

**COUNCIL MEETING MINUTES**  
**APRIL 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 April 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, Shayla Schroeder, called the roll:

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

It was moved by Johnstone, seconded by Sheely to excuse Devorich.  
Motion carried.

It was moved by Julian, seconded by Weddell to accept the minutes from the April 3<sup>rd</sup> regular meeting and place them on file.

Motion carried.

**REPORTS AND COMMUNICATIONS**

NONE

**MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL FOR AGENDA ITEMS**

(Public comments began at 5:43 into recording)

NONE

**COUNCIL COMMITTEE REPORTS**

NONE

**ORDINANCES AND RESOLUTION**

(Legislation began at 6:05 into recording)

**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 Johnstone to give a third reading to this Draft 57-24.

**YEAS: 6      NAYS: 0**

This Draft No 57-24 has received its 3<sup>rd</sup> reading on the 17<sup>th</sup> day of April 2024.

It was moved by Johnstone, seconded by Lastic to adopt Draft 57-24.

**YEAS: 6      NAYS: 0**

Draft 57-24 adopted after its 3<sup>rd</sup> reading.

**ORDINANCE NO. \_\_\_\_\_ (Draft No. 60-24)**

**AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO EXECUTE AN EASEMENT AGREEMENT WITH GEARMAR PROPERTIES, INC; AND, DECLARING AN EMERGENCY**

It was moved by Sollitto, seconded by Johnstone to give a second reading to this Draft 60-24.

**YEAS: 6      NAYS: 0**

This Draft No 60-24 has received its 2<sup>nd</sup> reading on the 17<sup>th</sup> day of April 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. 61-24)**

**AN ORDINANCE APPROVING A THEN AND NOW PAYMENT REQUEST TO PUMP SYSTEMS LIMITED LIABILITY COMPANY FOR REPAIR OF HAYWARD GORDON PUMP; AND DECLARING AN EMERGENCY**

**ORDINANCE NO. \_\_\_\_\_ (Draft No. 63-24)**

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

**ORDINANCE NO. \_\_\_\_\_ (Draft No. 64-24)**

**AN ORDINANCE APPROVING A THEN AND NOW PAYMENT REQUEST TO POLLARD LAND SERVICES, INC. FOR REPAIR OF MANHOLE IN AREA OF SUMMIT STREET; AND DECLARING AN EMERGENCY**

**ORDINANCE NO. \_\_\_\_\_ (Draft No. 65-24)**

**A RESOLUTION AUTHORIZING THE CITY OF NILES TO ACCEPT THE 2024 PEP PLUS GRANT; APPROPRIATING THE FUNDS; AND, DECLARING AN EMERGENCY**

**ORDINANCE NO. \_\_\_\_\_ (Draft No. 66-24)**

**AN ORDINANCE AUTHORIZING THE PURCHASE OF 2025 HV507 SFA CHASSIS THROUGH THE OHIO DEPARTMENT OF TRANSPORTATION COOPERATIVE PURCHASING PROGRAM; AUTHORIZING THE PURCHASE OF 2024 SINGLE AXLE SNOW & ICE CONTROL TRUCK EQUIPMENT THROUGH SOURCEWELL COOPERATIVE PURCHASING; THE APPROPRIATION OF THE NECESSARY FUNDS; AND, DECLARING AN EMERGENCY**

**ORDINANCE NO. \_\_\_\_\_ (Draft No. 67-24)**

**AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO PURCHASE THROUGH SOURCEWELL COOPERATIVE THE 2026 MV607 SBA TRUCK; AND DECLARING AN EMERGENCY**

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

**YEAS: 6      NAYS: 0**

This consent agenda has been adopted on the 17<sup>th</sup> day of April 2024.

**ORDINANCE NO. \_\_\_\_\_ (Draft No. 62-24)**

**AN ORDINANCE ACCEPTING THE ANNEXATION OF 31.38 ACRES OF CERTAIN PROPERTY IN HOWLAND AND VIENNA TOWNSHIPS TO THE CITY OF NILES; AND DECLARING AN EMERGENCY**

It was moved by Sollitto, seconded by Julian to give a first reading to this Draft 62-24.

**YEAS: 6      NAYS: 0**

This Draft No 62-24 has received its 1<sup>st</sup> reading on the 17<sup>th</sup> day of April 2024.

**MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL FOR GENERAL PURPOSE**

(Public comments began at 11:30 into recording)

Sue Casey: Ms. Casey said she is having an issue with the City of Niles backbilling her 18 months for a water bill. She said her electric bill continued to increase. She stated that the City replaced her water and electric meters, and then her water bill was an additional \$242 and the City told her that they had backbilled her. She asked what responsibility the city has for not taking actual readings and relying on broken meters.

Ms. Casey had another question regarding two major water breaks in her yard within the last six months. One cost her over \$20,000 to repair the damage in her basement. The issue occurred again the day before the meeting (April 16, 2024).

Mr. Marino informed Ms. Casey her three minutes had expired.

It was moved by Mr. Johnstone, seconded by Mr. Sollitto to allow Ms. Casey an additional three minutes.

Motion carried.

Ms. Casey asked if an infrastructure bill had been passed for the city to obtain money to fix the broken water meters.

President Marino asked Mr. Julian if he had any comment as the utility's chairperson. Mr. Julian indicated that he did not. President Marino then asked Law Director Zuzolo whether the City's ordinances address Ms. Casey's issue regarding backbilling. Law Director Zuzolo stated that the City follows Ohio Revised Code statute of limitations for contracts which is four years. President Marino asked Mayor Mientkiewicz if he had any information regarding water line breaks and infrastructure grants. Mayor Mientkiewicz stated that the city utilizes OPWC and for the last three years it has been successful with the Appalachian Regional Grant to put towards water infrastructure. He further stated that CDBG grant funding also goes towards water infrastructure, and that the city currently has a grant in for Salt Springs phase I through the state of Ohio Department of Development. He stated that the infrastructure bill funds those different pots of money, and that the City is coming up with a plan to submit for a federal earmark that would address a regional water infrastructure upgrade in Weathersfield, Howland, and Niles, and that the City is continuing to seek out funding for water infrastructure.

Law Director Zuzolo stated that he spoke with Ms. Casey, and he recalls turning it over to insurance and that the City acknowledged to the insurance that it was liable for the damage.

Mr. Johnstone asked whether there is something that flags the system after so many estimated bills are sent out. Mayor Mientkiewicz stated that there is not in the current system, but that the

SSI system that will be getting introduced to council is a different set up and will be more conducive to catching that. He stated that he spoke with Ms. Casey and did not want to expand on the situation. He stated that the administration and council have made tremendous strides over the last few years regarding rectifying the meter issues, as less than 10% of 9,000 water customers that are being estimated, due to adequate funding, an aggressive program, and citizen cooperation. He stated that they do try to reach out to property owners when they see the estimates.

Mr. Johnstone stated that there should be something administratively we can put in place, such as a trigger to stop the snowball effect. Mayor Mientkiewicz agreed and stated that the procedures in place do catch it and that the amount they are dealing with has snowballed over the last ten years. He stated that once the 2025 program hits, the City is projected to be at a fully functioning metering system, so that if estimates come in, they are caught and dealt with right away so that snowball effect does not occur. Mayor Mientkiewicz indicated the City's policy is that the water and sewer bill can be broken up over a certain period of time and does not require a citizen to pay in full.

Mr. Johnstone asked if there is not a physical read, whether you have to go in the residence or if it can be read outside of the home. Mayor Mientkiewicz stated that the old system cannot be read outside of the home, such as in Ms. Casey's situation. He stated that the new system being implemented can be read outside of the home. He stated that citizens should look at their bill and if it says "OEST" it is estimated, and they should call the city to notify them and the city will have a technician replace the meter.

Mr. Lastic asked if the \$200 Ms. Casey had to pay was an overage charge. Mayor Mientkiewicz confirmed this amount is the difference between the estimate and the actual over the 18-month period.

Mr. Julian suggested calling a utilities meeting. Mayor Mientkiewicz confirmed that they planned on calling a joint utilities/technology meeting.

It was moved by Sollitto, seconded by Lastic to grant Law Director Zuzolo permission to have a conversation with Ms. Casey.  
Motion carried.

Dee Sevens: Dee announced a Shepherd House Ministry Association trash & treasure fundraiser to raise money for bookbags to be given away in August. She stated it will be held on May 18 & May 19 from 10am-4pm at the First Aid classroom on Robbins Avenue. She indicated donations can be brought to Albie's Floral on Robbins Avenue.

#### **MISCELLANEOUS REMARKS**

(Miscellaneous remarks began at 30:05 into recording)

Mayor Mientkiewicz provided update on street paving project, stating that contracts have been executed and that ODOT expects to begin working on the State Route 46 State Route 169 project in May. He further stated that the local project has been bid on and contracts will be executed, and that they received \$3.6 billion dollars to upgrade the roads.

Mayor Mientkiewicz stated that Omnifiber is performing their installs and working through various areas of the city and if there are any issues with Omni the City has direct communication with a project manager. Mr. Johnstone asked if the Omni project manager could give further presentations as they hit certain benchmarks in their installs. Mayor Mientkiewicz indicated that they could ask him to give an update in a couple months.

Mr. Johnstone wanted to touch base on Iowa Park upgrade, as there was a hiccup with getting quotes for the basketball court. He stated that the swing set has been purchased and that there are trees to be removed.

Mr. Johnstone also suggested an optional coffee with council on Saturdays to accommodate people who can't make the meetings due to work schedule conflicts.


Mr. Sheely stated that the community cleanup went very well and that he would like to have another one going further up Robbins Avenue. He was very impressed with the kids who attended. He also thanked Dee for the work with her ministry.

Mr. Julian stated that the community cleanup had a great turnout and was a very productive day for the city.

Mr. Sollitto recognized Jason Bussey of Niles Paint who will be painting the Niles Youth soccer concession area and had previously painted the stadium and band shell, painting the band shell at his own expense. Mr. Sollitto indicated that council as a whole will be recognizing him with a plaque of some sort.

**ADJOURN**

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

  
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Nicole Bacak, Clerk of Council

  
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Robert Marino Jr., President of Council