

COUNCIL MEETING MINUTES
January 17, 2024

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

Niles City Council held its regular meeting on January 17, 2024, 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:

Weddell- P, Johnstone-P, Sheely-P, Devorich-P, Julian-P, Lastic- P, Sollitto- P, Marino-P

It was moved by Weddell, seconded by Devorich to accept the minutes from the January 3rd and 10th meetings and place them on file.

Motion carried.

REPORTS AND COMMUNICATIONS

FROM- Auditor's Office

Statement of cash from revenue and expense – December 2023

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

Motion Carried.

FROM- Auditor's Office

Check report by check number – December 2023

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

Motion Carried.

FROM- Planning and Permitting Department

YTD update for 2023.

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

Motion Carried.

FROM- Water Department

Water loss report for 2023.

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

Motion Carried.

FROM- Lory Patrick

Letter addressed to city council- Letter was emailed to all members.

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

Motion Carried.

FROM- Ohio Division of Liquor Control

Notice to Legislative Authority – Niles Wing Company LLC- DBA Buffalo Wild Wings

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

Motion Carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL FOR AGENDA ITEMS

(Public comments began at 3:24 into recording)

George Kuriatnyk- Mr. Kuriatnyk wanted to know how many agenda items were presented before the new members took over. He asked why the agenda items do not restart when new officials take over since they are not aware of what is going on. President Marino said that is a good point. What council has historically done, and the election is certified, they request that the law director and clerk provide the newly elected members the documents so they can review them. The new members are also encouraged to go and speak to members of the administration to be brought up to speed on items. By doing this, it allows the new members the opportunity to review everything, so they are not voting on items that they are not familiar with. Law Director Zuzolo also said the three items getting a third reading are the last leftover items.

Next, Mr. Kuriatnyk asked about the public hearing and why it was only fifteen minutes before the meeting. It didn't give council enough time. Law Director Zuzolo explained the meeting wasn't necessarily for council but if the one property owner wanted to come in and object to the vacation. There wouldn't have been a need for a public hearing if the one property owner had signed off on the vacation of the property.

COUNCIL COMMITTEE REPORTS

Community Development/ Neighborhood Stabilization meeting minutes- January 4, 2024

It was moved by Johnstone, seconded by Devorich to accept, and place on file.

Motion carried.

ORDINANCES AND RESOLUTION

(Legislation began at 6:01 into recording)

ORDINANCE NO. _____ (Draft No. 167-23)

AN ORDINANCE CREATING NILES CODIFIED ORDINANCE CHAPTER 555 ET SEQ: RESTRICTIONS ON THE USE OF A LASER POINTER

It was moved by Julian, seconded by Lastic to give a third reading to this draft 167-23.

YEAS: 7 NAYS: 0

It was moved by Julian, seconded by Sollitto to adopt this Draft No 167-23.

YEAS: 7 NAYS: 0

This Draft No 167-23 has been adopted on the 17th day of January 2024.

ORDINANCE NO. _____(Draft No. 168-23)

AN ORDINANCE CREATING NILES CODIFIED ORDINANCE (NCO) 557 ET SEQ, LIMITATIONS ON UNMANNED AIRCRAFT SYSTEMS AND SMALL UNMANNED AIRCRAFT SYSTEM USAGE

It was moved by Julian, seconded by Lastic to give a third reading to this draft 168-23.

Mr. Johnstone wanted to clarify that council had a public grounds meeting and there were updates to the legislation. Law Director Zuzolo said in section 9, it addresses the park and school properties. Mr. Johnstone said there will be a ban on those properties, but there are some exceptions.

YEAS: 7 NAYS: 0

It was moved by Sollitto, seconded by Weddell to adopt this Draft No 168-23.

YEAS: 7 NAYS: 0

This Draft No 168-23 has been adopted on the 17th day of January 2024.

ORDINANCE NO. _____(Draft No. 169-23)

AN ORDINANCE ADOPTING THE CITY OF NILES COMPREHENSIVE PLAN

It was moved by Johnstone, seconded by Julian to give a third reading to this draft 169-23.

YEAS: 7 NAYS: 0

It was moved by Lastic, seconded by Sheely to adopt this Draft No 169-23.

YEAS: 7 NAYS: 0

This Draft No 169-23 has been adopted on the 17th day of January 2024.

ORDINANCE NO. _____(Draft No. 02-24)

AN ORDINANCE APPOINTING AND REAPPOINTING MEMBERS TO VARIOUS BOARDS AS REQUIRED BY THE OHIO REVISED CODE AND/OR NILES CODIFIED ORDINANCE, AND DECLARING AN EMERGENCY

It was moved by Julian, seconded by Devorich to give a second reading to this draft 02-24.

Mr. Sollitto wanted to remind people that they have until January 26th to submit their letters of intent. The clerk verified there have been three letters of intent submitted so far.

YEAS: 7 NAYS: 0

This Draft No. 02-24 has received its 2nd reading on the 17th day of January 2024.

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. 12-24)

AN ORDINANCE AUTHORIZING THE TRANSFER OF MONIES FROM VARIOUS ACCOUNTS TO THE UNCLAIMED FUND 663 AS SEVERAL CHECKS REMAIN UNCASHED FOR MORE THAT ONE HUNDRED AND EIGHTY DAYS (180), AND, DECLARING AN EMERGENCY

ORDINANCE NO. _____(Draft No. 13-24)

AN ORDINANCE AUTHORIZING THE PURCHASE OF PISTOLS AND TASERS THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM FOR THE 2024 CALENDAR YEAR; AND, DECLARING AN EMERGENCY

ORDINANCE NO. _____(Draft No. 14-24)

AN ORDINANCE AUTHORIZING THE DIRECT PURCHASE OF THREE 2024 WHITE F-150 RESPONDERS; REPEALING ORDINANCE 10-24; AND, DECLARING AN EMERGENCY

RESOLUTION NO. ____ (Draft No. 15-24)

A RESOLUTION AUTHORIZING THE SAFETY DIRECTOR and/or FIRE CHIEF TO PREPARE AND SUBMIT AN APPLICATION AND ENTER INTO AGREEMENTS FOR GRANT MONEY TO ASSIST WITH PURCHASE OF AN AERIAL LADDER TRUCK FOR THE NILES FIRE DEPARTMENT; AND, DECLARING AN EMERGENCY

ORDINANCE NO. ____ (Draft No. 16-24)

AN ORDINANCE APPROVING A THEN AND NOW PAYMENT REQUEST TO FERGUSON WATERWORKS FOR WATER DEPARTMENT SUPPLIES; AND DECLARING AN EMERGENCY

ORDINANCE NO. ____ (Draft No. 17-24)

AN ORDINANCE AUTHORIZING THE DISPOSAL OF OBSOLETE FIRE EQUIPMENT BY INTERNET AUCTION ON GOV DEALS AS IT IS NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE BY THE CITY; AND DECLARING AN EMERGENCY

ORDINANCE NO. ____ (Draft No. 18-24)

AN ORDINANCE AUTHORIZING THE VACATION OF A CERTAIN ALLEY ON E. FEDERAL STREET, AND DECLARING AN EMERGENCY

RESOLUTION NO. ____ (Draft No. 19-24)

A RESOLUTION AUTHORIZING THE CITY OF NILES TO BID THE 2024 STREET RESURFACING PROGRAM THROUGH THE TRUMBULL COUNTY ENGINEER'S OFFICE; ENTER INTO CONTRACT; AND DECLARING AN EMERGENCY

ORDINANCE NO. ____ (Draft No. 20-24)

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

ORDINANCE NO. ____ (Draft No. 21-24)

AN ORDINANCE APPROVING A THEN AND NOW PAYMENT REQUEST FOR A WATER LINE SEWER BREAK REPAIR TO SUMMIT SUPPLY; APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY

ORDINANCE NO. ____ (Draft No. 22-24)

AN ORDINANCE APPROVING A THEN AND NOW PAYMENT REQUEST FOR A 24" VALVE REPLACEMENT TO KIRILLA CONTRACTORS; APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY

RESOLUTION NO. ____ (Draft No. 23-24)

A RESOLUTION AUTHORIZING THE TREASURER TO CONTRACT WITH THE OHIO AUDITOR OF STATE FOR ASSISTANCE WITH RECONCILIATION AS NEEDED; AND DECLARING AN EMERGENCY

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

Mr. Johnstone said the mayor stated that draft 17-24 could go for a first reading. He would like to remove that from the consent agenda.

Julian and Lastic rescinded their motions to amend the agenda.
Motion carried.

It was moved by Johnstone, seconded by Sollitto to remove draft no 17-24 from the consent agenda and vote on it separately.
Motion carried

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Sollitto, seconded by Lastic to adopt this amended consent agenda.

YEAS: 7 NAYS: 0

This amended consent agenda has been adopted on the 17th day of January 2024.

ORDINANCE NO. ____ (Draft No. 17-24)

AN ORDINANCE AUTHORIZING THE DISPOSAL OF OBSOLETE FIRE EQUIPMENT 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 Johnstone, seconded by Julian to give a first reading to this draft 17-24.

YEAS: 7 NAYS: 0

This Draft No. 17-24 has received its 1st reading on the 17th day of January 2024.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL FOR GENERAL PURPOSE

(Public comments began at 16:36 into recording)

Susan Giannetti Longacre- Mrs. Longacre is at council regarding the Stevens property on Robbins Ave. and North Crandon. It has been over a year, and it looks horrible. She has lived on that street for 50 years and she is tired of looking at the mess. There is an animal problem there now and she has security footage to prove this. There are cats all over. She would like to know what the plan is for this property. Mr. Sollitto asked Law Director to assist with this. He agrees this is an eyesore sitting there and it is time that the city needs to take action. He wanted to know what the city needs to do now to get this moving.

Law Director Zuzolo said the property has been condemned and the property owner was given 30 days to clear the property and that did not happen. At this point, the city is moving forward on getting quotes to move forward to do the work ourselves. Whatever the cost is, it will be leaned on the property. Mayor Mientkiewicz did confirm that Mr. Crowley is working on this and is trying to reach the property owner one last time to give them a heads-up on what the city's plan of action is. The Niles Housing Appeals Board did meet in December, and they did grant 30 days to the property owner to report back to the city. They did not report back so the city is moving forward.

Mayor Mientkiewicz said the city was told that the house is still under an insurance investigation and the insurance company has not been in contact with the property owner. He knows Law Director Zuzolo has been reaching out to the insurance company and did finally have some luck. Law Director Zuzolo said when he was able to reach someone there, they did request more time to do an investigation. The criminal investigation is complete so with the city moving forward, he does not see how they would be violating anything. The insurance company has been given notice to come to the property and they have not. If they were to file an injunction, that would stop the process of clearing the property. Law Director Zuzolo said there is no reason to delay this any further. President Marino informed Mrs. Longacre that she was out of time. Mr. Sollitto said she can request more time, which she did.

It was moved by Julian, seconded by Devorich to grant an additional three minutes.
Motion carried.

Mrs. Longacre wanted to know what the timeline is now. Law Director Zuzolo said the city will need to get three quotes to contract with a company to do the clean-up. Mrs. Longacre asked if the insurance company could come in and stop them and Law Director Zuzolo said they can try with a court order. He does not believe they would since they have been on notice. Mrs. Longacre asked if it would be done in the next 90 days and President Marino said we cannot do that. We cannot give an answer about when it will be completed. Mrs. Longacre is concerned because the property is not safe. Mayor Mientkiewicz said they have been on top of this issue since day one and he has been in constant communication with her about this. The city has done what they can, but the lag is with the third party. He hopes that they can move on this issue soon.

Dee Sebben: Mrs. Sebben asked about Draft no. 5 and wanted to know if they are checks that are from the utility department. Auditor Merlo explained that the checks are anything that the city has written that has been out for more than 180 days that someone has not cashed. It could be a refund or vendor check. Next, Mrs. Sebben asked how much money is the city collecting from the license plate fees. Auditor Merlo said approximately \$280,000.00 annually. The two \$5.00 fees that were added, about \$175,000.00 goes right back into resurfacing the streets.

Lastly, Mrs. Sebben stated that the impound yard was a good investment. She wanted to know how much was collected through that account and if it goes back to the safety forces. Auditor Merlo said 100% of it goes to the police department. He said last year it earned \$130,000.00 in revenue.

Richard Strong: Mr. Strong he was born here and moved back to the city. He wanted to thank city council. Since he bought his house on Robbins Ave., the alley behind his property has never been taken care of. However, this year he spoke to Mr. Sollitto about it and he is pleased to say that immediately it was addressed. There was no ice on the street behind him and he just wanted to thank city council and Mr. Sollitto. Mr. Sollitto said once Mr. Strong reached out to him, he turned to Law Director Zuzolo and Mayor Mientkiewicz. It was an oversight and they immediately addressed it.

Mayor Mientkiewicz said there was also a conversation about a year and half ago and it was relayed to the plow crews. Mr. Strong said he might have but it wasn't done. However, they might have been overwhelmed and it didn't really snow that much. He understands they have to prioritize streets. He just wanted to come up and thank the city for addressing it.

Judee March: Ms. March wants council and the administration to reinstate the cemetery board. There are so many boards now and she believes that the men who sat on that board and even previous mayors appreciated their advice. They were active in the city for 50 years. She believes we need them, and they need to come back. Mr. Sollitto said this would be a public grounds issue and regardless of where it ends up, this topic is on an upcoming agenda. He said the Law Director Zuzolo and Mayor Mientkiewicz will be involved. He knows there will be some hurdles. Ms. March said she 100% knows what the hurdles are. With the board being active for 50 years and some of the members being there for 43 years, she knows the reasons why we don't have it. She said they need to just come back. Mr. Johnstone said there will be a meeting called in the beginning of February to address this.

Rory Biggins: Mr. Biggins wants to express his thanks to Mr. Weddell and Mr. Crowley. He is the gentleman who has been contacting council, and he believes he also contacted the department of health. He is a resident of Timbercreek and he has been expressing a considerable amount of concerns. It started a little over a year ago when Timbercreek refused to remove their trash and ceased paying for garbage pick up and pest control. They pay separate fees for this along with their monthly rent. He wanted to come and introduce himself and express his thanks.

Mr. Sollitto asked if Timbercreek was coming along because he knew there were several issues. Mr. Biggins said it is not getting any better. Less than 3 hours ago he ran into the property manager, who was very unpleasant with him. He was sent a survey about work that was completed, and he filled it out truthfully and the property manager was not happy with him. Mr. Sollitto does have a question about this property because he asked Mr. Crowley to go there about a year ago. He wants to know if the city has an apartment complex, are the standards the same for that complex as it would be for a house. Law Director Zuzolo said he would have to look at the statute on that. For the most part, it would be the same. If there is a bad apartment that is rising to the lower of being out of code, the complex would be cited and not the individual.

Mr. Julian asked Mayor Mientkiewicz when they made the call to the health department about this issue because he thought it was about 4 months ago. Mayor Mientkiewicz said they have been there multiple times. He knows there is a new property management company in charge. Mr. Weddell did fill him in on the conversations they have been having. Mr. Weddell did visit the property manger this morning and did schedule a meeting with himself, the property manager, Mr. Crowley, Mr. Weddell and the police chief because of the nuisance calls. This meeting is scheduled for next Wednesday. Based on the conversations, the complex seems willing to comply with what the city is asking for. They also have a plan for the future that they are willing to share with them during the meeting.

Mayor Mientkiewicz asked him to continue to keep Mr. Weddell updated on any issues that continue or new ones that arise. Mr. Sollitto pointed out that these are not new issues with this complex and Mayor Mientkiewicz agreed. What he is talking about is the most recent correspondences. President Marino informed Mr. Biggins that his time was way over, and he would need to ask for more time.

It was moved by Johnstone, seconded by Devorich to grant an additional 3 minutes.
Motion carried.

Mr. Biggins said he believes it is important to note for the board and the residents, Timbercreek and the real estate company often plead poverty. He has spoken to at least three different property managers since he has been there. There are 308 different units and with an average rent payment, that would put them over \$200,000.00 in rent a month. They do not save any money for the property. He submitted a request for his mailbox to be repaired on October 4th, 2023. As of January 12th, the post office is ceasing delivery of all mail to the complex because of multiple broken mailboxes. He shouldn't have to get a PO box for his mail. Mr. Biggins said part of the hostility he is receiving is because the property manager cancelled his work order to have the mailbox repaired. He assumed this issue was corrected when he submitted his work order. He just found 4 months of his mail sitting down at the Niles Post Office.

Mr. Biggins pointed out other issues such as the front steps to the building not being safe. The garbage keeps piling up at the complex. He stated he spent last Christmas with negative 20-degree weather because he had no heat in his bedroom. He pays rent and if he didn't, he would have an eviction notice on his door within 72 hours. Mr. Sollitto also thinks they need to include Mr. Sheely in conversations since he is in charge of the Safety committee, which deals with the safety forces and code enforcement/violations and zoning issues.

Mr. Johnstone asked for situations like this if there are ordinances in place that deal with apartment complexes. Law Director Zuzolo said there are, and they are similar to housing complaints. The department will go out and do an inspection, just like they would for a housing complaint. They would pay fees as well, President Marino pointed out. He asked Mr. Sheely to review those ordinances with the law director and see if they need to be adjusted to add more teeth to ensure there is compliance. Mr. Sheely agrees that these ordinances need to be adjusted. Mr. Johnstone thanked him for coming and bringing this to their attention. President Marino said there have been other complexes in the city that have absorbed a lot of the city's resources and council members over the years have been very aggressive in going after them.

Chuck Johnstone: Mr. Johnstone brought up that if you look at the codes, the trash code says the responsibility is on the owner or occupant. He believes you need to take out the word occupant and put it on the owner. There are a ton of rentals in the town, and he has a ton in his neighborhood. People will move in, and they pay for trash to be picked up for one week and then they cancel it. He has a house next door to him where the owner is there every day, but there is trash and building products all over for the last few weeks. Prior to that, the people that left there around Christmas had trash scattered all over the devil street for two weeks. It needs to go back on the owner. The owner is making \$900 a month in rent so he should be able to pay the utility of picking up the trash. The owners of the properties need to be responsible.

Law Director Zuzolo said the intent would be that they are both responsible. If they are both responsible, then one of them would have to pay. If they don't, then they would assess both of them. He will have to look into this to be sure. The language could be wrong and might need to be updated. He will look into this.

George Kuriatnyk: Mr. Kuriatnyk agrees that the codified ordinances need to be updated. There are too many loopholes. Council needs to get together and get these updated. Mr. Kuriatnyk said the resident is upset about the house on Robbins still being there, but what about the people who live on Main Street. For three years, a guy has taken PVC pipe and tarps and built a double car garage. He has three trucks sitting there and one has no engine in it. Nothing has been done in three years to this property. He has talked to Timbercreek and the Royal Mall to see if they would be willing to come in and talk to council. He lives down the street from Timbercreek and it is bad. They are out of control.

Mr. Kuriatnyk asked President Marino if he remembers when they were having meetings at the court house. He brought something up about water breaks. He made a PVC pipe and ran water through it and it never broke. He says he spoke to the old water superintendent about this, and the water breaks were from employees not doing their jobs. Now, everyone gets those texts that

there are water breaks everywhere. He is not exaggerating when he says there are 10-15 a month. President Marino informed Mr. Kuriatnyk that he was out of time. He asked for an additional three minutes.

It was moved by Sollitto, seconded by Devorich to grant an additional three minutes.
Motion carried.

Mayor Mientkiewicz explained that the Nixel alerts are not all water breaks. They are for water disruptions, which a lot are for hydrant replacements or valve replacements. The city does these to be proactive and to stay in compliance with the EPA. As far as tank pressure is concerned, the city is in compliance with where they need to be Ohio EPA regulations. They do not believe pressure is an issue that is causing water breaks.

Amy Giovannone: Ms. Giovannone said she can answer the questions about the water breaks since she used to work for the city of Warren and fix the water breaks there. It has nothing to do with water pressure. It has to do with old piping and extreme temperatures. It could happen either with extreme temperature changes from very cold to very high or vice versa. It would have nothing to do with an employee doing or not doing their job. They do not know the water main is going to break until it does. It would be financially impossible to do an entire overhaul of all of the pipes for any city.

MISCELLANEOUS REMARKS

(Miscellaneous remarks began at 55:06 into recording)

President Marino wanted to circle back to Mr. Johnstone's question about garbage. He knows over the years there have been questions about putting the garbage bill on the utility bill. They have been trying to figure out solutions to ensure that everyone has garbage services. To Mr. Johnstone's point, that is a problem here in the city. He doesn't know what the solution is but the mayor and law director might want to reach out to Republic Services to see what can be done.

Mayor Mientkiewicz said that tomorrow, the city will kick off the 2024 Hometown Heros Banner program. He reminded everyone that they do sell out very quickly. All of the information will be posted on the city's website starting tomorrow.

Mr. Johnstone stated that January 30th is the CIC meeting at the Von Isley Estate. This will be his first meeting. He just wanted the public to be aware of this meeting.


Mrs. Devorich wanted to thank all of the council members and members of the administration who reached out to her during her recent health scare. She also wanted to recognize the residents that reached out to her as well. It was very humbling and very appreciated. President Marino said it was good to see her back.

Mr. Julian welcomed back Mrs. Devorich.

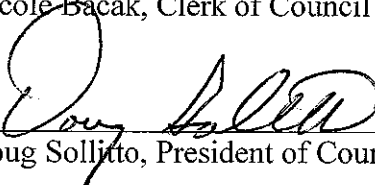
Mr. Sollitto wanted to follow up with Mayor Mientkiewicz about the water issue on Robbins Ave. He said the mayor hopes to have an answer in the next few days. Mayor Mientkiewicz said they hope to have an issue this week. They do not believe it is a water issue. Right now, it could be a sanitary or storm issue. Mr. Sollitto said at some point he also wants to touch base on the creek issue. He knows there have been conversations with the Army Core Engineers about this and it has been talked about, but he thinks there is a plan to start moving forward.

ADJOURN

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



Nicole Bacak, Clerk of Council



Doug Sollitto, President of Council Pro Tem