

## **COUNCIL MEETING MINUTES**

**November 3, 2021**

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

Niles City Council held its regular meeting on November 3, 2021, at 6:00 p.m. at the Niles McKinley High School in Niles, Ohio.

The meeting was called to order by Council President, Robert Marino Jr., and the Clerk, Nicole Bacak, called the roll:

Julian- P, Lastic-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 October 20<sup>th</sup> meeting and place them on file.

Motion carried.

### **REPORTS AND COMMUNICATIONS**

**FROM-** Treasurer's Office

Monthly Distribution Summary Report from RITA

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

Motion Carried.

**FROM-** Planning and Permitting Office

Two petitions to amend zoning- 1714 Robbins Ave, Niles, Ohio and 1500 McKinley.

It was moved by Marchese, seconded by Sollitto to refer these to the Planning Commission.

Motion Carried.

### **MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL**

(Public comments began at 2:05 into recording)

Dee Sebben: 611 Warren Ave. Mrs. Sebben wanted to know what the status is of the investigation that was started in April? She said this investigation was about conflict of interest. President Marino asked if he asked for this investigation and Mr. Sollitto said no it was Mr. Cantola. Mrs. Sebben said President Marino asked Law Director Zuzolo to look into it and President Marino said yes, he would have referred it to the law office. He asked Law Director Zuzolo what the status was. Law Director Zuzolo said he can have an update next week because he is still waiting for one agency to respond to him.

Mrs. Seeben wanted to know what the money from the park levy that was passed the day before will be used for. Mr. Sollitto stated this was just a renewal and no additional increase was passed so the renewal will allow them to maintain business as normal. He did confirm this with Auditor Merlo. Next, Mrs. Seeben wanted to know where the city was with annexation. President Marino asked either Law Director Zuzolo or Mayor Mientkiewicz to answer this. Mayor Mientkiewicz said there was an ordinance passed through city council. If people request utilities outside of the city, then the ordinance will be followed. Mrs. Seeben asked if the rates outside of the city is higher and Mayor Mientkiewicz said yes. Water is approximately 50% higher and that is about the same for electric. Mrs. Seeben doesn't think it is right to charge people a higher rate than those inside of the city. Mayor Mientkiewicz said it is set by state statute.

Mrs. Seeben brought up city emails that were sent out from Mr. Merlo about Mr. Sollitto attacking a citizen. Mrs. Seeben said the rumor is that Mr. Ray Bishop is behind the emails. Mrs. Seeben asked if anyone knew about this, and Auditor Merlo wanted to be clear that he is the only Mr. Merlo at the city and the emails did not come from him. Ms. Marchese said those emails only went out to council members and they should not have gone out to anyone else in the city. Mr. Sollitto explained the email that was sent out about him was using a fraudulent email address using Mr. Joe Merlo's name. Mr. Sollitto did show Mr. Joe Merlo this email and it did not come from him. Mr. Sollitto said if this email would have been about the mayor, then it would have been investigated. He said he did reach out to the mayor about this issue and did not get a response and that is unacceptable. It was brushed up and he is going another route now and checking to see what the duties the mayor has in regard to this issue. He should have responded to the concern of a council member and a citizen. President Marino told Mrs. Seeben that she is out of time.

Ms. Marchese said whoever did this, to her, is a piece of scum. The family just lost their father, and she does not understand how someone could go so low and be so disgusting to do something like that. Mrs. Seeben asked council for additional three minutes because she does have one more question.

It was moved by Cantola, seconded by Sollitto to grant Mrs. Seeben and additional three minutes.

**YEAS: 7      NAYS: 0**

Mrs. Seeben wanted to wish Mr. Cantola all the luck. She knows how much this city means to him and Mr. Cantola thanked her. He said he always tried to put the city and the citizens first.

Mr. Sollitto agreed with Ms. Marchese about her comments. The Mero family has gone through a very tragic time which made the situation worse.

Jeanette Jackson: 409 Wendell Place. Mrs. Jackson was at the meeting two weeks where she submitted pictures and she wanted to know where they were with it. Law Director Zuzolo said he spoke to Mr. Crowley, and he was told that the 7-day notices were sent out. Mrs. Jackson wanted to know when they were sent out and Law Director Zuzolo said he was not sure, but he would follow up and get back to her. Mrs. Jackson pointed out that she brought this to everyone's

attention 14 days ago and the letters should have been sent out and they should have already addressed this. If this is not corrected in 24 hours, she said she was advised to seek council go after the city for targeting and harassment. Mrs. Jackson said there is also the issue with the woman on North Road being harassed about her sidewalk.

Mrs. Jackson asked council what can be done because Mr. Crowley is not fixing the issue because it is one of his properties and the sidewalk is a death trap. Mrs. Jackson said he owns 27 properties in the city of Niles. She said she will be looking at harassment and targeting. Mr. Sollitto wanted to confirm that Mrs. Jackson was in a similar situation where she was asked to move her property because she was in violation and now, they are not enforcing the ordinance for others, and she confirmed this. Mrs. Jackson said they should already be receiving the \$500 fine and the daily fines. Law Director Zuzolo said he will get in touch with her tomorrow morning.

Deanna Miller: 4478 Burkey Rd., Austintown. Mrs. Miller has been to council in the past about the flooding problem on Brown and First Streets and she would like to where the city is with getting the pumping stations assessed. Ms. Smith explained at the last council meeting, council did pass the legislation to have the pumping stations assessed. Mayor Mientkiewicz confirmed that they did meet with the consultants and the assessment is going on.

Mrs. Miller asked if the city was granted relief funds to help with issues. The flooding in that area has been going on since the school was built. She knows there are other flooding issues within the city as well. She wants to know if some of the relief money could be used to address these flooding issues. Mrs. Miller also asked which council member was responsible for that ward and Mr. Cantola said he was. She said thank you because she was never sure who oversaw the area.

Mrs. Miller asked when she would be notified when the assessment was completed. Mayor Mientkiewicz said she would be notified but it will be a lengthy process. It will not happen overnight. He also wanted in on the record that the funds from the American Rescue Plan Act are specific to water and sanitary projects only. It would not cover storm water projects. President Marino and Mayor Mientkiewicz said if it is a pumping station, it could be a sanitary issue. They must wait for the assessment to be completed. Mrs. Miller said he son has purchased the house on 312 Brown and he has some things to say also.

Mark Kenny: 312 Brown Street. Mr. Kenny did confirm that there were people at the pumping station on Brown Street this morning. He did go over and ask them a few questions and they did push him away. He said the process did start but he wants to know how long it is going to take. He has been going through flooding issues since 2014 every time there is hard rain. He is basement is flooded with sewage. He said if it isn't fixed soon, he is going to go to the EPA and OCEA.

Mayor Mientkiewicz asked when the last time he was flooded in the basement and Mr. Kenny wasn't sure of an exact date but in September. Mayor Mientkiewicz said the process is underway and they hope to get answer to mitigate the issues. Mr. Kenny said they need to keep moving forward with it. Mayor Mientkiewicz said they have been talking to the consultants and they will

update everyone when they get more information. Mayor Mientkiewicz again reminded everyone that this will be a lengthy, professional process by an engineering firm. This is just the assessment that is being completed. Once it is complete, they will get a report and what is needed to be done to correct the issues, that is a whole different phase of the project. In August, it was brought to council to approve and fund the assessment and now the assessment is being completed. Next, they will wait and see what the assessment shows.

Mindy Devorich: 607 Fifth St. Mrs. Devorich said her house last flooded on August 18<sup>th</sup> and this is a problem with the sanitary system. She said she knows people believe her problem is that her driveway slants down. Mrs. Devorich said that is rainwater and she has a drain at the bottom of her driveway to move the water away. With the last heavy rain, she did admit that she got some rainwater in her house. But toilet paper and waste do not fall from the sky and that what was in her house. Her insurance company come out and stopped assessing the damage when they hit \$17,500.00 and \$5,300.00 went to Service Master to clean her house. The entire infrastructure needs looked at. Mrs. Devorich asked people to look at their insurance policies because flood insurance does not cover everything.

Mrs. Devorich stressed about the toilet paper and waste coming into her home and how this is a problem for many people. Mayor Mientkiewicz agreed with her and said they recognize it is a problem and are trying to fix it. Mrs. Devorich does not agree with this. After Mrs. Devorich and Mayor Mientkiewicz discussed this further, President Marino interjected. President Marino said to Mrs. Devorich's point that there isn't anyone in the room who doesn't believe it isn't a sanitary issue. Council passed the ordinance, even though the ordinance did get hung up in the legislative process. It did get passed and the assessment is underway. When the report comes back, council and administration will make decisions on how to address the plan to correct it.

Mr. Sollitto said that Mrs. Devorich and Mr. Depasquale will be on council soon to help get these problems fixed. It has taken too long. City council will have to start taking control and putting the citizens first. He asked her to be patient. Mrs. Devorich had one last thing to say. She said that you can say you are sorry to someone, and it doesn't mean that you are admitting fault. It just means that you have sympathy for what they are going through.

George Kuriatnyk: 823 North Rd. Mr. Kuriatnyk said Mrs. Miller has been coming to meetings before they moved from the SCOPE center. He wanted to know why certain things were passed as emergencies and this issue about the pumps was not. President Marino explained that when this came to council, there were two members that were absent due to health reasons, so it had to go through three readings. Mr. Kuriatnyk said there have been special council meetings for other things and they should have done that for this because this is important. Mr. Kuriatnyk said he heard a city employee on the phone purposefully flood his yard. It flooded his basement, and he has video of this happening. He says the employee did it on purpose.

Mr. Kuriatnyk said Mr. Sollitto keeps saying things are unacceptable and at the last meeting, he was stopped three times to say that his concerns would have been addressed at a round table. He had questions about residency of a council member and another member impersonating another member. He wanted to know how the meeting got cancelled by the members that he was questioning. Mr. Sollitto said he did not cancel the meeting. Mr. Sollitto said he thought it was

cancelled by Mr. Julian and Mr. Profato. Mr. Kuriatnyk wanted to know how they cancel the meeting when one of them was who he wanted an investigation done on.

Mr. Kuriatnyk told President Marino that he is sure he received phone calls about him disrespecting President Marino at the last meeting. President Marino said that he did not receive any phone calls about Mr. Kuriatnyk. He wanted President Marino to know that he would never put Mr. Sollitto on the spot and abuse his time. President Marino said he appreciated that.

Mr. Kuriatnyk said he did receive an email about the speeding tickets he has been talking about. In the past six months, there has only been three speeding tickets issued on North Road. Mr. Kuriatnyk said he has a radar gun and knows people speed. He said no disrespect to the police officers because he supports them. He knows that it takes time to write the tickets and to pull the officers of the street to do the reports. He said something needs to be on North Road. People need to slow down on that road.

Mr. Kuriatnyk told Mr. Cantola he is very sorry he didn't win the election last night. He said the city lost a big voice. He said some people wanted that because they do not like to be challenged. He hopes that the new members joining council turn things around.

### **COUNCIL COMMITTEE REPORTS**

Safety Committee Minutes from June 28<sup>th</sup>, July 28<sup>th</sup>, August 28<sup>th</sup>, October 5<sup>th</sup> and October 14<sup>th</sup>

It was moved by Smith, seconded by Julian to accept these minutes, and place them on file.  
Motion carried.

President Marino also reminded council to submit any outstanding minutes.

### **ORDINANCES AND RESOLUTION** (Legislation began at 31:47 into recording)

**ORDINANCE NO. \_\_\_\_\_ (Draft No. 134-21)**

**AN ORDINANCE AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED GENERAL FUND ACCOUNT 101 TO THE GENERAL FUND MISCELLANEOUS ACCOUNT FOR THE CITY FUNDED BUSINESS GRANT APPROVED BY THE COMMUNITY IMPROVEMENT CORPORATION OF NILES AND DECLARING AN EMERGENCY**

It was moved by Cantola, seconded by Lastic to give a third reading to this Draft No. 134-21.

**YEAS: 7      NAYS: 0**

It was moved by Cantola, seconded by Sollitto to adopt this Draft No. 134-21.

**YEAS: 7      NAYS: 0**

This Draft No. 134-21 has been adopted on the 3<sup>rd</sup> day of November 2021.

**ORDINANCE NO. \_\_\_\_\_(Draft No. 135-21)**

**AN ORDINANCE AMENDING THE NILES CODIFIED ORDINANCE 351.19  
OVERNIGHT PARKING**

It was moved by Cantola, seconded by Lastic to give a second reading to this Draft No. 135-21.

**YEAS: 7      NAYS: 0**

This Draft No. 135-21 has received its 2<sup>nd</sup> reading on the 3<sup>rd</sup> day of November 2021.

**ORDINANCE NO. \_\_\_\_\_(Draft No. 136-21)**

**AN ORDINANCE AMENDING NILES CODIFIED ORDINANCE 741.02 FLEA  
MARKETS AND TRANSIENT VENDORS**

It was moved by Cantola, seconded by Lastic to give a second reading to this Draft No. 136-21.

**YEAS: 7      NAYS: 0**

This Draft No. 136-21 has received its 2<sup>nd</sup> reading on the 3<sup>rd</sup> day of November 2021.

**RESOLUTION NO. \_\_\_\_\_(Draft No. 138-21)**

**A RESOLUTION SUPPORTING THE PRINCIPLES OF AN ACTIVE  
TRANSPORTATION PLAN TO PROVIDE A SAFE AND ACCESSIBLE, WELL-  
CONNECTED AND VISUALLY ATTRACTIVE SURFACE TRANSPORTATION  
NETWORK TO ENHANCE THE QUALITY OF LIFE IN THE CITY OF NILES, OHIO**

It was moved by Marchese, seconded by Cantola to amend the sponsorship to read council as a whole.

Motion carried.

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 Sollitto, seconded by Smith to adopt this Draft No. 138-21.

**YEAS: 7      NAYS: 0**

This Draft No. 138-21 has been adopted on the 3<sup>rd</sup> day of November 2021.

**ORDINANCE NO. \_\_\_\_\_(Draft No. 142-21)**

**AN ORDINANCE AUTHORIZING THE DISPOSAL OF TWO OBSOLETE VEHICLES TO BE SOLD BY INTERNET AUCTION ON GOV DEALS AS THE VEHICLES ARE NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE BY THE CITY; AND, DECLARING AN EMERGENCY**

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

**YEAS: 7      NAYS: 0**

Rules are suspended.

It was moved by Marchese, seconded by Lastic to adopt this Draft No. 142-21.

**YEAS: 7      NAYS: 0**

This Draft No. 142-21 has been adopted on the 3<sup>rd</sup> day of November 2021.

**ORDINANCE NO. \_\_\_\_\_(Draft No. 143-21)**

**AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH BURGESS & NIPLE, INC. FOR THE BELLEVUE RAVINE RESTORATION PROJECT AND THE APPROPRIATION OF THE NECESSARY FUNDS TO COMPLETE THE TRANSACTION AND DECLARING AN EMERGENCY**

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

**YEAS: 7      NAYS: 0**

Rules are suspended.

It was moved by Marchese, seconded by Julian to adopt this Draft No. 143-21.

**YEAS: 7      NAYS: 0**

This Draft No. 143-21 has been adopted on the 3<sup>rd</sup> day of November 2021.

**ORDINANCE NO. \_\_\_\_\_(Draft No. 144-21)**

**AN ORDINANCE AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED CAPITAL FUND ACCOUNT 401 TO THE STREET RESURFACING ACCOUNT 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 Cantola, seconded by Lastic to adopt this Draft No. 144-21.

**YEAS: 7      NAYS: 0**

This Draft No. 144-21 has been adopted on the 3<sup>rd</sup> day of November 2021.

**MISCELLANEOUS REMARKS**

(Miscellaneous remarks began at 39:27 into recording)

Mayor Mientkiewicz wanted to let everyone know that the Veteran's day ceremony will be on Veteran's day, November 11<sup>th</sup>, at 11:00 A.M. at the cemetery. After that, there will be a service at 11:30 A.M. at Veteran's Memorial.

President Marino extended sympathies to Auditor Merlo for the loss of his father.

Law Director Zuzolo asked to speak to Mrs. Jackson after the meeting.



Mr. Cantola wanted to thank everyone for their support over the last four years. It has been an honor and he will miss it. But it is time to move on to bigger and better things. There will be something else for him down the road. It is time for the next group to come in and move the city forward. He knows that they will have challenges ahead of them, just as he did. People will just need to continue to ask tough questions.

Mr. Cantola said they have been hearing about transparency over the past few years and for him, it has been challenging trying to get information. He hopes they can have the opportunity to ask questions because that is what people in the city deserve. He did again thank everyone.


Ms. Marchese asked Mayor Mientkiewicz what happened to Beaver Street. Mayor Mientkiewicz asked what specifically she was asking. She said nothing has been done and there are holes coming through. Mayor Mientkiewicz said the street has been paved. It is brand new. Ms. Marchese said that she has received calls about the edges are coming away from the curb. She said they can take a ride down there and look at it.

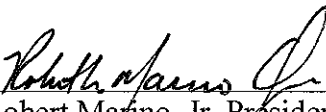
Ms. Marchese congratulated everyone that won and said she looks forward to working with everyone. She also thanked Mr. Cantola for everything and said he did a great job and wished him luck.

Mr. Sollitto said hopefully moving forward, they can get to the point where if he asks questions for a citizen, that he gets answers. They are here to represent the people. He was told a long time ago that this isn't the same as his job when he represents the union. To Mr. Sollitto, it is the same. First and foremost, they have to provide services to the people. They are in public service for this reason. He said if they have to pull things in until they get results, that is what they will do.

### ADJOURN

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

  
\_\_\_\_\_  
Nicole Bacak, Clerk of Council

  
\_\_\_\_\_  
Robert Marino, Jr, President of Council