

COUNCIL MEETING MINUTES

August 23, 2023

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

Niles City Council held its regular meeting on August 23, 2023, at 6:00 p.m. at the Niles Senior Center in Niles, Ohio.

President Marino wanted to start the meeting by thanking the administration, Auditor Merlo and councilwoman Devorich for their work on the upgrades to the Senior Center. He said the upgrades far exceeded his expectations. Mrs. Devorich said there are just a few things they are waiting to be fixed. They are hopefully planning a final walk-through next week.

President Marino also reminded everyone that in order for their comments to be recorded, they will need to hold the button down while they are speaking. This goes for council members as well as the public if they have remarks they would like to make.

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 Marchese, seconded by Devorich to accept the minutes from the June 21st meeting and place them on file.

Motion carried.

REPORTS AND COMMUNICATIONS

FROM- Ohio Division of Liquor Control

Notice to legislative authority – Niles Mizu Japanese Restaurant

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

Motion Carried.

FROM- Auditor's Office

Statement of cash from revenue and expense – June and July 2023

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- June and July 2023

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

Motion Carried.

FROM- Treasurer's Office

Mid-year plus Niles City Income Tax Collection Report

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

Motion Carried.

FROM- Billing Office

Billing procedures

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

Motion Carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL

(Public comments began at 4:19 into recording)

Aaron Johnstone: Mr. Johnstone is here at council this evening to promote a program. He did check with Karen Infante Allen before he came to council to promote this program. The probate court, along with the Trumbull County Recorder and Clerk of Courts, are putting on a program called the Good Deeds Program. They have a meeting schedule currently on September 7, 2023 @ 6:30 P.M. at St. Demetrios in Warren. The purpose of the meeting is to help people understand the importance of setting things up prior to the end of life. The event will be about 45 minutes long and is free for anyone to attend.

He wanted to get this information out because they are looking for other locations within Trumbull County to host an event. He was hoping that council would like it necessary to invite them in for a meeting. President Marino asked who they would need to speak to in order to set up a meeting, and Mr. Johnstone said they could contact her at Clerk of Courts. President Marino said maybe council could host a meeting on an off Wednesday. Mrs. Devorich agrees and thinks they would reach out and get something scheduled. Mrs. Devorich asked Chief Stevens what the occupancy for the Senior Center was. He was not sure but instructed her to call the Planning and Permitting department because they would have that information since the remodel was just completed. Mr. Johnstone just wanted to remind everyone of the meeting on September 7, 2023 @ 6:30 P.M. at St. Demetrios in Warren.

Debbie Troutman: Ms. Troutman is concerned with the billing from Republic Services. She went from paying \$33.00 to paying \$40.53 a month. She was never given notice about the increase. She asked if this was a change to the contract with the city, or if this is just a change Republic is making. Law Director Zuzolo said the contract has been the same since 2021. He asked to get her information and call Republic and speak to the representative and see why this is happening. He asked if she was going to stay for the meeting because afterwards, he would get

her the contact information for the city's representative. Her concern is that people are telling her different parts of the city are being charged different amounts. She does not think that should be allowed to happen. And the story changes every time you call there and are given different pricing charges.

President Marino asked Service Director Flarey if they can schedule a meeting with Republic prior to the next meeting. He would like to have the city's representative come to the next meeting and talk to council. He has heard things also about the billing. Service Director Flarey did say that they do have the city's representative's contact information, Mona, on the city's website if anyone needs it. She is the local representative. President Marino would still like for her to come to one of the meetings in September to address this.

Ms. Marchese said she has called there also about concerns, and she is being told that there is a new contract with the city, and it started June 1st. Law Director Zuzolo said the contract has been in place since 2021. Ms. Marchese said her bill has changed a few times. She was told that they had met with the city and there is a new contract. There is also a new owner and that's why they are making changes. Law Director Zuzolo said he has spoken to Mona, and she is willing to come out and speak to council. If it is not her that attends, it would be the operations manager.

Roxanne Datchuk: Ms. Datchuk wanted to show council her bills from Republic. There is no explanation for the increase, and it is just for her normal service charges. Ms. Datchuk presented this to council. Law Director Zuzolo said he will be contacting her on her other issue, and he will talk to her about this as well.

George Kuriatnyk: Mr. Kuriatnyk said he had spoken to Mona also from Republic. He recorded the conversation which lasted 5 minutes and 18 seconds. According to Mr. Kuriatnyk, 1:10 into the recording, she told him all residents in Niles get 2 free bulk pickups once a week and the 3rd one you are charged \$20 for. He called there again today, and it was a 17-minute-long recording. He said he was told today that parts of the city get special deals. Mr. Kuriatnyk said he has received bills from 78 residents, and they are all different.

Next, Mr. Kuriatnyk said the city needs taxes. There is company working right in front of his house doing sidewalks and he checked over 4 weeks ago, and they are not registered with the city. 8 out of the employees are not registered with the city and they are making \$200,000 from the state to do this work. He wants to know why they aren't registered.

Mr. Kuriatnyk had a concern about the blacktop that was taking place. He did a core sample on one of roads that was just blacktopped. He wants to know why they are only putting 2-3 inches of blacktop down. He said they should be putting 4 inches down. A lady came to his house the other day and gave him her security camera footage. For 3 hours and 58 minutes, the inspector for the city sat in his truck and didn't do a thing. He wants to know where all of the inspectors are. He said they are saving a lot of money by only putting down 2-3 inches of blacktop.

Law year, a council person brought to the floor to make it illegal to ride lawnmowers on the sidewalks and streets. He is not saying if he is for or against it. The same person now wants golf

carts to be driven. A golf cart only goes 8 miles faster than a lawnmower, so he doesn't understand.

Lastly, Mr. Kuriatnyk wanted it noted that he does not, nor has he never called anyone and told them he was a representative of the city. He said that was illegal and he would never do that. President Marino said his point was made.

COUNCIL COMMITTEE REPORTS

NONE

President Marino said his Utility Committee met earlier in regards to the billing department. It was brought up earlier to make sure that residents have their phone numbers updated in the system.

YEAS: 7 NAYS: 0

Mr. Sollitto did encourage people who are still having concerns to see Mr. Flarey and give their information so they can look into their concerns.

ORDINANCES AND RESOLUTION (Legislation began at 21:02 into recording)

Law Director Zuzolo asked for a motion to amend the consent agenda. He asking for Draft 108-23 to be removed from the consent agenda and read separately and to have Draft No. 118-23 added to the consent agenda.

It was moved by Smith, seconded by Marchese to make these changes to the consent agenda.

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. 99-23)

AN ORDINANCE AUTHORIZING THE DISPOSAL OF A 2011 FORD CROWN VICTORIA AND A 2008 CHEVROLET IMPALA BY INTERNET AUCTION ON GOV DEALS AS THEY ARE NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE BY THE CITY; AND DECLARING AN EMERGENCY

RESOLUTION NO. ____ (Draft No. 100-23)

A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO THE OHIO HISTORY CONNECTION – OHIO HISTORY FUND GRANT TO COMPLETE A PORTION OF IMPROVEMENTS OUTLINED IN THE WARD-THOMAS HOUSE; AND DECLARING AN EMERGENCY

RESOLUTION NO. ____ (Draft No. 101-23)

A RESOLUTION AUTHORIZING THE SERVICE DIRECTOR TO ISSUE A REQUEST FOR QUALIFICATIONS TO SUPPORT, PROGRAM, MANAGE AND TROUBLE SHOOT SCADA SYSTEMS AS WELL AS PLCs AS A PREFERRED VENDOR FOR THE WASTEWATER TREATMENT PLANT AND PUMP STATIONS FOR THE YEARS 2023 AND 2024; AND, DECLARING AN EMERGENCY

ORDINANCE NO. ____ (Draft No. 102-23)

AN ORDINANCE REFERRING PETITIONS TO VACATE ALLEY TO PLANNING COMMISSION; AND SETTING A PUBLIC HEARING ON THE PETITION; AND DECLARING AN EMERGENCY

ORDINANCE NO. ____ (Draft No. 103-23)

AN ORDINANCE REFERRING PETITION TO VACATE ALLEY TO PLANNING COMMISSION; ORDERING PUBLICATION OF THE PETITION FOR SIX CONSECUTIVE WEEKS; AND SETTING A PUBLIC HEARING ON THE PETITION

RESOLUTION NO. ____ (Draft No. 104-23)

RESOLUTION ACCEPTING THE AMOUNT AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

ORDINANCE NO. ____ (Draft No. 105-23)

AN ORDINANCE APPROVING A THEN AND NOW PAYMENT REQUEST FOR YORK-MAHONING MECHANICAL CONTRACTORS, INC. FOR THE EMERGENCY REPAIR OF THE AIR CONDITIONING UNIT AT THE WELLNESS CENTER, AND DECLARING AN EMERGENCY

ORDINANCE NO. ____ (Draft No. 106-23)

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR THE LAWNVIEW/FAIRLAWN WATER LOOP PROJECT; AND, DECLARING AN EMERGENCY

ORDINANCE NO. ____ (Draft No. 107-23)

AN ORDINANCE AUTHORIZING THE CHANGE ORDER FOR X-PRESS UNDERGROUND, INC., FOR THE HOGARTH 24" VALVE REPLACEMENT PROJECT AND APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED WATER FUND 501 TO THE CONTRACTED LABOR ACCOUNT AND DECLARING AN EMERGENCY

ORDINANCE NO. ____ (Draft No. 109-23)

AN ORDINANCE AUTHORIZING CHANGE ORDERS FOR PRIME AE GROUP, FOR THE TRU-NILES SIGNALS UPGRADE; AND, DECLARING AN EMERGENCY

RESOLUTION NO. ____ (Draft No. 110-23)

A RESOLUTION APPROVING THE ADOPTION OF THE INVESTMENT POLICY FOR PUBLIC FUNDS; AND, DECLARING AN EMERGENCY

ORDINANCE NO. ____ (Draft No. 111-23)

AN ORDINANCE CREATING THE SPECIAL REVENUE FUND, FUND NUMBER 238; AND DECLARING AN EMERGENCY

ORDINANCE NO. ____ (Draft No. 112-23)

AN ORDINANCE AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED FIRE LOSS CLAIMS FUND 664 TO THE FIRE LOSS CLAIMS REFUND ACCOUNT; AND DECLARING AN EMERGENCY

ORDINANCE NO. ____ (Draft No. 113-23)

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

ORDINANCE NO. ____ (Draft No. 114-23)

AN ORDINANCE CREATING THE TAX INCREMENTAL FINANCE FUND, NUMBER 239; AND DECLARING AN EMERGENCY

ORDINANCE NO. ____ (Draft No. 115-23)

AN ORDINANCE AUTHORIZING THE PARK DIRECTOR TO DIRECT PURCHASE FROM INDOFF, INC., UTILIZING THE OMNIA PARTNERS COOPERATIVE PURCHASING AGREEMENT FOR THE PURCHASE OF FURNITURE FOR THE NILES WELLNESS CENTER; AND, DECLARING AN EMERGENCY

RESOLUTION NO. ____ (Draft No. 116-23)

A RESOLUTION APPOINTING THE CHAIR OF THE UTILITIES COMMITTEE TO THE MVSD SANITARY DISTRICT ADVISORY COUNCIL AS REQUIRED BY OHIO REVISED CODE 6115.104; AND DECLARING AN EMERGENCY

ORDINANCE NO. ____ (Draft No. 118-23)

AN ORDINANCE AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED GENERAL FUND 101 TO THE DEMOLITION ACCOUNT FOR THE COST OF ASBESTOS ABATEMENT FOR DEMOLITIONS; AND, DECLARING AN EMERGENCY

Mr. Sollitto wanted to discuss a couple of the drafts. He said a question on Draft 115-23 about the purchasing of furniture at the Wellness Center. He wanted to know what was being purchased. Auditor Merlo explained that it isn't new furniture. The tabletops are being removed and new ones are being put on and they are purchasing new chairs. President Marino just asked if in the future the chairperson of Public Grounds could be consulted along with Finance.

Mr. Sollitto also pointed out that Draft No 111-23 needs to be corrected. Instead of saying special revenue fund, it needs to be titled opiate fund.

It was moved by Sollitto, seconded by Smith to amend the draft.
Motion carried.

Mr. Sollitto had a question on Draft No 114-23. Auditor Merlo explained that we are required from the previous TIF districts that they have done, the city needs to create a fund to collect revenues from those current districts. Council is just dictating what the fund number will be.

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

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

These Drafts No. 99-23 thru 107-23, 109-23 thru 116-23 and 118-23 have been adopted on the 23rd day of August 2023.

ORDINANCE NO. ____ (Draft No. 108-23)

CREATING A RESIDENTIAL TAX INCREMENT FINANCING INCENTIVE DISTRICT ENCOMPASSING CERTAIN PARCELS OF REAL PROPERTY; DECLARING IMPROVEMENTS TO THE PARCELS WITHIN THE INCENTIVE DISTRICT 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 INCENTIVE DISTRICT; APPROVING AND AUTHORIZING THE EXECUTION OF A TAX INCREMENT FINANCING AGREEMENT

Ms. Marchese stated that while reading this draft, she found it to be confusing. It seems to repeat itself. She asked if this draft was going for a first reading. Law Director Zuzolo said that was his understanding and that is why it was removed from the consent agenda.

It was moved by Marchese, seconded by Sollitto to give a 1st reading to this Draft No 108-23.

YEAS: 7 NAYS: 0

This Draft No. 108-23 has received its first reading on the 23rd day of August 2023.

ORDINANCE NO. ____ (Draft No. 117-23)

AN ORDINANCE CREATING CHAPTER 342, "GOLF CARTS" OF THE CODIFIED ORDINANCE OF THE CITY OF NILES

It was moved by Sollitto to table this draft. Ms. Marchese interjected and said since she brought the ordinance forward, she would like to make a motion to refer it back to the committee. President Marino asked which motion would have residence. Law Director Zuzolo said the motion to table would. Mr. Sollitto withdrew this motion to table so the draft can be referred back to the committee.

It was moved by Marchese, seconded by Smith to refer this draft back to the Safety Committee. Motion carried. This vote was unanimous.

This Draft No. 117-23 has been referred to the Safety Committee on the 23rd day of August 2023.

MISCELLANEOUS REMARKS

(Miscellaneous remarks began at 33:46 into recording)

President Marino said Councilman Papalas has asked to speak last so they will afford him that courtesy. He thanked Councilman Sollitto for hosting the Utilities meeting. He thought the meeting was productive. He thinks getting the reports and working with the auditor and looking at the credits on the bills is very important. President Marino said also looking at the billing software in the future might be warranted.

Service Director Flarey had a few things that Mayor Mientkiewicz wanted to cover in his absence. First, he would like to recognize long time firefighter Tim Crish on his retirement. Next, he would like to remind the residents that the biannual scrap tire drop off will commence on September 1st and run until September 15th. Residents can place up to ten tires in the trailer near the recycling center.

The City of Niles has officially taken ownership of the theatre building. With the assistance of TNP, they have been working the asbestos abatement and utility termination. Once TNP gets the official demolition numbers, they will bring that back to council and council will be required to match 20%. Demolition is scheduled to start this fall. If there are any members of council that would like to tour the building, please schedule this with the mayor.

He would like to recognize long-term council member Mr. Papalas for his many years of service with the city. Service Director Flarey would also like to recognize Nick Marchionte, Vince Gentile, and Dominic Roberts, who work at the city cemetery, for receiving the Tribune Chronicle 2023 Reader's Choice Award for the Niles City Cemetery.

Mr. Lastic thanked Ms. Devorich for her work on updating the Senior Center.

Mrs. Devorich thanked Mr. Papalas for his years of service. She also thanked Mr. Sollitto for calling the utilities meeting. It is a very important issues and it is something that the citizens has been preaching and complaining about for a very long time. She thinks this is the first step in moving ahead and correcting these issues.

Ms. Marchese wanted to thank Mayor Mientkiewicz, Mr. Crowley, and Universal Development. For years there has been a battle on who needed to clean the sidewalks and etc. They were able to work this out and Universal Development has stepped up to help. She also thanked everyone who assisted with the building. It is very beautiful.


Ms. Smith wanted to thank all of those employees who are retiring for their service.

Mr. Sollitto stated that he thought the utilities meeting was very productive. It will allow them to put mechanisms in place to address issues. He wanted to thank President Marino for his suggestions also for the meeting. Mr. Sollitto also wanted to thank Ms. Marchese for taking the golf cart draft back to the committee for further discussion.

Mr. Papalas thanked Ms. Devorich for the time and work that she put into the upgrades for the Senior Center. Mr. Papalas officially announced his retirement from Niles City Council effective September 1st. President Marino thanked him for his service.

ADJOURN

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



Nicole Bacak, Clerk of Council



Robert Marino Jr., President of Council