

# City of Niles

SPONSORED BY: COUNCIL AS A WHOLE  
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 80-24

RESOLUTION NO. \_\_\_\_\_

## **A RESOLUTION TO ALLOW THE CITY OF NILES TO ADOPT POLICIES AND PROCEDURES FOR THE INTERCONNECTION OF DISTRIBUTED GENERATION RESOURCES**

WHEREAS, the City of Niles, Ohio ("Municipality") owns and operates an electric utility system for the sale of electric power and associated energy for the benefit of its citizens and taxpayers;

WHEREAS, some of the citizens and ratepayers desire to utilize distributed generation resources to be built on sites within the Municipality's electric distribution utility service area;

WHEREAS, in order to maintain a safe and reliable electric utility system with nondiscriminatory and reasonably priced rates for the benefit of its customers as well as the collective interests of the Municipality's electric utility system, Municipality has determined that it will permit retail customers to utilize distributed generation resources subject to the owner and operator meeting any and all technical, safety, construction, interconnection or other requirements imposed by the Municipality as well as paying any applicable rates, fees or charges pursuant to approved rates and tariffs.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:**

**SECTION 1.** That Council, as the retail electric regulatory authority for the Municipality and its retail electric consumers, determines that, subject to an applicant who is the owner or operator of distributed energy resources meeting all technical, safety, construction, interconnection or other requirements imposed by Municipality as well as paying any applicable rates, fees or charges pursuant to approved rates and tariffs, Municipality will permit retail customers to interconnect distributed energy resources to the Municipal electric distribution system and utilize distributed energy generated thereby.

**SECTION 2.** The total amount of distributed energy resources within the City's electric service area should not exceed one-tenth of 1% of the City's previous year peak demand or 500 kW.

**SECTION 3.** Service Director with approval of the Council, is authorized to adopt any necessary regulations or policies to implement this Resolution.

**SECTION 4.** The forms of the distributed energy resource interconnection application and Interconnection Agreement between this Municipality and an owner or operator of a distributed energy resource who desires to interconnect the distributed energy resource to the Municipal electric utility system, substantially in the forms attached hereto as Exhibits 1 and 2, respectively, are approved, subject to and with any and all changes provided for herein and therein.

**SECTION 5.** The Service Director is authorized to review and approve or take such other action as necessary on any distributed energy resource interconnection application and Interconnection Agreement between this Municipality and an owner or operator of a distributed energy resource.

**SECTION 6.** It is found and determined that all formal actions of this Council of the City of Niles concerning and relating to the passage of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any

committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

SECTION 7. If any section, subsection, paragraph, clause or provision or any part thereof of this Resolution shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this Resolution shall be unaffected by such adjudication and all the remaining provisions of this Resolution shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

SECTION 8: This Resolution shall take effect at the earliest time permitted by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the \_\_\_\_\_ day of \_\_\_\_\_, 2024 and signed by me as such Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
MAYOR

# City of Niles, Ohio

SPONSORED BY: Com. Dev./Neighborhood Stab.  
AUTHORIZED BY: JOHNSTONE

DRAFT NO. 83-24

ORDINANCE NO. \_\_\_\_\_

## AN ORDINANCE REGARDING FUNDING OF THE COMMUNITY IMPROVEMENT CORPORATION OF NILES BUSINESS GRANTS

WHEREAS, the Community Improvement Corporation of Niles (CIC) recommends approval of applications for the following grants:

1. Hardscape 50 percent match up to \$5000.00 of project costs;
2. Façade 50 percent match up to \$5000.00 of project costs;
3. Signage 50 percent match up to \$5000.00 of project costs; and
4. Sidewalk 50 percent match up to \$2500.00 of project costs.

WHEREAS, the CIC clarifies that the intent of the recommended approval for the above grants for January 1, 2024 forward is to cap the amount of money reimbursed and not to limit the percentage of reimbursement to a capped overall project cost. By way of example, for grants 1 through 3 listed above, an overall project cost of \$10,000 or more would warrant a maximum \$5000.00 reimbursement. The same would apply for the sidewalk grant. A sidewalk project cost of \$5000.00 or greater is necessary to receive the maximum amount of \$2500.00. Any overall project costs less than \$10,000 and \$5000.00, respectively, would warrant a reimbursement of fifty percent of the approved project costs.

WHEREAS, one grant was provided this year for a sidewalk improvement in which the grant was only reimbursed \$1250.00. CIC is requesting that Council authorize this grant be reimbursed consistent with the intent outlined above.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: Council hereby accepts the CIC recommendation that reimbursements under the CIC business grants are to be reimbursed fifty percent of the approved project costs up to \$5000.00 for Façade, Hardscape, and Signage, and up to \$2500.00 for sidewalk replacement. Subject to overall approval from City Council. Council further states that any future CIC recommended reimbursement increases shall be calculated consistent with this Ordinance.

SECTION 2: The Auditor is authorized to reimburse \$2,500.00 for sidewalk replacement from monies appropriated in Ordinance No. 43-24 passed on March 6, 2024.

SECTION 3: This ordinance shall become effective at the earliest time permitted by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_

\_\_\_\_\_  
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the \_\_\_\_\_ day of \_\_\_\_\_, 2024 and signed by me as such Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
MAYOR

# City of Niles

**SPONSORED BY: COUNCIL AS A WHOLE**      Amended DRAFT NO 97-24  
**AUTHORIZED BY: SOLLITTO, JOHNSTONE, SHEELY, JULIAN**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ESTABLISHING LIMITATIONS ON MARIJUANA / ADULT-USE CANNABIS DISPENSARY OPERATIONS WITHIN THE CITY; ZONING REQUIREMENTS; AND DECLARING AN EMERGENCY

WHEREAS, the following regulations shall be used to regulate the location of marijuana and cannabis dispensary facilities;

WHEREAS, no more than one marijuana and / or adult-use cannabis dispensary shall be located in the City limits;

WHEREAS, Council desires to establish limitations on marijuana / adult-use cannabis dispensaries;

WHEREAS, Limitations on marijuana and / or adult-use cannabis dispensary operations within the City must be put in place to minimize and control any negative secondary effects of marijuana dispensaries within the City, all in order to promote the health, safety, and welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF NILES, STATE OF OHIO:

## SECTION 1: DEFINITIONS

For purposes of this chapter,

- (a) "Building Official" shall mean the Chief Building Official.
- (b) "Chief" shall mean the Chief of Police of the City.
- (c) "Director" shall mean the Director of Public Safety.
- (d) "Dispensary" shall mean either a medical marijuana dispensary or an adult use dispensary defined and licensed pursuant to Chapters 3780 and 3796 of the Ohio Revised Code and Ohio Administrative Code
- (e) "Disqualifying offense", "cultivator", "processor", and "dispensary" shall have the same meanings as in Ohio Admin. Code 3796:1-1-01 or subsequent similar regulations.
- (f) "Licensee" means, with respect to a and / or dispensary license issued under this chapter, a person in whose name a license to operate a dispensary has been issued, as well as the individual(s) designated on the license application as principally responsible for the operation of the dispensary.
- (g) "Marijuana or Cannabis" shall have the same meaning as in R.C. 3780.01 or in 3796.01.
- (h) "Operate" means to control or hold primary responsibility for the operation of a dispensary, either as a business entity, as an individual, or as part of a group of individuals with shared responsibility. "Operate" or "cause to be operated" shall mean to cause to function or to put or keep in operation. "Operator" means any persons on the premises of a dispensary who is authorized to exercise overall operational control or hold primary responsibility for the operation of a dispensary or who causes to function or who puts or keeps in operation the business. A person may be found to be operating or causing to be operated a dispensary whether or not that person is an owner, part owner, or licensee of the business.
- (i) "Person" means an individual, proprietorship, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.
- (j) "School", "church", "public library", "public playground", and "public park" shall have the same meanings as in R.C. 3796.30.
- (k) "Transfer of ownership or control" of a dispensary shall mean any of the following:
  - (1) The sale, lease, or sublease of the business;

- (2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
- (3) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

**SECTION 2:** Council establishes that any dispensary in the City shall comply with Chapters 3780 and 3796 of the Revised Code. Only one dispensary shall be permitted within the City limits per this section and such one dispensary may sell medical marijuana and / or cannabis only pursuant to a license or certificate of operation issued by the Ohio Department of Commerce or any subsequent agency of the state with authority to regulate the dispensary. In addition, no dispensary may be within 500 ft from any parcel on which sits a church, public library, public playground, public park, or school as defined in 3796.30 of the Revised Code.

**SECTION 3:** Council hereby declares that a dispensary is a conditionally permitted use pursuant to Chapter 1137.09 as long as it is only located within B-1 Highway Commercial District determined by the Zoning Administrator and in accordance with any restrictions containing in this ordinance. The dispensing of marijuana / and / or cannabis within the City corporation limits shall be limited to no more than one dispensary within the B-1 Highway Commercial District within the City, and subject to all other applicable laws concerning zoning and permits.

**SECTION 4:** The planning commission shall approve any conditional permitted use pursuant Chapter 1137.09 for only one dispensary and shall do so after confirming that the applicant is properly licensed with the state and that the applicant has sufficient parking, an approved security plan pursuant to Section 4.1, floor area, outdoor lights and any other requirements stipulated in Section 5 Condition Use.

#### **SECTION 4.1 SECURITY PLAN**

The applicant must also submit a security plan for review and approval by the Chief. The security plan shall be on a form or in a manner prescribed by the Chief and shall include, at a minimum, a lighting plan that identifies how the interior, facade, adjoining sidewalks, parking areas and immediate surrounding areas of the dispensary will be illuminated and how the lighting will deflect light away from adjacent properties; and an identification of operable cameras, alarms, and other security measures to be present on the premises whether during or outside business hours. The security plan shall require use of only Ohio Peace Officer Training Academy certified peace officers with jurisdiction within the City or as part of a mutual aid agreement as determined by the Chief or his designee. The plan shall also include video surveillance and door, building and parking lot security as appropriate. The applicant shall supply all additional information requested by the Chief necessary for the Chief to evaluate the security plan.

#### **SECTION 5.1 REGULATIONS PERTAINING TO THE OPERATION OF DISPENSARIES.**

- (a) No person may operate or cause to be operated a dispensary without complying with the following requirements:
- (1) The marijuana dispensary shall be operated in accordance with all applicable laws, rules and regulations promulgated by the state.
  - (2) The parcel upon which the dispensary is operated shall not at the time the original dispensary license is issued be located within 500 feet from any parcel on which sits a school, church, public library, public playground or public park.
  - (3) Consultations by clinical nurse specialists, certified nurse practitioners, physicians or physician assistants shall not be permitted at a dispensary, unless the patron already has a recommendation for marijuana prior to entering the dispensary.
  - (4) Signs shall be posted on the outside of the dispensary and shall only contain the name of the business, limited to two colors.
  - (5) The dispensary shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.
  - (6) The use of any vending machine which allows access to marijuana is prohibited. For purposes of this division (a) (6), a vending machine is any device which allows access to marijuana without a human intermediary.

(7)The premises of every marijuana dispensary shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, including restrooms, at an illumination level of not less than five foot-candles as measured at floor level.  
(8)No marijuana dispensary shall be operated in any manner that permits the observation from outside the premises of any image depicting or describing a marijuana leaf or the combustion of plant material, whether by means of display, decoration, sign, window, or any other means.  
(9)Any material change to information provided in the application including, but not limited to, changes to the security plan must be promptly communicated, in writing, to the Director.  
(10)If, at any time, the licensee is subject to any enforcement action by the state, the licensee shall immediately notify the Director and shall provide any relevant information or documentation requested by the Director.

(11)If, at any time, the licensee has a reasonable belief that an actual loss, theft or diversion of marijuana or currency worth or amounting to more than one hundred dollars (\$100.00) has occurred, the licensee shall immediately notify the Director, and in any event such notification shall be provided no later than twenty-four hours after discovery of the loss, theft or diversion.  
(b)Except as otherwise provided in this paragraph, any person who violates division (a) hereof or any person who operates a marijuana dispensary and permits a violation of division (a) hereof on the premises, shall be guilty of a misdemeanor of the third degree. If the offender previously has been convicted of or pleaded guilty to one violation of division (a) hereof, a violation of division (a) of this section will be considered a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to two or more violations of division (a) of this section, a violation of division (a) hereof will be considered a misdemeanor of the first degree.

### **SECTION 5.2 LOITERING AND EXTERIOR LIGHTING AND MONITORING REQUIREMENTS.**

(a)It shall be the duty of the operator of a marijuana dispensary to:  
(1)Initiate and enforce a no loitering policy within the external boundaries of the parcel of real property upon which the marijuana dispensary is located,  
(2)Post conspicuous signs stating that no loitering is permitted on such property;  
(3)Monitor the activities of persons on such property by visually inspecting such property or inspecting such property by use of video cameras and monitors; and  
(4)Provide adequate lighting of the exterior premises to provide for visual inspection or video monitoring and to prohibit loitering. The video cameras and monitors shall operate continuously at all times that the premises is open for business.  
(b)It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.

### **SECTION 5.3 INJUNCTION,**

Any person who operates or causes to be operated a marijuana dispensary in violation of this chapter is subject to a suit for injunction as well as prosecution for criminal violations under the Codified Ordinances of the City.

### **SECTION 5.4 EFFECT OF PARTIAL INVALIDITY.**

If any section, subsection or clause of this chapter shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

### **SECTION 5.99 PENALTY.**

(a)Violations of this chapter for which no penalty is specified shall be unclassified misdemeanor offenses punishable by fine or imprisonment, as provided in Section 101.99 of the Codified Ordinances of the City of Niles  
(b)Each day that a dispensary operates in violation of this chapter is a separate offense or violation.

**SECTION 6.** That this Ordinance is hereby declared an emergency measure necessary for the immediate preservation of the public peace, health and safety of Municipality, and for the further reason that the State has commenced the application process for the issuance of licenses. Therefore, this Ordinance shall be in effect from and immediately after its passage and approval by the Mayor.

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President of Council

Passed: \_\_\_\_\_

Attest: \_\_\_\_\_  
Clerk of Council

Received by the Mayor of Niles this \_\_\_\_ day of \_\_\_\_\_ 2024 and approved by me  
as such Mayor this \_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
Mayor

# City of Niles, Ohio

SPONSORED BY: COUNCIL AS A WHOLE      AMENDED DRAFT NO. 92-24  
AUTHORIZED BY: ALL MEMBERS

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RESOLUTION NO. \_\_\_\_\_

A RESOLUTION ADOPTING THE ALTERNATIVE TAX BUDGET FOR  
THE FISCAL YEAR BEGINNING JANUARY 1, 2025; AND DECLARING  
AN EMERGENCY

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: That the Alternative Tax Budget for the fiscal year beginning January 1, 2025, attached hereto as Exhibit "A", is hereby adopted by the Niles City Council.

SECTION 2: That the Niles City Auditor is hereby authorized and directed to submit copies of this budget to the Trumbull County Auditor.

SECTION 3: This Resolution is hereby declared to be an emergency measure in the interest of the public health, safety and welfare for the reason that failure to submit the budget in a timely manner may result in a loss of government funds. As such an emergency measure, this Resolution shall take effect upon passage by Council and approval by the Mayor.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_

CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the \_\_\_\_ day of \_\_\_\_\_, 2024 and signed by me as such Mayor on this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
MAYOR



**ALTERNATIVE TAX BUDGET INFORMATION**

**TRUMBULL COUNTY**

Name of City

City of Niles

For the Fiscal Year Commencing January 1, 2025

Fiscal Officer Signature

Date

NILES

CITY

Schedule 1

**STATEMENT OF FUND ACTIVITY**

(Complete only for General Fund, Bond Retirement Fund and any other funds requesting general property tax revenue)

**FUND: GENERAL**

DESCRIPTION	Actual Jan 1-Dec. 31 2023	Budgeted FY Jan 1-Dec 31 2024 Estimate	Budgeted FY Jan 1-Dec. 31 2025 Estimate
<b>Beginning Unencumbered Fund Balance</b>	\$13,871,277.62	\$17,257,662.60	\$15,524,542.90
<b>Revenues:</b>			
Health Department	\$0.00	\$0.00	\$0.00
Property Taxes	\$627,812.45	\$770,835.90	\$771,000.00
Local Government	\$277,500.63	\$267,160.40	\$270,000.00
All Other Receipts	\$17,355,736.44	\$16,940,910.00	\$17,000,000.00
Total Resources	\$32,132,327.14	\$35,236,568.90	\$33,565,542.90
Total Expenditures & Encumbrances	\$14,874,664.54	\$19,712,026.00	\$15,500,000.00
<b>Ending Unencumbered Fund Balance</b>	\$17,257,662.60	\$15,524,542.90	\$18,065,542.90

**FUND: POLICE PENSION**

DESCRIPTION	Actual Jan. 1-Dec. 31 2023	Budgeted FY Jan 1-Dec. 31 2024 Estimate	Budgeted FY July 1-Dec. 31 2025 Estimate
<b>Beginning Unencumbered Fund Balance</b>	\$47,597.13	\$24,653.52	\$51,135.35
<b>Revenues:</b>			
Property Taxes	\$86,298.25	\$108,981.83	\$109,000.00
All Other Receipts	\$440,000.00	\$555,000.00	\$555,000.00
Total Resources	\$573,895.38	\$688,635.35	\$715,135.35
Total Expenditures & Encumbrances	\$549,241.86	\$637,500.00	\$655,000.00
<b>Ending Unencumbered Fund Balance</b>	\$24,653.52	\$51,135.35	\$60,135.35

NILES

CITY

Schedule 1

**STATEMENT OF FUND ACTIVITY**

(Complete only for General Fund, Bond Retirement Fund and any other funds requesting general property tax revenue)

**FUND: FIRE PENSION**

DESCRIPTION	Actual Jan 1-Dec. 31 2023	Budgeted FY Jan 1-Dec 31 2024 Estimate	Budgeted FY Jan 1-Dec. 31 2025 Estimate
<b>Beginning Unencumbered Fund Balance</b>	\$22,388.07	\$4,567.19	\$30,049.02
<b>Revenues:</b>			
Property Taxes	\$86,298.25	\$108,981.83	\$109,000.00
All Other Receipts	\$485,000.00	\$560,000.00	\$560,000.00
Total Resources	\$593,686.32	\$673,549.02	\$699,049.02
Total Expenditures & Encumbrances	\$589,119.13	\$643,500.00	\$655,000.00
<b>Ending Unencumbered Fund Balance</b>	\$4,567.19	\$30,049.02	\$44,049.02

**FUND: PARK**

DESCRIPTION	Actual Jan. 1-Dec. 31 2023	Budgeted FY Jan 1-Dec. 31 2024 Estimate	Budgeted FY Jan. 1-Dec. 31 2025 Estimate
<b>Beginning Unencumbered Fund Balance</b>	\$140,910.59	\$35,458.63	\$48,655.03
<b>Revenues:</b>			
Property Taxes	\$265,793.20	\$264,355.42	\$265,000.00
All Other Receipts	\$882,510.63	\$1,373,950.00	\$1,300,000.00
Total Resources	\$1,289,214.42	\$1,673,764.05	\$1,613,655.03
Total Expenditures & Encumbrances	\$1,253,755.79	\$1,625,109.02	\$1,200,000.00
<b>Ending Unencumbered Fund Balance</b>	\$35,458.63	\$48,655.03	\$413,655.03

Reproduce this schedule as often as necessary

## STATEMENT OF FUND ACTIVITY

(Funds with Revenue Other Than Local Taxes)

Add Additional Funds as Necessary  
Reproduce this Schedule as Necessary

FUND NAME	Beginning Estimated Unencumbered Fund Balance	2025 Total Estimated Receipts	Total Resources Available For Expenditure	Total Estimated Expenditures and Encumbrances
LOCAL FISCAL RECOVERY	\$100,000.00	\$0.00	\$100,000.00	\$100,000.00
PRISONER TRANSPORT	\$12,600.00	\$1,000.00	\$13,600.00	\$0.00
POLICE & FIRE 1%	\$500,000.00	\$9,500,000.00	\$10,000,000.00	\$9,600,000.00
PERMISSIVE TAX	\$410,000.00	\$285,000.00	\$695,000.00	\$280,000.00
COMPUTER	\$61,000.00	\$45,000.00	\$106,000.00	\$60,000.00
CORONAVIRUS RELIEF	\$0.00	\$0.00	\$0.00	\$0.00
DUI	\$260,000.00	\$11,500.00	\$271,500.00	\$25,000.00
STREET	\$700,000.00	\$1,100,000.00	\$1,800,000.00	\$1,100,000.00
STATE HIGHWAY	\$75,000.00	\$85,000.00	\$160,000.00	\$85,000.00
FOOD SERVICE	\$22,496.94	\$0.00	\$22,496.94	\$0.00
TRAILER PARK	\$2,252.44	\$0.00	\$2,252.44	\$0.00
SWIMMING POOL	\$28,134.50	\$0.00	\$28,134.50	\$0.00
COMMUNITY DEVELOPMENT	\$300,000.00	\$1,000,000.00	\$1,300,000.00	\$1,000,000.00
FEMA	\$4,081.62	\$0.00	\$4,081.62	\$0.00
SPECIAL PROJECTS	\$60,000.00	\$35,000.00	\$95,000.00	\$40,000.00
LEGAL RESEARCH	\$0.00	\$0.00	\$0.00	\$0.00
POLICE CPT	\$35,000.00	\$30,000.00	\$65,000.00	\$25,000.00
IMPOUNDING/TOWING	\$65,000.00	\$150,000.00	\$215,000.00	\$200,000.00
POLICE RETENTION	\$0.00	\$0.00	\$0.00	\$0.00
OPIOID SETTLEMENT	\$33,736.93	\$0.00	\$33,736.93	\$0.00
TAX INCREMENTAL FINANCE	\$0.00	\$5,500.00	\$5,500.00	\$5,500.00
FIRE RETENTION	\$0.00	\$0.00	\$0.00	\$0.00
CEMETERY	\$65,000.00	\$500,000.00	\$565,000.00	\$500,000.00
SEIZURE	\$5,500.00	\$5,000.00	\$10,500.00	\$3,000.00
PROBATION	\$270,000.00	\$150,000.00	\$420,000.00	\$150,000.00
LAW ENFORCEMENT	\$2,500.00	\$1,000.00	\$3,500.00	\$500.00
DRUG LAW	\$20,000.00	\$2,500.00	\$22,500.00	\$2,500.00
COPS	\$14,562.98	\$0.00	\$14,562.98	\$0.00
G.O. BOND	\$1,000.00	\$0.00	\$1,000.00	\$0.00
S.A. BOND	\$0.00	\$0.00	\$0.00	\$0.00
DEBT RETIREMENT	\$58,223.96	\$0.00	\$58,223.96	\$0.00
CAPITAL PROJECTS	\$45,000.00	\$3,500,000.00	\$3,545,000.00	\$3,500,000.00
BRT CLEAN UP	\$0.32	\$0.00	\$0.32	\$0.00
WWTP DESIGN & IMPROVEMENT	\$2,253.00	\$0.00	\$2,253.00	\$0.00
FIRE TRUCK REPLACEMENT	\$399,000.00	\$266,000.00	\$665,000.00	\$66,200.00
POLICE CAPITAL IMPROVEMENTS	\$51,000.00	\$50,000.00	\$101,000.00	\$50,000.00
PARK CAPITAL IMPROVEMENTS	\$300,000.00	\$50,000.00	\$350,000.00	\$0.00
SEWER CAPITAL IMPROVEMENTS	\$440,000.00	\$100,000.00	\$540,000.00	\$0.00
WATER	\$4,500,000.00	\$10,000,000.00	\$14,500,000.00	\$10,000,000.00
LIGHT	\$16,500,000.00	\$26,500,000.00	\$43,000,000.00	\$26,500,000.00
SEWER	\$4,500,000.00	\$6,500,000.00	\$11,000,000.00	\$6,500,000.00
TRANSIT	\$0.00	\$0.00	\$0.00	\$0.00
ENDOWMENT PRINCIPAL	\$85,700.00	\$0.00	\$85,700.00	\$50.00
UNCLAIMED MONIES	\$140,000.00	\$15,000.00	\$155,000.00	\$5,000.00
FIRE LOSS CLAIMS	\$120,000.00	\$25,000.00	\$145,000.00	\$25,000.00
PAYROLL CLEARING	\$105,000.00	\$14,000,000.00	\$14,105,000.00	\$14,000,000.00
MOTOR FUEL	\$25,000.00	\$325,000.00	\$350,000.00	\$325,000.00
HOSPITAL SELF INSURANCE	\$400,000.00	\$3,900,000.00	\$4,300,000.00	\$3,750,000.00
UTILITY TRUST	\$1,900,000.00	\$250,000.00	\$2,150,000.00	\$290,000.00
TOTAL	\$32,619,042.69	\$78,387,500.00	\$111,006,542.69	\$78,187,750.00



# City of Niles, Ohio

SPONSORED BY: COUNCIL AS A WHOLE  
AUTHORIZED BY: ALL MEMBERS

AMENDED DRAFT NO. 94-24

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE ZONING OF PARCEL 25-082050.

Whereas, the parcel of property is designated by the Trumbull County Auditor as 25-082050.

Whereas, in compliance with Niles Codified Ordinance (NCO) 1117.02, a petition to amend the zoning for Parcel 25-082050, from B1/RA and B1- Highway Commercial was filed;

Whereas, upon receipt of the petition to amend the zoning, Council referred the proposed amendment to the planning commission pursuant to NCO 1117.03;

Whereas, the planning commission held a public meeting on April 17, 2024 and recommended the proposed amendment be granted;

Whereas, the recommendation from the planning commission regarding the proposed amendment was presented to Council on June 5, 2024;

Whereas, pursuant to NCO 1117.04, upon receipt of the recommendations from the planning commission, Council scheduled a public hearing on June 5, 2024, prior to the scheduled regular Council meeting,

Whereas, in compliance with NCO 1117.05, Council desires to accept the recommendations of the planning commission and approve the zoning amendment.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION ONE: Council hereby accepts the recommendation of the planning commission. The zoning classification for Trumbull County Auditor's Parcel Number as 25-082050, presently zoned B1/RA, is hereby changed with a reduction of the B1 portion and extension of the RA portion, each by 125 feet.

SECTION TWO: That the zoning ordinances and zoning map of the City of Niles, Ohio, be and hereby are amended to incorporate the changes set forth herein and in accordance with the planning commission recommendations.

SECTION THREE: This Ordinance shall become effective at the earliest date allowable by law.

PASSED: \_\_\_\_\_

PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the \_\_\_\_\_ day of \_\_\_\_\_, 2024 and signed by me as such Mayor on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
MAYOR

# City of Niles, Ohio

SPONSORED BY: COUNCIL AS A WHOLE  
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 96-24

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING THE SALE OF 138 KV FACILITIES

WHEREAS, Council previously authorized request for proposals for the sale of 138 KV Facilities;

WHEREAS, AMPT provided the only proposal for the amount of \$303,988.11.

WHEREAS, Council desires to contract with AMPT for the sale of the 138KV Assets.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: That the service director may enter into a contract and lease with AMPT for the sale of 138KV Facilities.

SECTION 2: That this Ordinance shall take effect at the earliest time permitted by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the \_\_\_\_\_ day of \_\_\_\_\_, 2024 and signed by me as such Mayor on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
MAYOR

# City of Niles, Ohio

SPONSORED BY: FINANCE  
AUTHORIZED BY: SOLLITTO

DRAFT NO. 98-24

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE APPROVING A THEN AND NOW PAYMENT REQUEST TO SUMMIT SUPPLY FOR REPAIR OF STORM SEWER PIPE ON LAFAYETTE; AND DECLARING AN EMERGENCY

WHEREAS, the storm sewer pipe on Lafayette Avenue was in need of emergency repair;

WHEREAS, the invoice for the parts and labor is due and payable;

WHEREAS, Council desires to authorize payment to Summit Supply for \$7,800.00.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: Council hereby authorizes payment to Summit Supply for \$7,800.00.

SECTION 2: This Ordinance is declared to be an emergency measure in the interest of the public health, safety and welfare as the invoice for Summit Supply is due and payable. As such an emergency measure, this Ordinance shall take effect upon passage by Council and approval by the Mayor.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_

\_\_\_\_\_  
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the \_\_\_\_\_ day of \_\_\_\_\_, 2024 and signed by me as such Mayor on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
MAYOR



# City of Niles, Ohio

SPONSORED BY: FINANCE  
AUTHORIZED BY: SOLLITTO

DRAFT NO. 99-24

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING THE PURCHASE OF ONE CAT 304 CR MINI HYDRAULIC EXCAVATOR THROUGH SOURCEWELL COOPERATIVE; AND, DECLARING AN EMERGENCY

Whereas, the City is unable to obtain three quotes in accordance with the purchasing policy;

Whereas, the direct purchase of one CAT 304 CR Mini Hydraulic Excavator for \$78,105.40 is appropriate;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: Council hereby authorizes the direct purchase of one CAT 304 CR Mini Excavator through Sourcewell Cooperative, when funds are available in the appropriate accounts or otherwise as permitted by law.

SECTION 2: This Ordinance is hereby declared to be an emergency measure in the interest of the public health, safety and welfare, for the reason that the mini excavator can be purchased at the earliest possible date. As such an emergency measure, this Ordinance shall take effect upon passage by Council and approval by the Mayor.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the \_\_\_\_\_ day of \_\_\_\_\_, 2024 and signed by me as such Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
MAYOR

# City of Niles, Ohio

SPONSORED BY: FINANCE COMMITTEE  
AUTHORIZED BY: SOLLITTO

DRAFT NO. 100-24

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING BUDGET TRANSFERS FROM THE UNAPPROPRIATED WATER FUND AND UNAPPROPRIATED SEWER FUND; AND, DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: Council hereby authorizes the following transfers:

APPROPRIATION BUDGET TRANSFER			
FUND	ACCOUNT NUMBER	DESCRIPTION	Appropriation
501 - WATER	501-5151-54300	Operational Supplies	-\$15,000.00
501 - WATER	501-5151-55350	Maintenance Materials	-\$15,000.00
501 - WATER	501-5151-56300	Equipment Purchases	\$30,000.00

APPROPRIATION BUDGET TRANSFER			
FUND	ACCOUNT NUMBER	DESCRIPTION	Appropriation
503 - SEWER	503-5353-54300	Operational Supplies	-\$30,000.00
503 - SEWER	503-5353-56300	Equipment Purchases	\$30,000.00

SECTION 2: This Ordinance is hereby declared to be an emergency measure in the interest of the public health, safety and welfare, for the reason that the funds are needed to complete the water meter project. As such an emergency measure, this Resolution shall take effect upon passage by Council and approval by the Mayor.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the \_\_\_\_\_ day of \_\_\_\_\_, 2024 and signed by me as such Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
MAYOR

# City of Niles, Ohio

SPONSORED BY: FINANCE COMMITTEE  
AUTHORIZED BY: SOLLIITO

DRAFT NO. 101-24

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED SEWER FUND 503 FOR CONTRACTED LABOR; AND, DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: Council hereby authorizes the following appropriation from the Unappropriated Sewer Fund 503:

APPROPRIATION FROM UNAPPROPRIATED FUNDS			
FUND	ACCOUNT NUMBER	DESCRIPTION	Appropriation
503 - Sewer	503-5353-53980	Contracted Labor	\$50,000.00
<b>Total Appropriation</b>			<b>\$50,000.00</b>

SECTION 2: This Ordinance is hereby declared to be an emergency measure in the interest of the public health, safety and welfare, for the reason that the funds are necessary for the operation of the sewer department. As such an emergency measure, this Resolution shall take effect upon passage by Council and approval by the Mayor.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the \_\_\_\_\_ day of \_\_\_\_\_, 2024 and signed by me as such Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
MAYOR

# City of Niles, Ohio

SPONSORED BY: FINANCE COMMITTEE  
AUTHORIZED BY: SOLLITTO

DRAFT NO. 102-24

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED PARK FUND 221 FOR CONSULTANT FEES AND BOND CONSTRUCTION; AND, DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: Council hereby authorizes the following appropriation from the Unappropriated Park Fund 221 to the following accounts:

APPROPRIATION FROM UNAPPROPRIATED FUNDS			
FUND	ACCOUNT NUMBER	DESCRIPTION	Appropriation
221 - PARK	221-2121-53700	Consultant Fees	\$50,000.00
221 - PARK	221-2121-56160	Bond Construction	\$2,000,000.00
<b>Total Appropriation</b>			<b>\$2,050,000.00</b>

SECTION 2: This Ordinance is hereby declared to be an emergency measure in the interest of the public health, safety and welfare, for the reason that the funds are needed to complete the construction, rehabilitation, and equipping of park and recreation facilities. As such an emergency measure, this Resolution shall take effect upon passage by Council and approval by the Mayor.

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

\_\_\_\_\_  
PRESIDENT OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the \_\_\_\_\_ day of \_\_\_\_\_, 2024 and signed by me as such Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
MAYOR

# City of Niles, Ohio

SPONSORED BY: FINANCE  
AUTHORIZED BY: SOLLITTO

DRAFT NO. 104-24

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE APPROVING A THEN AND NOW PAYMENT REQUEST TO XYLEM DEWATERING SOLUTIONS, INC. FOR REPAIR OF PUMP AT WWTP; AND DECLARING AN EMERGENCY

WHEREAS, the pump at WWTP was in need of emergency repair;

WHEREAS, the invoice for the parts and labor is due and payable;

WHEREAS, Council desires to authorize payment to Xylem Dewatering Solutions, Inc. for \$14,917.20.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: Council hereby authorizes payment to Xylem Dewatering Solutions, Inc. for \$14,917.20.

SECTION 2: This Ordinance is declared to be an emergency measure in the interest of the public health, safety and welfare as the invoice for Xylem Dewatering Solutions, Inc. is due and payable. As such an emergency measure, this Ordinance shall take effect upon passage by Council and approval by the Mayor.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_

CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the \_\_\_\_ day of \_\_\_\_\_, 2024 and signed by me as such Mayor on this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
MAYOR

# City of Niles, Ohio

SPONSORED BY: FINANCE  
AUTHORIZED BY: SOLLITTO

DRAFT NO. 105-24

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF THE MATERIAL TERMS OF THE ONEOHIO SUBDIVISION SETTLEMENT PURSUANT TO THE ONEOHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE MARCH 22, 2024, KROGER MULTISTATE OPIOID SETTLEMENT AGREEMENT; AUTHORIZING THE MAYOR TO EXECUTE THE SUBDIVISION PARTICIPATION FORM; AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Niles, Ohio (hereinafter referred to as “the City”) is a municipal entity formed and organized pursuant to the Constitution and laws of the State of Ohio; and

WHEREAS, the people of the State of Ohio and its communities have been harmed by misfeasance, nonfeasance, and malfeasance committed by certain entities within the Opioid Pharmaceutical Supply Chain; and

WHEREAS, the State of Ohio, through its Attorney General, and certain Local Governments, through their elected representatives and counsel, are separately engaged in litigation seeking to hold Opioid Pharmaceutical Supply Chain Participants accountable for the damage caused by their misfeasance, nonfeasance, and malfeasance; and

WHEREAS, the State of Ohio, through its Governor and Attorney General, and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance, and malfeasance throughout the State of Ohio; and

WHEREAS, the State and its Local Governments, subject to completing formal documents effectuating the Parties Agreements, have drafted and the City has adopted, and hereby reaffirms its adoption of, a OneOhio Memorandum of Understanding (“MOU”) relating to the allocation and the use of the proceeds of any potential settlements described; and

WHEREAS, the MOU has been collaboratively drafted to maintain all individual claims while allowing the State and Local Governments to cooperate in exploring all possible means of resolution; and

WHEREAS, the Council understands that an additional purpose of the MOU is to create an effective means of distributing any potential settlement funds obtained under the MOU between the State of Ohio and Local Governments in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Ohio, as well as to permit collaboration and explore potentially effectuation earlier resolution of the Opioid Litigation against Opioid Pharmaceutical Supply Chain Participants; and

WHEREAS, nothing in the MOU binds any party to a specific outcome, but rather, any resolution under the MOU requires acceptance by the State of Ohio and the Local Governments; and

WHEREAS a settlement proposal identified as the Kroger Multistate Opioid Settlement Agreement (“Agreement”) being presented to the State of Ohio and Local Governments by Kroger Co. (“Kroger”) to resolve governmental entity claims in the State of Ohio using the structure of the OneOhio MOU and consistent with the material terms of the March 22, 2024 proposed Agreement.

WHEREAS, Council desires to agree to the material terms of the Proposed Agreement with Kroger, which is on file with the Clerk of Council.

**NOW, THEREFORE**, be it Ordained by the Council of the City of Niles, County of Trumbull, State of Ohio, that:

**Section 1.** That Council hereby authorizes the Mayor to accept the Agreement on behalf of the City by executing on behalf of the City all documents necessary for acceptance of the Agreement, including but not limited to, the Subdivision Participation form attached hereto.

**Section 2.** It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in open meetings of this Council, and that all deliberations of this Council that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including the Codified Ordinances and Section 121.22 of the Ohio Revised Code.

**Section 3.** This Ordinance is hereby determined to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of the City and for the further reason that the Participation Form must be signed by August 12, 2024 in order to obtain the settlement funds. It shall therefore become effective upon its passage by the affirmative vote of not less than five (5) members of Council and approval by the Mayor; otherwise, it shall become effective at the earliest time allowed by law.

PASSED: \_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the \_\_\_\_\_ day of \_\_\_\_\_, 2024  
and signed by me as such Mayor on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
MAYOR

**EXHIBIT K**

**Subdivision Participation and Release Form**

Governmental Entity:	State:
Authorized Official:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above ("Governmental Entity"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated March 22, 2024 ("*Kroger Settlement*"), and acting through the undersigned authorized official, hereby elects to participate in the Kroger Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Kroger Settlement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Governmental Entity elects to participate in the Kroger Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event no later than 14 days after the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs' Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal with Prejudice substantially in the form found at <https://nationalopioide Settlement.com/>.
3. The Governmental Entity agrees to the terms of the Kroger Settlement pertaining to Participating Subdivisions as defined therein.
4. By agreeing to the terms of the Kroger Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Kroger Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Kroger Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel



as provided in, and for resolving disputes to the extent otherwise provided in, the Kroger Settlement.

7. The Governmental Entity has the right to enforce the Kroger Settlement as provided therein.

8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Kroger Settlement, including without limitation all provisions of Section XI (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Kroger Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Kroger Settlement shall be a complete bar to any Released Claim.

9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Kroger Settlement.

10. In connection with the releases provided for in the Kroger Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

**General Release; extent.** A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Kroger Settlement.

11. Nothing herein is intended to modify in any way the terms of the Kroger Settlement, to which Governmental Entity hereby agrees. To the extent this Participation and Release Form is interpreted differently from the Kroger Settlement in any respect, the Kroger Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Governmental Entity.

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

# City of Niles, Ohio

DRAFT NO. 106-24

SPONSORED BY: FINANCE  
AUTHORIZED BY: SOLLITTO

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE APPROPRIATION OF AN ADDITIONAL FOUR HUNDRED ONE THOUSAND EIGHT HUNDRED SEVENTY-SEVEN DOLLARS AND 59/100 CENTS (\$401,877.59) TOWARDS THE FISCAL YEAR 2024, 2025, AND 2026 LED STREETLIGHT REPLACEMENT PROJECT AND, DECLARING AN EMERGENCY

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: Council hereby authorizes the following appropriations of funds from the Unappropriated Light Fund 502 to the following accounts listed below in the total amount of \$401,877.59.

APPROPRIATION FROM UNAPPROPRIATED FUNDS			
FUND	ACCOUNT NUMBER	DESCRIPTION	Appropriation
502 - Light	502-5252-56560	Grants	\$401,877.59
<b>Total Appropriation</b>			<b>\$401,877.59</b>

SECTION 2: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience and welfare of the City of Niles and the inhabitants thereof, for the reason that it is necessary for the LED streetlight replacement project. As such an emergency measure, this Resolution shall take effect upon passage by Council and approval by the Mayor.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_

\_\_\_\_\_  
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the \_\_\_\_\_ day of \_\_\_\_\_, 2024 and signed by me as such Mayor on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
MAYOR

# City of Niles, Ohio

DRAFT NO. 107-24

SPONSORED BY: FINANCE  
AUTHORIZED BY: SOLLITTO

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE CITY OF NILES TO ACCEPT THE 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; APPROPRIATING THE NECESSARY FUNDS; AMENDING RESOLUTION 18-24; AND, DECLARING AN EMERGENCY

WHEREAS, funds are to be available through the Water and Wastewater Infrastructure Grant program via Ohio House Bill 33. The Water and Wastewater Infrastructure Grant dollars are provided to help Ohio communities make necessary investments in water and wastewater infrastructure. Projects receiving funds will improve access to clean drinking water and wastewater infrastructure, and

WHEREAS, Grant award amount is Five Hundred Fifty Thousand dollars (\$550,000) to cover the inspection and a portion of construction costs for Phase One (1) of Salt Springs Road waterline replacement; and the City of Niles will provide a maximum of One Hundred Thirty-Six Thousand One Hundred Twenty-Three dollars (\$136,123) match to cover the remaining construction costs; and

WHEREAS, the City of Niles agrees to be responsible and comply with all Ohio Department of Development Water and Wastewater Infrastructure Grant program requirements; and

WHEREAS, the City of Niles agrees to obligate (i.e., in contract) all funds awarded through the Water and Wastewater Infrastructure Grant program no later than December 31, 2024. And will submit all reimbursements by June 30, 2025, at the latest. All reimbursement requests will be sent monthly as purchases are made.

WHEREAS, Council desires to amend Resolution 18-24 to reflect the appropriations listed below.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: That Authorization is given to the Mayor to accept and sign the Ohio Department of Development in partnership with the Ohio Environmental Protection Agency Water and Wastewater Infrastructure Grant Program grant agreement. And provide the One Hundred Thirty-Six Thousand One Hundred Twenty-Three dollars (\$136,123) local match.

SECTION 2: Council hereby amends Resolution 18-24 to reflect the following appropriations of funds from the Unappropriated Funds to the following accounts listed below in the total amount of \$736,123.00.

APPROPRIATION FROM UNAPPROPRIATED FUNDS		
FUND	ACCOUNT NUMBER	DESCRIPTION Appropriation
501 - WATER	501-5151-53700	Consultant Fees \$50,000.00
501 - WATER	501-5151-56560	Grants \$686,123.00
Total Appropriation		\$736,123.00

SECTION 3: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience

and welfare of the City of Niles and the inhabitants thereof, for the reason that it is to apply for this funding within the next 30 days, and provided that it receives the approval of two-thirds of the members of Council, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the \_\_\_\_\_ day of \_\_\_\_\_, 2024 and signed by me as such Mayor on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
MAYOR

# City of Niles, Ohio

SPONSORED BY: SAFETY  
AUTHORIZED BY: SHEELY

DRAFT NO. 103-24

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE ZONING OF PARCELS 25-723598 AND 25-723599,  
AND DECLARING AN EMERGENCY.

Whereas, the parcels of property are designated by the Trumbull County Auditor as 25-723598 and 25-723599;

Whereas, in compliance with Niles Codified Ordinance (NCO) 1117.02, a petition to amend the zoning for Parcels 25-723598 and 25-723599 from R-A and B-1 to B-1;

Whereas, upon receipt of the petition to amend the zoning, Council referred the proposed amendment to the planning commission pursuant to NCO 1117.03;

Whereas, the planning commission held a public meeting on April 17, 2024 and recommended the proposed amendment be granted;

Whereas, the recommendation from the planning commission regarding the proposed amendment was presented to Council on May 15, 2024;

Whereas, pursuant to NCO 117.04, upon receipt of the recommendations from the planning commission, Council scheduled a public hearing on June 26, 2024, prior to the scheduled regular Council meeting,

Whereas, in compliance with NCO 1117.05, Council desires to accept the recommendations of the planning commission and approve the zoning amendment.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES,  
STATE OF OHIO:**

**SECTION ONE:** Council hereby accepts the recommendation of the planning commission. The zoning classification for Trumbull County Auditor's Parcel Numbers as 25-723598 and 25-723599, presently zoned R-A and B-1 is hereby changed to B-1 for the entirety of all parcels.

**SECTION TWO:** That the zoning ordinances and zoning map of the City of Niles, Ohio, be and hereby are amended to incorporate the changes set forth herein and in accordance with the planning commission recommendations.

**SECTION THREE:** This Ordinance shall become effective at the earliest date allowable by law.

PASSED: \_\_\_\_\_

PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_

CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the \_\_\_\_\_ day of \_\_\_\_\_, 2024 and signed by me as such Mayor on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
MAYOR