000 behind in collections from last year. However, it was originally projected that they city would be about a million dollars behind. He would like to see how the

rest of the year goes with collections. Right now, we are holding our own. If anyone has any questions, they can call him.

Mr. Cantola stated that he questioned annexation because council is receiving letters on how this is going to roll out and what the plan is on how we will move forward. He knows there was talk in the past about homes being able to come into the city if they elect to. He wants to know how this is will handled with our police, fire and dispatch departments. He does not believe we have a plan in place on how we will manage this. Mr. Cantola thinks council should be included in some of these decisions or at least where the direction of the city is. He would like to know the ROI. Whoever pays the bill, what is city's bottom line on this whole project. What do the taxpayers get? What is the return on the investment? Do we have to put out millions of dollars and wait years for a return? Mr. Cantola does not think that is smart business decision.

Mr. Cantola gave examples of construction or projects being started but not being completed. The developers start projects, but they are not moving forward. He would like to know where the plan is so that council can help contribute and speak to it. Can the city manage the new water line breaks, infrastructure, etc. Where do we draw the line? He does not know what the plan is and from a council standpoint, he does not believe anyone from council can speak to that. He thinks they deserve a plan on where the city is going.

Ms. Marchese had a question about Cedar Street and Cherry. There was a grant that was received to build homes on that property. She asked for an update on that piece of property. Mayor Mientkiewicz said he assumed it was delayed due to COVID but he referred to Mr. Vigorito. Mr. Vigorito said he did review plans today for that property, so the project is getting started. Ms. Marchese was happy to hear this was moving forward.

Ms. Marchese said Mr. Cantola had a question about the permits. She wanted to know how long the city gives them to finish these projects once they pull a permit. Mr. Vigorito believes they just changed the ordinance on that. He believes it is 30 days for residential and 90 for commercial but he is able to extend those.

Ms. Marchese mentioned about wanting the city building opened. Mayor Mientkiewicz explained that people can come into the west entrance of the building. They can come in and pick up the phone and call the department they need, and they will be taken care. Mayor Mientkiewicz said we are not going back to the ways of people just roaming around. We are in the middle of a global pandemic and let people just roam around freely is reckless. Mayor Mientkiewicz told Ms. Marchese it is very irresponsible for her even ask for the building to be wide open. People can still come into the building and pay their bill in person. They need to come in the side entrance and call the billing department and they will come down and take care of it.

Ms. Marchese does not understand why Mayor Mientkiewicz will not open the building and Mayor Mientkiewicz said it is because they are taking precautions during a global pandemic. Ms. Marchese asked if they Mayor if he will ever open the doors. Mayor Mientkiewicz said that is how it is right now. Some one came into the building to see him today, they picked up the phone and called his secretary and he went down to speak to them. The building is not locked down.

But the days of people roaming freely are over. Ms. Marchese said it is the taxpayers building and Mayor Mientkiewicz understands that but there are guidelines and restrictions now.

President Marino interjected. He asked if the city has consulted with the Board of Health for a safe reopening of the building. Mayor Mientkiewicz said they have and the city is mimicking what the Board of Health does and other government building.

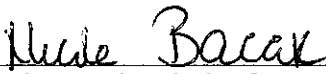
Mr. Sollitto said he is having Law Director Zuzolo type up legislation for the city building to re-open. Whether it is liked or not liked, there will not be a debate. They can debate it at the next meeting when they have the legislation. In the meantime, if everyone goes and looks at the building and it looks like it is acceptable, then there is no issue. Mr. Sollitto would like everyone needs to go and look at the building and see if they find it acceptable to take care of their business. President Marino asks that the city consults with the Health Department and we get their blessing. He wants to ensure that whatever is decided has been vetted and discussed with the Board of Health and we have their approval. That is the way it is supposed to work.

Mr. Sollitto pointed out that he was at the county building this week and had no issues. He had to wear a mask and social distance so he would not think that the city building would be any different than the county. President Marino said his building is open also. However, there should be a plan and process in place.

Lastly, Ms. Marchese brought up the ordinance that is in place on sexually orientated businesses. There was something on Pratt Street awhile ago. She referred to a lot of things happening so close the schools. There were two individuals that passed away in two different homes. It is not good. She wants to put a stop to that now. President Marino asked if she has had a committee meeting and she said she is going to. He asked that she include the Law Director, Chief of Police and Building and Zoning to look at all aspects.

ADJOURN

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



Nicole Bacak, Clerk of Council



Robert Marino, Jr., President of Council