

COUNCIL MEETING MINUTES
March 20, 2024

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

Niles City Council held its regular meeting on March 20, 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-NP, Julian-P, Lastic- P, Sollitto- P, Marino-P

It was moved by Sollitto, seconded by Johnstone to excuse Devorich from the meeting.
Motion carried.

It was moved by Weddell, seconded by Julian to accept the minutes from the March 6th regular meeting and place them on file.
Motion carried.

REPORTS AND COMMUNICATIONS

FROM- Auditor's office

Statement of cash from revenue and expense- February 2024

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- February 2024

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

FROM- Richard Strong

Resignation letter for the Nuisance Abatement Committee

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

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL FOR AGENDA ITEMS

(Public comments began at 3:14 into recording)

NONE

COUNCIL COMMITTEE REPORTS

Public Grounds Committee Meeting Minutes- March 13, 2024

It was moved by Johnstone, seconded by Sheely to accept, and place them on file.
Motion carried.

ORDINANCES AND RESOLUTION

(Legislation began at 3:46 into recording)

RESOLUTION NO. ____ (Draft No. 40-24)

**A RESOLUTION TEMPORARILY WAIVING THE PERMIT FEE FOR CITY-WIDE
RESIDENTIAL GARAGE OR YARD SALE; AND, DECLARING AN EMERGENCY**

It was moved by Julian, seconded by Lastic to give a third reading to this Draft 40-24.

YEAS: 6 NAYS: 0

It was moved by Johnstone, seconded by Julian to adopt this Draft No 40-24.

YEAS: 6 NAYS: 0

This Draft No 40-24 has been adopted on the 20th day of March 2024.

ORDINANCE NO. ____ (Draft No. 41-24)

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

It was moved by Sollitto, seconded by Julian to give a third reading to this Draft 41-24.

YEAS: 6 NAYS: 0

It was moved by Julian, seconded by Lastic to adopt this Draft No 41-24.

YEAS: 6 NAYS: 0

This Draft No 41-24 has been adopted on the 20th day of March 2024.

ORDINANCE NO. ____ (Draft No. 45-24)

AN ORDINANCE AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED GENERAL FUND 101 TO THE GENERAL FUND MISCELLANEOUS ACCOUNT FOR THE CITY FUNDED BUSINESS GRANT AND DECLARING AN EMERGENCY

It was moved by Julian, seconded by Sheely to give a third reading to this Draft 45-24.

YEAS: 4 NAYS: 0 ABSTAIN: 2

It was moved by Johnstone, seconded by Julian to adopt this Draft No 45-24.

YEAS: 4 NAYS: 0 ABSTAIN: 2

This Draft No 45-24 has been adopted on the 20th day of March 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. 52-24)

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

RESOLUTION NO. ____ (Draft No. 53-24)

A RESOLUTION AUTHORIZING THE MAYOR OR PARK DIRECTOR TO PREPARE AND SUBMIT AN APPLICATION AND ENTER INTO AGREEMENTS WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES TO BECOME ELIGIBLE FOR

**FUNDING ASSISTANCE FOR PUBLIC RECREATION PURPOSES, AND
DECLARING AN EMERGENCY**

ORDINANCE NO. _____ (Draft No. 54-24)

**AN ORDINANCE AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE
UNAPPROPRIATED FUNDS FOR THE NEW HOUSING OFFICER AND DECLARING
AN EMERGENCY**

ORDINANCE NO. _____ (Draft No. 55-24)

**AN ORDINANCE AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE
UNAPPROPRIATED FUNDS TO THE STREET AND SEWER ACCOUNTS FOR DUMP
PAD DEBRIS REMOVAL AND DECLARING AN EMERGENCY**

ORDINANCE NO. _____ (Draft No. 56-24)

**AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ISSUE A REQUEST
FOR QUALIFICATIONS TO HIRE A CONSULTING FIRM FOR THE CDBG
PROGRAM AND, DECLARING AN EMERGENCY**

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

YEAS: 6 NAYS: 0

Rules are suspended.

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

YEAS: 6 NAYS: 0

This consent agenda has been adopted on the 20th day of March 2024.

ORDINANCE NO. _____ (Draft No. 57-24)

**AN ORDINANCE AUTHORIZING THE TRANSFER OF UNUSED LANDS OWNED BY
THE CITY OF NILES TO THE COMMUNITY IMPROVEMENT CORPORATION OF
NILES, OHIO (“CIC”).**

It was moved by Sollitto, seconded by Lastic to give a first reading to this Draft 57-24.

YEAS: 6 NAYS: 0

This Draft No 57-24 has received its 1st reading on the 20th day of March 2024.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL FOR GENERAL PURPOSE

(Public comments began at 9:34 into recording)

Aimee Cantola: Mrs. Cantola asked if all of council members know that there is a monthly service charge on their utility bills and they said yes. She wanted to know how many residents in the city have utilities and Mayor Mientkiewicz said there are approximately 6500 inside residential accounts. Mrs. Cantola said she has three bills for Niles electric and all three bills have different service charges on them. Last year, it was a standard fee. In January of this year, it was raised and then again in February it was raised again. She would like to know how the fee is determined.

Mayor Mientkiewicz stated that the monthly rate charge is set by the rate study and there is a fee schedule that has been posted online for years. The schedule also projects out through 2027 for the utilities. He explained what she saw going from December to January was an average of the two months. The most current bill is the fixed cost for the remainder of the year. President Marino also added that the city splits the bills across calendar years, the fixed rate from year to year is an average moving into the new. Mayor Mientkiewicz said moving forward the fees moving forward will be consistent moving for the rest of the year. Mrs. Cantola said these fees are adding up and wanted to know if there was a way to cut the electric fees for residents.

President Marino stated that Mrs. Cantola was out of time.

It was moved by Johnstone, seconded by Julian to grant an additional three minutes.

President Marino explained that years ago, there was a flooding in town, and they instituted fees for capital improvements as opposed to putting it into a consumption charge. This way it was shared by all, and it was not based on usage. Mrs. Cantola asked if there was notice sent out to the residents about the increase and Mayor Mientkiewicz said it might have been on a bill. Mrs. Cantola asked if they could put them on the bill again. President Marino said they need to direct people to the website to know the fee schedule is out there.

Daniel Dillon- Mr. Dillon said he has a drainage ditch that runs through their backyards, and it is destroying their entire backyards. No one knows who is responsible for it. He has been told it is a natural waterway but when he calls the state to verify this, they say it is not. It has currently taken 20 feet of his property away that he is paying taxes on. He was told he cannot fill it in without putting a pipe in there because he will be fined by the city. He wants to know who gave permission to dump all this water there.

Mr. Sollitto asked what his options are, and Law Director Zuzolo said he is not sure and will have to look into this. He spoke to Mr. Dillon prior to the meeting and will do some research. President Marino said he is familiar with this area, and he has walked it many times. In the past, they have consulted with the administration, and engineers to investigate the issue and make determinations on what the city is legally required to do. And the engineers will let them know

how to address the situation and how to fix it. Mr. Dillon's waterway is not the only one they have had issues with.

Mr. Dillon said this issue has been going on for years. It started off as something you could step over and has grown to ten feet deep and three feet across. There were other ditches around there that have been filled in. He also mentioned the old TOPPS market area that was filled in. He wants to know everything stopped at Moreland. President Marino said he cannot answer that. He does know the TOPPS market area was an infrastructure improvement to allow the development to go forward. The area by the Royal Mall and those homes, there was a gas line that was eroding and needed to be addressed. There are projects like this that the city has done, but it does require them to look into it as he explained earlier.

President Marino stated this was the first he was hearing about this and if Mr. Dillon has been here before to talk about this issue, he does apologize. He hopes Mr. Dillon will allow them time to have the law director and administration look at the legal rights and get an engineer out there to come up with a plan. Even if the plan is they cannot do anything, it will be a better pill to swallow. They will know what they can and cannot do.

President Marino stated that Mr. Dillon was out of time.

It was moved by Sollitto, seconded by Lastic to grant an additional two minutes.
Motion carried.

Mr. Dillon said he has talked to other council members in the past and it is the same thing. No one does anything about it. President Marino interjected and said his goal is to try and help him. He doesn't like personal attacks and likes to stay on the issue. He would like to begin the process and let the administration look into this and get the engineers down there to see what can be done. President Marino said he cannot help what happened in the past, but he would like to see what can be done now. Mr. Sollitto said he understands Mr. Dillon's frustration, and this isn't the first-time council has heard about this issue. Mr. Dillon was here when Mr. Natale came to council a couple of years ago. President Marino said to give them time and let the administration look into it.

Debbie: She is here at council tonight about a house that was condemned back in December and has no utilities. She was told it was going to be on the fast track since it was next to the intermediate school. It is a safety hazard with the garage falling in, garbage everywhere, broken glass everywhere, etc. Mr. Sollitto said he did get some information since he spoke to her earlier today. The family requested additional time to get the property cleaned up and they were denied. However, the city had to give a notice of 7 days.

Mayor Mientkiewicz said the city did obtain quotes for demolition, pursuant to the purchasing policy. The city did enter into a contract with a demolition company last week to begin the process. Per EPA, the city is required to give a 10-day notice for demolition. He believes that 10 days expired on the 15th, and he will follow up with Mr. Crowley on this. He said he knows it will be happening shortly and the city is just waiting for the company to begin the process. She said she had spoken to Mr. Crowley and was told it would be done by now.

Dee Sebben: Mrs. Sebben had a question about a house on Niles Vienna Rd. across the street from the gas station. There is no one living there and there is electricity in the house. She wants to know how the meter is being read. President Marino explained that the meters are on the exteriors of homes. Mrs. Sebben said the meter is on the 2nd level of the house. She wanted to know how it is being read. President Marino asked for the address and Mrs. Sebben stated that she just drives around and noticed this and couldn't figure out how the meter was being read.

Next, Mrs. Sebben asked if the city received money from the insurance company for this house and she was told no. Law Director Zuzolo explained that the city does not own the house and the insurance claim was denied. Mrs. Sebben asked if the taxpayers are paying for the demolition and Law Director Zuzolo said yes. The city did put a lien on the property on the tax bill and will be in front of the mortgage so they can foreclose the lien and will go after the owner of the property later. This was the only way to get this property taken down.

President Marino stated that Mrs. Sebben was out of time.

It was moved by Sollitto, seconded by Julian to grant an additional three minutes.

Motion carried.

Mrs. Sebben wanted to know what is going to happen to this property now since it will be vacant also. She wants to know if the city will be giving away this property. Law Director Zuzolo reiterated that the property does not belong to the city. It still belongs to the owner of the property. The vacant land will still belong to the original owner. Mrs. Sebben asked about the property that the city just gave away to the CIC and President Marino asked Mr. Johnstone to elaborate.

Mr. Johnstone stated the property was transferred to the CIC. The purpose of the transfer is because there is currently a billboard on the property, and it is an effort for the CIC to have its own income. The only income the CIC currently has is given to them through the budget process. The CIC is looking for other avenues to create additional revenue. They know this isn't going to create a lot of revenue, but it would be something to assist the CIC.

Abigail Bickerstaff: Ms. Bickerstaff said she attended the Warren City Council special meeting last week. The purpose of the meeting was to discuss the Dominion gas rate increase. She wanted to bring back some literature to share about the possible 30% rate increase. She thinks this is something that the city needs to be aware of. This increase would not only be an increase for residential customers, but also commercial customers as well. She stated this will affect a lot of residents that are already struggling. Mr. Sollitto said he was at Warren City Council the day before and did get some information about this as well.

Mr. Johnstone wanted to clarify something. He asked if it was a service fee increase or if it is a rate increase. Ms. Bickerstaff said the increase is in the service fees. She said it would increase \$8.78 per month for the rider and increase to an additional \$29.69 per month in 2032. Mr. Johnstone said his question would have been how this applies to the Trumbull County aggregate program and Ms. Bickerstaff said that was explained in the meeting. There is nothing that will be changed for the gas rate. It is simply the service fee. President Marino said this is a result of

deregulation. They still own the lines and need to maintain them, but they also need to be reasonable. He thanked Ms. Bickerstaff for sharing the information.

Mr. Johnstone asked Ms. Bickerstaff what she was looking for council to do regarding this. Ms. Bickerstaff said she would like council to reach out to the Ohio Consumer's Council and attest that we cannot afford this increase and highlight the negative impact this will have on our small businesses.

President Marino stated that Ms. Bickerstaff is out of time and the three minutes for the public to speak is not very effective. He thinks they need to go back to five minutes and be done with it.

It was moved by Julian, seconded by Sollitto to grant an additional two minutes.
Motion carried.

President Marino said in the past, council has expressed their pleasure or displeasure through a resolution. If council chooses to do so, they can work with the law director and pass a resolution. It doesn't hold any value, but it goes on record expressing the viewpoint of council on the issue. Mr. Sollitto said since Mr. Julian is the utility chair, it should come through his committee.

George Kuriatnyk: Mr. Kuriatnyk said there has been a person calling the lady from the church, and that woman had a heart attack, and she is in the hospital. He has been dealing with her family all week. He told Mayor Mientkwicz that he has no clue what his actions do. This lady has had a stroke from his actions. His son called the billing office 7 times for an electric bill and finally got one 2 months later. They shut the electricity off for \$577.00. Mr. Kuriatnyk told Mr. Sollitto that he had known him for years and he has never been caught and he is going to end it.

President Marino stopped Mr. Kuriatnyk and told him that was enough. He has known him a long time. Mr. Kuriatnyk said yes, he has but he stands behind the mayor. President Marino said he wasn't standing behind anyone and he doesn't want to argue with him. Mr. Kuriatnyk told President Marino not to argue with him because he has the floor. President Marino said he was trying to stop him from making certain remarks. Mr. Kuriatnyk said he is not supposed to talk and that's all he does. He has stated numerous times that everyone is a guest of council and at the end of the meeting all of the officials are asked if they have anything to say. But he allows the mayor to speak any time he wants. He wants to know what makes him so special and President Marino said he is the mayor. Mr. Kuriatnyk said he doesn't care if he is the mayor. He is a weak leader and a weak mayor and there is a mayor in prison that did a better job than him.

Mr. Kuriatnyk said that lady in the hospital better not die. He is a smart person. The cops aren't going to stop him. He will end it. President Marino stopped Mr. Kuriatnyk and asked him if he was done with his remarks. He said he was done.

• **MISCELLANEOUS REMARKS**
(Miscellaneous remarks began at 39:28 into recording)

President Marino said his remarks are about council rules. He would like council to reconsider their rules regarding public remarks. He likes how they are structured, and he likes giving individuals the opportunity to speak before agenda items and the remarks at the end. He would like council to just make it 5 minutes because the constant adding and adding time interrupts the individual.

Mr. Johnstone updated everyone that the CIC met on Tuesday. Council did move forward with the RFP. There were some talks about the advertisement for the sign and he hopes to have that moving soon. They are looking to streamline their application process for the grants. The next meeting is scheduled for May 21st.

Mr. Sheely said Mr. Johnstone shared with him that he had attended the park board meeting. He spoke to Mr. Pallante about Murphy Park, and he knows there are issues there with graffiti. He said it was made out that the equipment was totally busted there, but it isn't as bad as they made it out to be. Mr. Sheely does not want to see that park gutted. He would like to see it fixed and utilized for the next few years at least. He would like to keep that park and get the equipment sealed so if there is graffiti, it can be taken off. He isn't asking for anything new there.

Mr. Sollitto said he does agree with Mr. Sheely, but he does know that the equipment was vandalized in January. There was a lot of profanity on it, and it was repaired the next day. The following day there was more graffiti in reference to the police and it was once again repaired. He is all for keeping the equipment, but eventually it becomes bad money chasing bad money. If it gets damaged so badly there the city is having to spend \$70-\$80k, they will have to look at that. He also thinks Mr. Pallante had some good alternatives.

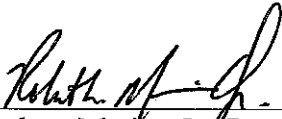
Mr. Sollitto said he does understand Mr. Dillon's frustration and would like to get someone over there soon to get him an answer.

ADJOURN

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



Nicole Bacak, Clerk of Council



Robert Marino Jr., President of Council