

## **COUNCIL MEETING MINUTES**

**June 21, 2023**

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

Niles City Council held its regular meeting on June 21, 2023, at 6:00 p.m. at the Niles Middle 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, Papalas-P, Devorich-P, Marchese-P, Smith- P, Sollitto-P, Marino-P

It was moved by Smith, seconded by Sollitto to accept the minutes from the June 7<sup>th</sup> meeting and place them on file.

Motion carried.

### **REPORTS AND COMMUNICATIONS**

**FROM-** Auditor's Office

Statement of cash from revenue and expense – May 2023

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

Motion Carried.

**FROM-** Auditor's Office

Check report by check number- May 2023

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

Motion Carried.

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

(Public comments began at 1:32 into recording)

James Sheely: Mr. Sheely wanted to address an issue with a house on Cedar St., across the street from D'urso's bakery. Unfortunately, the person who lives there has been taken advantage of for many years. Mr. Sheely met with Mr. Stredney about this issue when Mr. Stredney was on council and voiced his concerns about all of the drugs, etc. going on at this house. Mr. Sheely said the person who owns the house is no longer there because he had a heart attack, but other people have taken up residency in this home. President Marino asked if he has spoken to the law director about this issue and he said he has not.

President Marino advised him to take this concern to Law Director Zuzolo instead of addressing it at city council. He doesn't want to restrict his speech, but he would encourage him to do that because he is aware of this situation, and it does go way back. He would like Mr. Sheely to speak to Law Director Zuzolo and maybe even meet with the police department to discuss it in private because there might be an investigation happening that they are not privy to.

Tom Cantola: Mr. Cantola is here this evening to discuss an ongoing issue with the billing department that he has been having. He has lived at his address for the last 6 years and he pays his bill every 2-3 months. He has never had an issue and has never been a problem. Three months ago, he paid his bill, and it was applied to his parent's account. It happens all the time and it was corrected. The amount on the check was altered when it was deposited. He called his bank, talked to the city and there was a miscommunication, and everything was fixed.

Joking around with the employees at the billing office about the error, he said see you in three months. Last week, he was on vacation and his utilities got shut off. He called and got nothing but attitude from the head of the department. There was screaming and yelling and everything else and it was very unprofessional. His issue is that the person at the top doesn't know what is going on and doesn't know the law. According to Mr. Cantola, it is against the Ohio Administrative Code to call him 24 hours before shutting off his utilities. It states you need to give a 14-day notice and something needs to be left at the residence when you turn off the utilities, and that was not done.

At this point, Mr. Cantola feels that this is retaliation against him because of the issues he has had with the billing department. He dropped the last issue, but he is not dropping this. He is moving forward with this issue. Mr. Cantola said everyone here should be embarrassed about how a city employee talks and acts to a resident. He would never be able to get away with this type of behavior at his current job. Mr. Sollitto interjected and said that he would believe the mayor is going to call for an investigation or interview because it is outside of their rules of conduct. Without just saying Mr. Cantola is right, he will have to interview that person now that the issue has been raised at council. He is not trying to put words into the mayor's mouth, but he would think that is what would happen. Law Director Zuzolo said he will speak to him after the meeting. Mr. Sollitto asked what the mayor's intentions were with this and Mayor Mientkiewicz said if this involves pending litigation, he will let the law director handle it.

It was moved by Smith, seconded by Lastic to adjourn into executive sessions pursuant to ORC section 121.22 section G to discuss pending litigation.

**YEAS: 7      NAYS: 0**

**Council adjourned into executive session at 6:09 P.M.**

It was moved by Smith, seconded by Julian to reconvene from executive sessions.

YEAS: 7      NAYS: 0

Council reconvened from executive session at 6:14 P.M.

**COUNCIL COMMITTEE REPORTS**

Safety Committee Meeting- March 13, 2023

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

**ORDINANCES AND RESOLUTION**

(Legislation began at 9:22 into recording)

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. 82-23)**

**AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT WITH ENVIRONMENTAL DESIGN GROUP (EDG) FOR CONSTRUCTION ADMINISTRATION AND OBSERVATION SERVICES FOR THE TRU HEATON NORTH ROAD PROJECT; APPROPRIATING THE NECESSARY FUNDS TO ENTER INTO CONTRACT; APPROPRIATING ADDITIONAL FUNDS FOR CONSTRUCTION SERVICES AND, DECLARING AN EMERGENCY**

**ORDINANCE NO. \_\_\_\_ (Draft No. 83-23)**

**AN ORDINANCE AUTHORIZING THE PURCHASE OF ONE INTERNATIONAL DUMP TRUCK THROUGH ODOT COOPERATIVE PURCHASING PROGRAM FOR THE STREET DEPARTMENT; AND, DECLARING AN EMERGENCY**

**ORDINANCE NO. \_\_\_\_ (Draft No. 84-23)**

**AN ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO EXECUTE A LETTER OF INTENT TO PURCHASE THREE CHEVY TAHOES POLICE VEHICLES FOR THE NILES CITY POLICE DEPARTMENT; AND, DECLARING AN EMERGENCY**

**ORDINANCE NO. \_\_\_\_ (Draft No. 85-23)**

**AN ORDINANCE AUTHORIZING EXPENDITURE FROM THE LOCAL FISCAL RECOVERY FUND 210**

**ORDINANCE NO. \_\_\_\_ (Draft No. 86-23)**

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

**ORDINANCE NO. \_\_\_\_ (Draft No. 87-23)**

**AN ORDINANCE AUTHORIZING THE APPROPRIATION OF FUNDS AND APPROPRIATION TRANSFER FROM THE UNAPPROPRIATED PARK FUND; AND, DECLARING AN EMERGENCY**

**RESOLUTION NO. \_\_\_\_ (Draft No. 88-23)**

**A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO THE AMERICAN PUBLIC POWER ASSOCIATION (APPA) DEMONSTRATION OF ENERGY & EFFICIENCY DEVELOPMENTS (DEED) GRANT PROGRAM FOR FUNDING THROUGH THE FISCAL YEAR 2024 LED STREET LIGHT REPLACEMENT PROGRAM AND, DECLARING AN EMERGENCY**

**ORDINANCE NO. \_\_\_\_ (Draft No. 89-23)**

**AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR CONSTRUCTION OF "23KV – 4.16KV GE SUBSTATION UPGRADE; AND, DECLARING AN EMERGENCY**

**ORDINANCE NO. \_\_\_\_ (Draft No. 91-23)**

**AN ORDINANCE AUTHORIZING BUDGET LINE-ITEM TRANSFERS FROM THE SEWER FUND 503 FROM THE ENGINEERING FEES ACCOUNT TO THE OPERATIONAL SUPPLIES ACCOUNT; AND, DECLARING AN EMERGENCY**

**RESOLUTION NO. \_\_\_\_ (Draft No. 92-23)**

**A RESOLUTION AUTHORIZING THE CITY OF NILES TO UTILIZE REVOLVING LOAN FUND (RLF) FOR THE DRAGON DRIVE SANITARY SEWER PROJECT; APPROPRIATING THE NECESSARY FUNDS; AND DECLARING AN EMERGENCY**

**RESOLUTION NO. \_\_\_\_ (Draft No. 93-23)**

**A RESOLUTION ADOPTING THE ALTERNATIVE TAX BUDGET FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2024; AND DECLARING AN EMERGENCY**

**RESOLUTION NO. \_\_\_\_ (Draft No. 94-23)**

**A RESOLUTION AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE REQUESTS FOR PROPOSALS FOR SALE OF 138 KV ASSETS AND, DECLARING AN EMERGENCY**

**ORDINANCE NO. \_\_\_\_ (Draft No. 95-23)**

**AN ORDINANCE AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED CEMETERY FUND 255 TO THE BUILDING REPAIRS ACCOUNT AND DECLARING AN EMERGENCY**

**ORDINANCE NO. \_\_\_\_ (Draft No. 96-23)**

**AN ORDINANCE AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED POLICE AND FIRE 1% FUND 217 TO THE BUILDING REPAIRS ACCOUNT AND DECLARING AN EMERGENCY**

**ORDINANCE NO. \_\_\_\_ (Draft No. 98-23)**

**AN ORDINANCE AUTHORIZING A CHANGE ORDER FROM UNITED CONTRACTORS, INC., FOR CAMERA CABLE INSTALLATION FOR THE NILES SENIOR CENTER PROJECT; APPROPRIATING OF NECESSARY FUNDS; AND DECLARING AN EMERGENCY**

Ms. Smith stated that all of these items were discussed at the last roundtable.

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

**YEAS: 7      NAYS: 0**

Rules are suspended.

It was moved by Sollitto, seconded by Papalas to adopt the consent agenda.

**YEAS: 7      NAYS: 0**

These Drafts No. 82-23 thru 89-23, 91-23 thru 96-23 and 98-23 have been adopted on the 21st day of June 2023.

**ORDINANCE NO. \_\_\_\_ (Draft No. 90-23)**

**AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO A WATER SUPPLY AGREEMENT WITH THE TRUMBULL COUNTY COMMISSIONERS; AND, DECLARING AN EMERGENCY**

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

**YEAS: 6      NAYS: 0      ABSTAIN: 1 (Papalas)**

Rules are suspended.

It was moved by Marchese, seconded by Devorich to adopt this Draft No. 90-23.

**YEAS: 6      NAYS: 0      ABSTAIN: 1 (Papalas)**

This Draft No. 90-23 has been adopted on the 21st day of June 2023.

**ORDINANCE NO. \_\_\_\_ (Draft No. 97-23)**

**AN ORDINANCE AUTHORIZING THE SETTLEMENT OF PENDING LITIGATION; APPROPRIATING THE NECESSARY FUNDS; 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 Julian, seconded by Lastic to adopt this Draft No. 97-23.

**YEAS: 7      NAYS: 0**

This Draft No. 97-23 has been adopted on the 21st day of June 2023.

**MISCELLANEOUS REMARKS**

(Miscellaneous remarks began at 15:14 into recording)

President Marino asked Mayor Mientkiewicz about the street resurfacing. President Marino asked if the city is coordinating with the company that is replacing the underground utilities. He noticed on Maple Street that the road was paved and then they come over and dig them up. President Marino wanted to know if they have a schedule of the streets that they will be digging up so that they city can shift their paving around if need be. Mayor Mientkiewicz said they did not know about Maple, but they do know now their capital project list over the next few years. He did meet with Dominion and they provided him with a list so that they can coordinate moving forward.

President Marino also asked if there is any update from MVSD about the loans, dam, rates, etc. Mayor Mientkiewicz said MVSD does have a meeting next week about the dam. As of now, the court of jurisdiction did not approve their rate study. They did reapply for the loan, and they are in a good position. Mayor Mientkiewicz did speak to Dr. Neopolitan this morning and he thinks in August they should know where they stand with the loan. President Marino suggested to Mr. Sollitto that in August when they have more information to schedule a meeting with MVSD. Mr. Sollitto said he has also spoken to Mr. Merlo and he knows that he would be interested in coming to speak to them.

Mayor Mientkiewicz announced the retirement of long-time light department employee, James Newbrough. He wanted to wish him a happy and healthy retirement. He thanked him for his many years of service with the light department. Mayor Mientkiewicz also recognized Jill Wilson on her retirement from the dispatch unit. He appreciates both of their time with the city and wishes them the best with their upcoming retirements.

Lastly, Mayor Mientkiewicz wanted to give an update on the Mahoning Ave railroad track removal project. The project did commence today, and he believes that all of the tracks, or most of them, are out and Friday the company will begin paving Mahoning Ave. He appreciates council's support on solving a long-term problem.

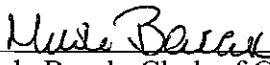
Mr. Sollitto gave an update from when Ms. Gentilcore came to council to speak about her issue on Fulton Street. He has spoken to Ms. Marchese, and she knows what is going on. The lady, who is next door, has been noncompliant and it has now reached a level that she will be cited to court. Mr. Crowley is working on this and said it is worse than it was before.

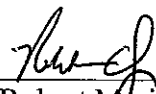
Next, Mr. Sollitto asked about the river where the dock was just rebuilt. He said the dock looks outstanding. He has been to the dock with the mayor, and he knows he is going to have the city look at the dead trees. There have been complaints of flooding and he has talked to the mayor, and he is looking at getting the river drudged. It is being aggressively looked at. Lastly, he wanted to congratulate James Sheely.

President Marino stated that this is council's last meeting until August 16<sup>th</sup>, which at that time council be back at council chambers at the senior center. He thanked Ms. Devorich, Auditor Merlo and Mayor Mientkwicz for the renovation project over there.

**ADJOURN**

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

  
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Nicole Bacak, Clerk of Council

  
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Robert Marino Jr., President of Council