

COUNCIL MEETING MINUTES
March 6, 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 6, 2024, at 6:00 p.m. at the Niles Senior Center in Niles, Ohio.

President Marino asked for a moment of silence to recognize long time Wellness Center employee, Brian Molnar, who recently passed away.

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 Julian, seconded by Sollitto to accept the minutes from the February 21st regular meeting and place them on file.

Motion carried.

REPORTS AND COMMUNICATIONS

FROM- Housing and Zoning Inspector

Petition for Amending Zoning Map- First Nazarene Church of Niles Ohio Inc

It was moved by Julian, seconded by Lastic to accept, and refer to the Planning Commission for their recommendation.

Motion Carried.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL FOR AGENDA ITEMS

(Public comments began at 2:28 into recording)

NONE

COUNCIL COMMITTEE REPORTS

Public Grounds Committee Meeting Minutes- February 22, 2024

Safety Committee Meeting Minutes- February 22, 2024

Community Development and Neighborhood Stabilization Committee Meeting Minutes- February 26, 2024

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

It was moved by Julian, seconded by Sollitto to adjourn into executive session per ORC section G6 for security measures of a public building.

YEAS: 7 NAYS: 0

Council adjourned into executive session at 6:03 P.M.

It was moved by Julian, seconded by Devorich to reconvene from executive session.

YEAS: 7 NAYS: 0

Council reconvened from executive session at 6:26 P.M.

ORDINANCES AND RESOLUTION

(Legislation began at 27:48 into recording)

RESOLUTION NO. ____ (Draft No. 28-24)

**A RESOLUTION ADOPTING AN AMENDMENT TO THE COUNCIL RULES; AND
DECLARING AN EMERGENCY**

It was moved by Julian, seconded by Devorich to give a third reading to this Draft 28-24.

YEAS: 7 NAYS: 0

It was moved by Sollitto, seconded by Johnstone to adopt this Draft No 28-24.

YEAS: 7 NAYS: 0

This Draft No 28-24 has been adopted on the 6th day of March 2024.

ORDINANCE NO. ____ (Draft No. 35-24)

AN ORDINANCE AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED FUND 221 PARK TO THE MISCELLANEOUS ACCOUNT AND DECLARING AN EMERGENCY

It was moved by Julian, seconded by Lastic to give a third reading to this Draft 35-24.

YEAS: 7 NAYS: 0

It was moved by Julian, seconded by Sollitto to adopt this Draft No 35-24.

YEAS: 7 NAYS: 0

This Draft No 35-24 has been adopted on the 6th day of March 2024.

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 Sollitto to give a second reading to this Draft 40-24.

YEAS: 7 NAYS: 0

This Draft No. 40-24 has received its 2nd reading on the 6th 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 Lastic to give a second reading to this Draft 41-24.

YEAS: 7 NAYS: 0

This Draft No. 41-24 has received its 2nd reading on the 6th 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 Johnstone to give a second reading to this Draft 45-24.

YEAS: 5 NAYS: 0 ABSTAIN: 2 (Lastic and Sollitto)

This Draft No. 45-24 has received its 2nd reading on the 6th 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. 48-24)

AN ORDINANCE APPROVING THE REQUEST FOR PROPOSAL PRESENTED BY THE COMMUNITY IMPROVEMENT CORPORATION OF NILES (CIC) FOR DEVELOPMENT OF CERTAIN VACANT PROPERTY ON THIRD STREET; AND, DECLARING AN EMERGENCY

ORDINANCE NO. ____ (Draft No. 49-24)

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH FOUST CONSTRUCTION FOR THE 2022/2023 CDBG SHERMAN AVE SIDEWALK REPLACEMENT PROJECT; AND DECLARING AN EMERGENCY

RESOLUTION NO. ____ (Draft No. 50-24)

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 HOODS AND GLOVES FOR THE NILES FIRE DEPARTMENT; AND, DECLARING AN EMERGENCY

ORDINANCE NO. ____ (Draft No. 51-24)

AN ORDINANCE ACCEPTING THE DONATIONS FROM THE VETERANS OF FOREIGN WARS (VFW) POST 2074 TO THE POLICE DEPARTMENT AND FIRE DEPARTMENT FOR THE PURPOSE OF PURCHASING EQUIPMENT; APPROPRIATING THE FUNDS; AND, DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

It was moved by Johnstone, seconded by Weddell to adopt this consent agenda.

YEAS: 7 NAYS: 0

This consent agenda has been adopted on the 6th day of March 2024.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL FOR GENERAL PURPOSE

(Public comments began at 34:33 into recording)

Richard Strong: Mr. Strong wanted to know what was going on with the Stevens property because equipment showed up and then left and there has not been work done. Secondly, he would like to talk about the issue that he will never give up on and that is getting a guardrail at Mr. Giancola's residence at the end of Hartzell Ave. and Robbins Ave. This property has been hit 16 times since 1974. There is nothing from the state saying the city can't do it. As far as a liability is concerned, the city has guardrails in other places so there would be a liability in those places also. He doesn't see why this cannot be done. He is not going to let this go until something is done.

Mr. Sollitto wants to know what can be done to this property. He knows there were talks about a traffic study being completed. He doesn't know if a variance on the property is the right answer for this homeowner. He knows there were talks about this being reviewed with Officer Crank and then going to ODOT for answers. He believes there is enough adverse history to give this a look.

Mayor Mientkiewicz said he is correct that it did warrant a look based off of the concern. The city did communicate with ODOT about this concern, and they did have a traffic engineer give a warrant analysis. ODOT came back and said it does not warrant a guardrail. A guardrail is not meant to stop a head on impact. They did recommend with the upcoming project, a double arrow sign to catch the attention of the motorists. They also recommended increasing illumination, which the city has already added reflectors to the stop sign and bike lane post.

Mr. Sollitto asked if this could be referred to the Safety Committee for them to possibly put together suggestions for this. He would like to have some discussions about this, not necessarily for enforcement, but to see what can be done. He understands what ODOT is saying, but he knows the city can go against it and possibly take on the liability. He would hate to be the one who says no to this concern, and something happens. President Marino said they can absolutely have a meeting about this, and he recommended council invite the traffic officer, police chief, administration, and potentially ODOT to see what can be done to add safety while being compliant. Mr. Sollitto would like to be proactive and have a meeting to discuss.

President Marino said Mr. Strong was also questioning the old Stevens property and asked for an update on it. Mayor Mientkiewicz said the Ohio EPA is involved due to how that debris needs to be disposed of. He knows the contractor is working through issues regarding that with the Ohio EPA.

Dee Sebben: Mrs. Sebben wanted to know about what the new business that is coming to Warren Ave will be doing. Mayor Mientkiewicz said they do research and manufacturing for military contracting with the federal government. Mrs. Sebben is concerned with the flashing traffic light on Hunter Street. There is already a plant off of Hunter Street and the semi's have already got into her devil strip. If this new company has trucks in and out of the business, she would like to know if the city is going to activate the light to a regular light.

Mayor Mientkiewicz said he can have the police chief and traffic officer look at the light and see what their recommendations are. Mrs. Sebben is only asking because if there are trucks going in and out of that place, there will probably be an accident there if the light is not activated. She also knows that Nicholas Funeral home has issues with traffic. Mayor Mientkiewicz said he was not sure, and he asked Chief Holland to look at this light along with his traffic officer. Chief Holland said they will look into it.

Becky DePanicis: Ms. DePanicis wanted to thank council for seeing the necessity in bringing back the cemetery advisory board. She is very privileged in being chosen for that committee and she thinks the others appointed to that committee will be good workers. She has already hit the ground running and has contacted every township and city in the county to try and get rules and regulations. She hopes they are able to come up with some suggestions on possibly improving how the cemetery is run. She wanted to thank council again.

Mr. Johnstone said there has been conversations about having a public grounds meeting and inviting the cemetery board members. They would go over the parameters for this. He just wanted to let everyone know that there will be a meeting called soon.

Abigail Bickerstaff: Ms. Bickerstaff has come to city council tonight to talk to council and the mayor about getting an ordinance changed that dictates the animals and pets citizens can and cannot have within city limits. She would like to have hens/chickens within city limits. Ms. Bickerstaff grew up on a farm and was very involved with 4H. Seeing the friendships that developed through the 4H programs that revolved around the animals, she feels would be a great thing to bring to the city.

Ms. Bickerstaff said she knows people think that chickens are loud, and they smell, and it is all bad, but it really is not. She thinks there should be things put in place to have chickens. One of those things would be that people would not be allowed to have roosters, because they are typically the noise. You would also have to have a minimum lot size requirement and a permit in place to have the chickens. Ms. Bickerstaff also thinks there should be a flock size limit. In Ohio, the state law is that you cannot buy less than 6 at a time. She thinks the limit should be somewhere between 6-15 birds. She would like to see the ordinance changed so these animals can be pets but also install some grounding to our society as a whole.

Mr. Sollitto asked how the chickens would be contained on the property and Ms. Bickerstaff said there are a couple of different types of cages. Within city limits, she thinks a confined cage that is entirely enclosed is what people should use. This way they would be contained to the property and not running amuck in neighborhoods.

President Marino said this came up when he was a council at large member. He said there is no doubt that she would be a wonderful caretaker of the animals, but there are other people who might be as judicious with the care of the chickens. This would lead to these animals interfering with the lives of other residents. At that time, people asked about goats, pigs and etc. He said it is probably worth a discussion with council. President Marino asked Ms. Bickerstaff to attend the committee meeting when this is discussed so she can educate the council members and give them information on this. He reminded everyone that council's responsibility to include all residents when they make a decision because someone's neighbor might not like the idea of chickens being allowed.

Mr. Sollitto wanted to clarify if this would need to be passed through ordinance or would it go on the ballot. President Marino stated it is currently an ordinance and would need to be addressed in that manner. But he cautioned council to take their time in doing research and to do their due diligence on this matter. He also explained that townships are different than cities, so they need to be cautious of this. He wants to make sure the outcome is beneficial to all residents.

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

Mr. Sheely said he does like her ideas. However, like President Marino stated earlier, not everyone is going to care for their animals like Ms. Bickerstaff does. This is where he is concerned. He grew up on a farm and caring for the animals is a lot of responsibility and not everyone is going to care for them properly. He is a little cautioned on that concern because it could become a public health issue. President Marino said there would be a room full of people who would be upset if someone wasn't caring for the animals as they should be. Council will have a meeting to discuss this.

President Marino asked Law Director Zuzolo to look into surrounding cities and see what their laws are regarding chickens/hens. Mr. Sollitto also asked if Ms. Bickerstaff could do some more research on her end to bring to council and she agreed.

Tina Collins: Ms. Collins asked council to take a look at the \$550.00 utility deposit. She thinks it is too high and would like council to look at lowering that, so it is more affordable for people. Next, Ms. Collins asked for an update on the city building. Mr. Sollitto said they are in discussions about what the next steps are because they did not receive any bids for the building. Mayor Mientkiewicz said there will be a rebid opening on April 2nd.

Ms. Collins asked what the estimated amount is, and Mayor Mientkiewicz said it was \$250,000.00. Ms. Collins stated that she thinks that is too high when they can just open the front doors. They could put up a metal detector and bring in a security guard and it would be cheaper. Mr. Sollitto said it would be cheaper in the short term, but the long-term expenses would be

more. If they went with a security guard, it would be a Niles police officer and that cost would be approximately \$100,000.00 with wages and benefits. Over five years, the costs alone for the officer is \$500,000.00 and you forever have that yearly expense. Mr. Sollitto said he thinks the building either needs the security from the officer or the secure wing. It is the one-time dump of the expense or a long-term expense that never ends.

Ms. Collins said the security should be outsourced to a security company because it would be cheaper. Mr. Sollitto stated that even if it was outsourced, the cost still would never end. President Marino confirmed that the concern is the long-term cost that never ends. Also, with adding the addition, you have an employee on the ground level to give customer service to the residents. He is 100% in favor of the plan that council and the administration has come up with. He thinks it is the right thing to do. It provides security for the employees and customer service to the residents.

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

Ms. Collins doesn't understand why all of a sudden there is a concern about security. President Marino stated that the concern has always been security. He said they can agree to disagree but not be disagreeable. For him, it has always been about service and safety. Ms. Collins said if you asked the residents, it is their building, and they want it opened. President Marino said as a taxpayer and Niles Middle School Principal, there was no way on god's green earth that people would just come sashaying into the building. He doesn't believe you should be able to do that in the city building either, especially in the day and times that we live in. He doesn't even know if the provisions they are putting in place are enough.

Ms. Collins feels that the building was shut down for the pandemic and everyone got lazy, and they do not want to open the building. She said there are other ways to open the building without spending \$250,000.00. Mr. Sollitto stated that this is an improvement from what they had in the beginning. The administration is meeting council halfway and he thinks most would agree. President Marino said they need to wait for the bids and see what happens.

MISCELLANEOUS REMARKS

(Miscellaneous remarks began at 1:00:19 into recording)

Mayor Mientkiewicz wanted to publicly thank VFW Post 2074 for their donation to the safety forces. He wants to recognize them for all of their efforts to assist the local veterans and our safety forces. Lastly, the city of Warren is hosting a presentation by the Ohio Consumer Council on a pending Dominion Energy rate increase. The meeting will be on Thursday, March 14th @ 4:00 P.M. in Warren City council chambers. The city of Warren would like to extend the offer to anyone in Trumbull County who would like to attend this meeting to hear about the possible 30% rate increase. The current proposal is scheduled to go into effect by the end of the year and go until 2034.

Mr. Johnstone wanted to thank council for accepting the RFP tonight. He also wanted to thank the Tribune for the nice article they wrote about it. Mr. Johnstone reminded everyone that the next CIC meeting is March 19th @ 4:30 P.M. at the Von Isley Estate.

Mr. Sheely said he thinks when it comes to economic development, they are in good hands with Mr. Johnstone. He believes Mr. Johnstone is doing a phenomenal job and he is very impressed with what he is doing. He thinks they are moving things in the right direction and hopes that they continue to do so.

On another note, he was asked by Mr. Julian to help with a community clean up on Saturday, April 13th from 12:00 P.M. -3:00 P.M. Volunteers are asked to meet at the Niles Greenway Central Park Trailhead. Mr. Sheely is going to reach out to the VFW to see if they have any volunteers.

Mr. Julian thanked Mr. Sheely for helping with the community cleanup. He hopes to see other members come and help.

Mr. Sollitto wanted to congratulate the members of the newly formed cemetery advisory board. It is a new committee, and it is there to work with the administration and council. They are to be the eyes and legs to find out what is going on and bring issues forward. He feels that Mr. DeChristefero, Mr. Bowell, Ms. DePanicis, and Mr. Marcu bring a lot of experience and positives to the committee. He thinks everyone will be happy that they have them on this board.

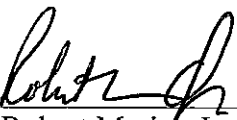
Mr. Sollitto asked for an update on Iowa Park. He said he is meeting with the park director on Friday to go over some things. He would like to get this project moving and asked for the mayor to assist with that. Mayor Mientkiewicz said the current plan is to deconstruct the equipment at Waddel and salvage that and relocate it to Iowa Park. He wants to make sure they are getting quotes from certified playground equipment companies, and it is installed in certified manner, especially from a liability standpoint.

ADJOURN

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



Nicole Bacak, Clerk of Council



Robert Marijo Jr., President of Council