

COUNCIL MEETING MINUTES
December 6, 2023

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

Niles City Council held its regular meeting on December 6, 2023, 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:

Julian- P, Lastic-P, Sollitto-P, Devorich-P, Marchese-P, Smith- NP, Weddell- P, Marino-P

It was moved by Marchese, seconded by Lastic to excuse Smith from the meeting.

Motion carried.

It was moved by Lastic, seconded by Weddell to accept the minutes from the November 15th meeting and place them on file.

Motion carried.

REPORTS AND COMMUNICATIONS

FROM- Billing Department

Delinquent and Adjustment reports– November 2023

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

Motion Carried.

FROM- Ohio Division of Liquor Control

Notice to Legislative Authority- PD Lounge LLC from J Bucher INC

It was moved by Marchese, seconded by Julian to accept, and refer to the Police Chief and Safety Director for their recommendation.

Motion Carried.

FROM- Zaluski Insurance

Health Care Presentation

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

Motion Carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

(Public comments began at 2:18 into recording)

Clarissa Myers: First, Ms. Myers wanted to wish Councilman Julian a happy birthday. She also wanted to thank Mr. Julian and Mayor Mientkiewicz for reaching out to her when she was in her car accident. She also thanked the mayor for reaching out to her when she had a house fire. It has been a terrible year this year. Lastly, she congratulated him on being re-elected.

Nick Marcu: Mr. Marcu said there is a spot on a curve where 46 meets Robbins, there are no street lines. There is no line to indicate to stay in the lane to a safe move over. In the last 30 days, he has witnessed people almost get into accidents due to this. He thinks if they paint some lines over there, that will eliminate the problem. Mayor Mientkiewicz just confirmed the specific location of this spot.

George Kuriatnyk: Mr. Kuriatnyk wanted to touch base on things that Mr. Crowley talked about at the 5:00 P.M. meeting. He said this just confirms what he has been saying. Council needs to change the rules. If someone knows that they are in violation and it has remained like that days, months, and years, they don't come in and get a 30 day notice to then received a 10 day notice to then just keep getting notices. It needs to stop. Mr. Kuriatnyk said the rules are weak and they need to go over them and correct them.

Mr. Kuriatnyk said the house on Ann Street that is in court, this will go on for 2 years. He said he emailed Mr. Kuriatnyk on Thursday. On Friday morning at approximately 11:30 A.M., Mr. Monti, from the building department, came to his house. Mr. Kuriatnyk said Mr. Monti told him Mr. Crowley sent him an email to come to his house and see what was going on with the table and chairs on the side of his patio. It is an ongoing with someone who used to live with him and as of Saturday, he can dispose of it. Mr. Kuriatnyk said he never got an email, notice or phone call. As soon as he emailed them about Ann Street and a few other things, they showed up at his house. Things are never going to change.

Next, Mr. Kuriatnyk stated he has sent multiple emails to Law Director Zuzolo about the Moose building. He talked to the recent owner, who lives in California, and the power was never turned on in this building. Three and a half years he owned that building, he never had power in there. He talked to a fireman last Friday and there was no occupancy pulled, there was no inspection done, and there were no permits pulled. He doesn't know how they were able to get the power turned on. President Marino said he wouldn't want this in his neighborhood, but they are live in a nice neighborhood. Valsi cleaners is another building that has trash all over it.

Mr. Kuriatnyk mentioned 1109.2 from the Niles codified ordinances talks about a tire or towing company and that they have to do work inside. There are over 500 tires at that place at any given time. It also talks about trailers and people have trailers with no permits. Mr. Crowley mentioned a walk around on 36 Summit Street. There are 13 people in the house with 9 vehicles. Mr. Kuriatnyk pointed out that these ordinances are from 1970. The GE building also doesn't have a permit but there is work being done.

Mr. Kuriatnyk said he has 9 people that he had call the housing department before he said anything. At 21 Hogarth, they are running a lawn mower business out of his garage. No one has gone out there and said anything. This is never going to stop. Mr. Kuriatnyk said he had a few things he was going to ask council, but he is going to wait until the near year when the changing of the guard happens. They can have all of the meetings they want but nothing will change.

COUNCIL COMMITTEE REPORTS

Community Development and Neighborhood Stabilization committee meeting minutes from November 15th.

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

ORDINANCES AND RESOLUTION (Legislation began at 12:05 into recording)

ORDINANCE NO. ____ (Draft No. 135-23)

AN ORDINANCE AMENDING CHAPTER 733 OF NILES CODIFIED ORDINANCES (NCO) "MECHANICAL AMUSEMENT DEVICES"

It was moved by Julian, seconded by Lastic to give a second reading to this draft 135-23.

Mr. Sollitto asked the mayor to let them know what items need to be passed as an emergency this evening due to a time issue.

YEAS: 6 NAYS: 0

This Draft No. 135-23 has received its 2nd reading on the 6th day of December 2023.

ORDINANCE NO. ____ (Draft No. 136-23)

CREATING A TAX INCREMENT FINANCING (TIF) AREA ENCOMPASSING CERTAIN PARCELS OF REAL PROPERTY; DECLARING IMPROVEMENTS TO THE PARCELS WITHIN THE TIF AREA TO BE A PUBLIC PURPOSE AND EXEMPT FROM REAL PROPERTY TAXATION; REQUIRING THE OWNERS OF

**THOSE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES;
ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT
EQUIVALENT FUND FOR THE DEPOSIT OF THOSE SERVICE PAYMENTS;
SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE
THAT DIRECTLY BENEFIT OR SERVE PARCELS IN THE TIF AREA OR THAT
SUPPORT URBAN REDEVELOPMENT WITHIN THE MEANING OF O.R.C.
5709.41; REPEALING AND REPLACING NILES CODIFIED ORDINANCE 89-23;
AND APPROVING AND AUTHORIZING THE EXECUTION OF A TAX
INCREMENT FINANCING AGREEMENT**

It was moved by Julian, seconded by Devorich to give a second reading to this draft 136-23.

Mr. Sollitto said there are no TIFs for residential property in the surrounding areas. He would feel better knowing if they were going on in other areas. He said Warren will absolutely not do them for residential. He wants to know if they are just behind the times and should be doing it or why we are the only ones doing it and no one else is. Mayor Mientkiewicz said residential TIFs are included per the Ohio Revised Code. He knows that they are done throughout the state of Ohio but he is not sure about this area. Mr. Julian said Wooster did one a couple of years ago.

Mr. Sollitto said he knows it is legal per the ORC but there is a reason why Warren city council will not touch them at all. He just wants to make sure we are doing it for the right reasons. No one else is doing them other than our city. He wants to know no other areas are doing it but us. Auditor Merlo said if he wants to know if any other Trumbull County areas are doing them, he can reach out to Marth Yoder's office because they handle all of the TIFs. They handle all of the TIFs for the county.

YEAS: 6 NAYS: 0

This Draft No. 136-23 has received its 2nd reading on the 6th day of December 2023.

President Marino asked Auditor Merlo to check with the county on this question and report back to council before the next meeting.

Mayor Mientkiewicz stated that the next draft is time sensitive and needs to be approved before December 15th.

RESOLUTION NO. _____ (Amended Draft No. 137-23)

**A RESOLUTION AUTHORIZING THE CITY OF NILES TO HAVE AMERESCO
SUBMIT AN APPLICATION ON THE BEHALF OF THE CITY TO THE OFFICE OF
ENERGY AND ENVIRONMENT (OEE) OF THE OHIO DEPARTMENT OF
DEVELOPMENT'S BRIGHTENING OHIO COMMUNITIES (BOC) GRANT
PROGRAM VIA THE STATE OF OHIO ENERGY EFFICIENCY CONSERVATION
BLOCK GRANT (EECBG) VIA THE U.S. DEPARTMENT OF ENERGY THROUGH
THE INFRASTRUCTURE INVESTMENT AND JOBS ACT (IIJA) FOR FUNDING FOR**

THE FISCAL YEAR 2024, 2025, & 2026 LED STREETLIGHT REPLACEMENT PROGRAM; AND, DECLARING AN EMERGENCY

It was moved by Devorich, seconded by Marchese to suspend the rule requiring three readings to this Amended draft 137-23.

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Julian, seconded by Sollitto to adopt this Amended Draft No 137-23.

YEAS: 6 NAYS: 0

This Amended Draft No. 137-23 has been adopted on the 6th day of December 2023.

ORDINANCE NO. ____ (Draft No. 140-23)

AN ORDINANCE ADOPTING THE PERMANENT BUDGET FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2024; AND DECLARING AN EMERGENCY

It was moved by Marchese to suspend. There was no second to this motion, so it died.

It was moved by Julian, seconded by Lastic to give a second reading to this draft 140-23.

Mr. Sollitto said the purpose is to have as many readings as possible for transparency.

YEAS: 6 NAYS: 0

This Draft No. 140-23 has received its 2nd reading on the 6th day of December 2023.

ORDINANCE NO. ____ (Draft No. 141-23)

AN ORDINANCE AMENDING ORDINANCE NO. 44-23, KNOWN AS THE AUTHORIZED STRENGTH ORDINANCE, AND DECLARING AN EMERGENCY

It was moved by Sollitto, seconded by Marchese to give a second reading to this draft 141-23.

YEAS: 6 NAYS: 0

This Draft No. 141-23 has received its 2nd reading on the 6th day of December 2023.

ORDINANCE NO. _____ (Draft No. 143-23)

AN ORDINANCE UPDATING COMPENSATION SOURCES FOR ELECTED OFFICIALS OF THE CITY OF NILES AND DECLARING AN EMERGENCY

It was moved by Julian, seconded by Marchese to give a second reading to this draft 143-23.

YEAS: 6 NAYS: 0

This Draft No. 143-23 has received its 2nd reading on the 6th day of December 2023.

The following drafts will be part of the consent agenda, being brought to the floor for the first time, passed together with suspension of three readings, and as an emergency.

ORDINANCE NO. _____ (Draft No. 144-23)

AN ORDINANCE AUTHORIZING THE PARK BOARD TO ENTER INTO CONTRACT WITH BRANDSTETTER CARROLL INC FOR DETAILED DESIGN SERVICES FOR THE WADDELL PARK IMPROVEMENT GRANT AND, DECLARING AN EMERGENCY

RESOLUTION NO. _____ (Draft No. 145-23)

A RESOLUTION AUTHORIZING THE CITY OF NILES TO UTILIZE REVOLVING LOAN FUND (RLF) MONIES FOR THE 24" GATE VALVE PROJECT ON ROBBINS AVENUE; AND DECLARING AN EMERGENCY

ORDINANCE NO. _____ (Draft No. 148-23)

AN ORDINANCE AMENDING ORDINANCE NO. 60-23 AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION FOR A MATCHING GRANT FROM THE OHIO PUBLIC WORKS COMMISSION (OPWC) FOR THE 2024 NILES STREET RESURFACING PROJECT; AND DECLARING AN EMERGENCY

ORDINANCE NO. _____ (Draft No. 150-23)

AN ORDINANCE AUTHORIZING CASH TRANSFERS; AND, DECLARING AN EMERGENCY

ORDINANCE NO. ____ (Draft No. 151-23)

AN ORDINANCE AUTHORIZING APPROPRIATION BUDGET TRANSFERS AND DECLARING AN EMERGENCY

ORDINANCE NO. ____ (Draft No. 152-23)

AN ORDINANCE AUTHORIZING THE CHANGE ORDER FOR SHELLY & SANDS FOR THE 2023 LOCAL STREET RESURFACING; APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED CAPITAL PROJECT FUND 401 TO THE STREET RESURFACING ACCOUNT; AND DECLARING AN EMERGENCY

RESOLUTION NO. ____ (Draft No. 153-23)

A RESOLUTION TO THE TRUMBULL COUNTY BUDGET COMMISSION REQUESTING THAT ALL POLITICAL SUBDIVISIONS RECEIVE EQUAL DISTRIBUTION OF THE LOCAL GOVERNMENT FUNDS BASED ON POPULATION

RESOLUTION NO. ____ (Draft No. 154-23)

A RESOLUTION AUTHORIZING THE CITY OF NILES TO SUBMIT AN APPLICATION TO OHIO DEPARTMENT OF DEVELOPMENT IN PARTNERSHIP WITH THE OHIO ENVIRONMENTAL PROTECTION AGENCY WATER AND WASTEWATER INFRASTRUCTURE GRANT PROGRAM FOR SALT SPRINGS ROAD PHASE ONE (1) WATERLINE REPLACEMENT; AND, DECLARING AN EMERGENCY

RESOLUTION NO. ____ (Draft No. 155-23)

A RESOLUTION AMENDING PRIOR RESOLUTION 13-23 AUTHORIZING THE MAYOR OR SERVICE DIRECTOR TO PREPARE AND SUBMIT AN APPLICATION AND ENTER INTO AGREEMENTS WITH THE APPALACHIAN REGIONAL COMMISSION TO BECOME ELIGIBLE FOR FUNDING ASSISTANCE FOR A WATER LINE REPLACEMENT, AND DECLARING AN EMERGENCY

ORDINANCE NO. ____ (Draft No. 156-23)

AN ORDINANCE AUTHORIZING THE MAYOR OR SERVICE DIRECTOR TO PREPARE AN SUBMIT AN APPLICATION FOR THE TRANSPORTATION ALTERNATIVE PROGRAM (TAP) FOR THE REPLACEMENT OF LIGHT POLES WITHIN THE CITY OF NILES; AND DECLARING AN EMERGENCY

ORDINANCE NO. ____ (Draft No. 157-23)

AN ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS FROM THE WATER DEPARTMENT TO THE GENERAL FUND FOR LOAN REPAYMENT

It was moved by Julian, seconded by Marchese to suspend the rule requiring three readings to this consent agenda.

YEAS: 6 NAYS: 0

Rules are suspended.

It was moved by Julian, seconded by Devorich to adopt this consent agenda.

YEAS: 6 NAYS: 0

This consent agenda has been adopted on the 6th day of December 2023.

ORDINANCE NO. ____ (Draft No. 146-23)

AN ORDINANCE AUTHORIZING THE DISPOSAL OF A CAT TOW MOTOR BY INTERNET AUCTION ON GOV DEALS AS IT IS NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE BY THE CITY; AND DECLARING AN EMERGENCY

It was moved by Sollitto, seconded by Lastic to give a first reading to this draft 146-23.

YEAS: 6 NAYS: 0

This Draft No. 146-23 has received its 1st reading on the 6th day of December 2023.

ORDINANCE NO. ____ (Draft No. 147-23)

AN ORDINANCE AUTHORIZING THE EXECUTION OF THE 2023 NPP POWER POOL PARTICIPANT SCHEDULE WITH AMERICAN MUNICIPAL POWER, INC.; AND DECLARING AN EMERGENCY

It was moved by Julian, seconded by Lastic to give a first reading to this draft 147-23.

YEAS: 6 NAYS: 0

This Draft No. 147-23 has received its 1st reading on the 6th day of December 2023.

ORDINANCE NO. ____ (Draft No. 149-23)

AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE NILES CODIFIED ORDINANCE 191.01 ET SEQ; AND DECLARING AN EMERGENCY

It was moved by Sollitto, seconded by Julian to give a first reading to this draft 149-23.

YEAS: 6 NAYS: 0

This Draft No. 149-23 has received its 1st reading on the 6th day of December 2023.

MISCELLANEOUS REMARKS

(Miscellaneous remarks began at 27:40 into recording)

President Marino said that it is his understanding that council wishes to have their swearing in for the next term after the December 20th meeting. And council will also select their committees at that meeting. President Marino said moving forward, there will be no meetings in July and for 2025 the meetings in January will be adjusted due to the holidays. He is also requesting business professional dress at the next meeting for a picture.

Mayor Mientkiewicz thanked council for approving those time sensitive pieces of legislation. With the grant pieces, there is approximately \$2 million dollars that the city will be applying for. Also on Friday morning, Eastgate will be submitting the regional Appalachian project grant to the state of Ohio. This project includes our downtown revitalization grant for approximately \$5 million dollars. Please keep your fingers crossed that they do approve this.

President Marino said that the clerk will have packets for both new employees at the meeting on December 20th so they can begin to familiarize themselves with the legislation. He also encouraged them make arrangements to meet with the clerk to get their paperwork together.


President Marino wanted to make sure that they excused Law Director Zuzolo. All council voted to excuse.

ADJOURN

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



Nicole Bacak, Clerk of Council



Robert Marino Jr., President of Council