

COUNCIL MEETING MINUTES
May 18, 2022

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

Niles City Council held its regular meeting on May 18, 2022, at 6:00 p.m. at the Niles Senior Center in Niles, Ohio.

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

Depasquale-P, Julian- P, Lastic-P, Devorich-P, Marchese-P, Smith- P, Sollitto-P, Marino-P

It was moved Sollitto, seconded by Smith to accept the minutes from the May 4th meeting and place them on file.

Motion carried.

REPORTS AND COMMUNICATIONS

FROM- Auditor's office

Statement of Cash from Revenue and Expense- April 2022

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

Motion Carried.

FROM- Auditor's office

Check Report by Check Number- April 2022

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

Motion Carried.

FROM- Planning and Permitting Department

Letter from planning commission regarding petition for amending zoning map- 836 Youngstown Warren Rd

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

Motion Carried.

Law Director Zuzolo also informed council that they will need to set a public hearing at least 30 days out for this amendment. The regular meeting will be July 6th, and the public hearing should be prior to.

Ms. Marchese stated that there will be a public hearing for this amendment on July 6th @ 5:30 P.M. prior to the council meeting.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

(Public comments began at 3:14 into recording)

Dee Seeben: Mrs. Seeben said it was brought to her attention that the alley ways on Pearl and Harris that the city takes care of them in the winter and plows them and in the summertime. She wants to know who cuts the grass and if they trim the trees? Next, she wants to know why the city is adding \$400,000.00 to park budget. She wants to know if they are adding money to all of the park's budgets or just to Waddell. She was at Kennedy Park over the weekend, and it needs attention, especially the dock. There are three holes in it. Mrs. Seeben also wants to know when the bathrooms are coming for Kennedy Park and what the cost is for the bathroom.

Mrs. Seeben wants to know what her tax dollars are being spent on in the city building and feels that she should be able to walk through the building. She asked Mayor Mientkiewicz if he was going to have a grand reopening of the building so citizens can walk through. The building was remodeling on a bond that the taxpayers are paying for. Next, Mrs. Seeben wanted to know if you remove a sidewalk are you responsible for putting it back.

Mrs. Seeben brought up an investigation that Mr. Cantola spoke of when he was on council about a property on Stillwagon. She would like an update on this. Next, Mrs. Seeben had questions on the new building downtown for Cleveland Steel Container. She wanted to know if they were leasing the building or if they purchased it and if they are leasing it then why would they receive tax break. Another question Mrs. Seeben wanted an answer to is if the city has an ordinance on riding a lawn mower up and down the street. Law Director Zuzolo said yes, and she said she has a video of a city official riding his on the street. It was sent to her.

Lastly, she said she started coming to council meetings with Wanda Burns. She was always told if you have an issue that you come to council, and they will answer it. She wants to know why people feel like when they ask questions, they are feeling like they are being belittled. The citizens hired all of the members and they should not feel that way.

Mr. Sollitto stated that he can answer the question on the restrooms. Unless something has changed, he was told June was the timeframe for the restroom to be delivered. Mayor Mientkiewicz said he believed the park director got an email from the manufacturer within the last week or two and it was 30 days out. That is for the restroom in Kennedy and the one for Waddell is still pushed back from the manufacturer.

President Marino asked Auditor Merlo about the park budget. Auditor Merlo said it is just operational and it is in the budget every year. The \$400,000.00 is not new. City council has been well aware of the park budget since he has been in office. He has been very transparent about their budget. They know what it takes to operate that budget. The park property tax brings in

approximately \$250,000.00 a year and the parks cannot operate on that amount of money so the general fund has to supplement.

Mr. Sollitto commented on Mrs. Seeben concern about people feeling belittled or demeaned. He said he thinks President Marino does a good job of trying to control that. They do not talk down to people. They might not like the question, but they do need to field it.

President Marino said in terms of the Kennedy Park issue, Mrs. Devorich is the chairperson of the committee. The maintenance of all of the city parks come under the park board but city council also appropriates the funding. Mrs. Devorich has oversight, and her committee is actively working on issues right now. Mr. Sollitto stated that Park Director Pallante is aware of the issue with the dock. In years past, citizens always paid for the repairs for it. He does have a plan for it but there is no time frame. Mayor Mientkiewicz said he knows he was trying to get quotes from contractors. In regard to Cleveland Steel Container, they shouldn't be privy to who owns what and why, but they are partly in the business of job retention.

Mayor Mientkiewicz again reiterated that since July of 2020, the city building has been opened to residents via the west entrance. The residents can come in, sign in and use the intercom system. Mayor Mientkiewicz told Mrs. Seeben that if she would like a tour of the remodeled city building, he would personally take her around the building. He has residents in his office all week.

President Marino asked Law Director Zuzolo about the right aways in the alleys. Law Director Zuzolo asked for Mrs. Seeben to show him exactly where she was talking about so he can look at the areas see what the ordinance says. President Marino says he knows they do trees and fill holes in the streets. Mayor Mientkiewicz said the street department does maintain the gravel alleys. Typically, the right ways are private property and would be the responsibility of the homeowner. They would be responsible for the sidewalks, trees, etc. If there are power lines in those alleys, per the city's policy, they will trim around the power lines only. And sidewalks need to be replaced by the property owner.

President Marino informed Mrs. Seeben that her time was up. Mrs. Seeben said not all of her questions were answered. Mr. Sollitto asked if she could have more time.

It was moved by Sollitto, seconded by Depasquale to grant an additional three minutes to Mrs. Seeben.

Motion carried.

Mrs. Seeben asked again about the property on Stillwagon Road. Law Director Zuzolo explained that concern was forwarded on as he was instructed to multiple regulatory agencies. Most of them came back with they were not the right place, or they needed more information, and that information was relayed to Mr. Cantola. As far as the last time he checked with the Ohio Ethics Commission, they said they will not confirm or deny if they are looking into anything.

Richard Hale: Mr. Hale stated that he was at council this evening as the current appointed Director of the Mahoning Valley Sanitary District. As council is aware, his term ended this week. Ohio law permits him to stay in his role for an additional 60 days or until he is either reappointed or another person is appointed. He would like to say that he has learned a lot since he has been there, and it is absolutely a first-class operation. It has been an honor to work out there. He is asking for the support of council, and he would like to seek another term. President Marino explained that council has legislation this evening for a procedure for candidates for that appointment to follow. Mr. Hale also said if anyone has any questions about what happened in Lordstown, he would be happy to answer any questions privately.

Aimee Cantola: Mrs. Cantola said the Cedar Street home project looks very nice and she was just wondering if it was completed? President Marino asked if this project was the Avenue and Main and Mayor Mientkiewicz said no, it was a private. After some discussion, President Marino told Mrs. Cantola that they would get the definitive answer, so they are not speculating. He thought she was talking about a different house. Her question is they removed the sidewalks completely around the block, and new sidewalks were put in on Cherry, and Cedar but not the other sides. President Marino said Mayor Mientkiewicz is going to have Mr. Vigorito check the plans and go and look at the property.

COUNCIL COMMITTEE REPORTS

Council Roundtable- April 27th

It was moved by Depasquale, seconded by Sollitto to accept and place on file.
Motion carried

President Marino asked if council was up to date with their minutes and the clerk said they were pretty good.

President Marino reminded council that during their roundtables, they will need to designate an individual to take minutes for their committee. They need to make sure their minutes are accurate. They have to hold to their respective topics under their committees.

ORDINANCES AND RESOLUTION

(Legislation began at 21:18 into recording)

ORDINANCE NO. ____ (Draft No. 97-22)

**AN ORDINANCE APPROVING A THEN AND NOW PAYMENT REQUEST FOR
SLUDGE PIPE REPAIR AND APPROPRIATING THE NECESSARY FUNDS, AND
DECLARING AN EMERGENCY**

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Lastic, seconded by Sollitto to adopt this Draft No. 97-22.

YEAS: 7 NAYS: 0

This Draft No. 97-22 has been adopted on the 18th day of May 2022.

ORDINANCE NO. ____ (Draft No. 98-22)

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH BURGESS & NIPLE FOR THE PUMP STATION IMPROVEMENT PROJECT; APPROPRIATING THE NECESSARY FUNDS; AND, DECLARING AN EMERGENCY

It was moved by Depasquale, seconded by Julian to suspend the rule requiring three readings.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Depasquale, seconded by Julian to adopt this Draft No. 98-22.

Mayor Mientkiewicz explained this is for the three inoperable pump stations. They are Brown, Grant, and the Police Station. They chose to take the phase approach because of the cost. Once these are completed, they will be coming back to council for the next phase. They are trying to apply for grants for this project also.

YEAS: 7 NAYS: 0

This Draft No. 98-22 has been adopted on the 18th day of May 2022.

ORDINANCE NO. ____ (Draft No. 99-22)

AN ORDINANCE AUTHORIZING BUDGET LINE-ITEM TRANSFERS FROM THE WATER FUND 501 BUDGET TRANSFERS; AND, DECLARING AN EMERGENCY

It was moved by Sollitto, seconded by Smith 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. 99-22.

YEAS: 7 NAYS: 0

This Draft No. 99-22 has been adopted on the 18th day of May 2022.

ORDINANCE NO. _____(Draft No. 100-22)

AN ORDINANCE AUTHORIZING THE AUDITOR'S OFFICE TO ISSUE A ONE-TIME PAYMENT FROM THE LOCAL FISCAL RECOVERY FUND 210 TO THE MEMBERS OF THE FRATERNAL ORDER OF POLICE (FOP) AS PREMIUM PAY FOR ESSENTIAL WORKERS AND, DECLARING AN EMERGENCY

It was moved by Depasquale, seconded by Devorich to suspend the rule requiring three readings.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Depasquale, seconded by Julian to adopt this Draft No. 100-22.

YEAS: 7 NAYS: 0

This Draft No. 100-22 has been adopted on the 18th day of May 2022.

ORDINANCE NO. _____(Draft No. 101-22)

AN ORDINANCE AUTHORIZING THE AUDITOR'S OFFICE TO ISSUE A ONE-TIME PAYMENT FROM THE LOCAL FISCAL RECOVERY FUND 210 TO THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION (DISPATCHERS) AS PREMIUM PAY FOR ESSENTIAL WORKERS AND, DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Julian, seconded by Marchese to adopt this Draft No. 101-22.

YEAS: 7 NAYS: 0

This Draft No. 101-22 has been adopted on the 18th day of May 2022.

ORDINANCE NO. ____ (Draft No. 102-22)

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH MS CONSULTANTS, INC. FOR THE MS4 PERMIT; APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY

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

Mayor Mientkiewicz explained to council that this is addressing Ohio EPA guidelines. The city recently went through an audit that was conducted by the EPA looking at different criteria with this permit. Once the consultant completes their analysis and plan is put together, there will be substantial cost to the city to make sure that we are in compliance with all of the requests from the EPA. These are new guidelines from the EPA. One of his questions to the EPA was how many entities in the state are fully compliant and the answer was none.

What the EPA is looking for is a plan that is in place and in motion, like backflow prevention. They want to see action taken towards the plan that is put in place. Some of the things within the plan will be substantial and some are minor, such as making sure that city owned dumpster lids are closed. President Marino asked if there will be money from the Bill Back Better from the state to help with funding and Mayor Mientkiewicz said this looks like another unfunded mandate from the EPA. President Marino told council this is affect the unencumbered fund balances within those accounts, which will also affect our rates.

For example, Mayor Mientkiewicz said one thing the EPA brought up was our piped drainage system on our approaches outside of the fire department for washing the fire vehicles. If the water running off of those trucks is contaminated and gets into the storm sewers, that is a violation. Mayor Mientkiewicz knows that the WWTP Superintendent has mentioned to them about a dumping pit for the street sweeper contents and the vac truck contents. It cannot be dumped in a pile in an open lot or field. It needs to be hauled away. They are looking at the runoff from that. This will be a substantial cost.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Smith, seconded by Lastic to adopt this Draft No. 102-22.

YEAS: 7 NAYS: 0

This Draft No. 102-22 has been adopted on the 18th day of May 2022.

ORDINANCE NO. ____ (Draft No. 103-22)

AN ORDINANCE AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED PARK FUND 221 TO THE MISCELLANEOUS ACCOUNT AND DECLARING AN EMERGENCY

It was moved by Depasquale, seconded by Devorich to suspend the rule requiring three readings.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Depasquale, seconded by Sollitto to adopt this Draft No. 103-22.

YEAS: 7 NAYS: 0

This Draft No. 103-22 has been adopted on the 18th day of May 2022.

ORDINANCE NO. ____ (Draft No. 104-22)

AN ORDINANCE AMENDING CHAPTER 163, "EMPLOYEES GENERALLY" OF THE CODIFIED ORDINANCE OF THE CITY OF NILES, IN PART, TO UPDATE THE FOLLOWING SECTIONS FOR EMPLOYEES; AND DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Depasquale, seconded by Lastic to adopt this Draft No. 104-22.

YEAS: 7 NAYS: 0

This Draft No. 104-22 has been adopted on the 18th day of May 2022.

RESOLUTION NO. ____ (Draft No. 105-22)

A RESOLUTION REGARDING THE CITY OF NILES COUNCIL APPOINTMENT TO THE BOARD OF DIRECTORS OF MAHONING VALLEY SANITARY DISTRICT; AND DECLARING AN EMERGENCY

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

Mr. Sollitto said at the next roundtable they will probably put together the perimeters about sending out notices and recommendations.

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Julian, seconded by Sollitto to adopt this Draft No. 105-22.

YEAS: 7 NAYS: 0

This Draft No. 105-22 has been adopted on the 18th day of May 2022.

ORDINANCE NO. ____ (Draft No. 106-22)

AN ORDINANCE AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE LISTED UNAPPROPRIATED FUNDS TO THE VARIOUS ACCOUNTS BELOW FOR THE PURPOSE OF EXISTING DOOR REKEYING FOR THE NILES MUNICIPAL BUILDING AND DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Smith, seconded by Lastic to adopt this Draft No. 106-22.

YEAS: 7 NAYS: 0

This Draft No. 106-22 has been adopted on the 18th day of May 2022.

Mr. Sollitto wanted to circle back to the ordinance about the MVSD appointment. He said he did speak to Law Director Zuzolo, and he said he would get legislation together on dates. He asked Law Director Zuzolo to share what they talked about. Law Director Zuzolo explained the posting will go out to the legal news for the next two weeks and by June 3rd a letter of intent and resume

will need to be submitted to the clerk. Council will then need to set a special council meeting to go into executive session and interview. This will need to be done by July 1st.

ORDINANCE NO. ____ (Draft No. 107-22)

AN ORDINANCE AUTHORIZING THE MAYOR OR SERVICE DIRECTOR TO PREPARE AND SUBMIT AND APPLICATION AND ENTER INTO AGREEMENTS WITH THE WESTERN RESERVE PORT AUTHORITY FOR A MULTI-JURISDICTIONAL ARC POWER GRANT FOR THE TRUMBULL COUNTY BROADBAND PRELIMINARY ENGINEERING AND FEASIBILITY STUDY; AND DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Smith, seconded by Sollitto to adopt this Draft No. 107-22.

YEAS: 7 NAYS: 0

This Draft No. 107-22 has been adopted on the 18th day of May 2022.

MISCELLANEOUS REMARKS

(Miscellaneous remarks began at 39:59 into recording)

Mayor Mientkiewicz reminded everyone again that on Monday, May 30th at 11:00 A.M. and the cemetery, the city will have its Memorial Day ceremony. There will be a wreath placement ceremony at Veterans Memorial Park at noon. If anyone is getting calls about mosquito spraying, the city is going to be getting four sprays this year. There will be one in June, July, August, and September. The exact dates will be released later.

Finally, Mayor Mientkiewicz wanted to recognize two upcoming retirements within the safety forces. Jory Ramer will be retiring from the city's fire department and John Marhulik from the police department. He wanted to thank them for their dedication and service to the city.


Law Director Zuzolo wanted to send his thoughts to the Howland police department. They lost one of their members in a tragedy. He asked that everyone keep them in their thoughts and prayers.

Ms. Marchese thanked our police officers for having to witness one of their fellow comrades fall and she also sent her sympathies.

Mr. Sollitto stated that himself, Mr. Depasquale and Mrs. Devorich are aggressively looking at council locations. There are several locations they are going to be looking at. They hope to have some information to bring back to the roundtable. They urge council to go out and do site visits to some of the places.

ADJOURN

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



Nicole Bacak, Clerk of Council



Robert Marino Jr., President of Council