

COUNCIL MEETING MINUTES
MAY 1, 2024

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

Niles City Council held its regular meeting on May 1, 2024, at 6:00 p.m. at the Niles Senior Center in Niles, Ohio.

President Marino asked that everyone keep Councilwoman Devorich and her family in their thoughts and prayers.

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 Lastic to excuse Devorich from the meeting.
Motion carried.

It was moved by Johnstone, seconded by Julian to amend this evening's agenda for a special presentation.
Motion carried.

Mr. Sollitto stated that Mr. Jason Busse has been very generous in donating his time and materials for painting projects. He spoke to Mr. Johnstone and the other council members, and everyone was in agreement to recognize him for his work. They presented him with a certificate.

It was moved by Sollitto, seconded by Lastic to return to regular order for the agenda.
Motion carried.

It was moved by Sollitto, seconded by Sheely to accept the minutes from the April 17th regular meeting and place them on file.
Motion carried.

REPORTS AND COMMUNICATIONS

FROM- Auditor's Office

Statement of cash from revenue and expense – March 2024

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

Motion carried.

FROM- Auditor's Office

Check report by check number – March 2024

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

Motion carried.

FROM- Treasurer's Office

Income tax collections through April 2024

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

Motion carried.

FROM- Orchards of Howland Condominium Association

Breakdown of meter fixed charges

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

Motion carried.

FROM- Sheperds House of Ministries Association

Trash to treasure sale

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 7:27 into recording)

NONE

COUNCIL COMMITTEE REPORTS

Public grounds committee meeting minutes- April 17, 2024

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

Motion carried.

ORDINANCES AND RESOLUTION

(Legislation began at 8:00 into recording)

President Marino asked for a motion to remove Draft No 71-24 per council's request.

It was moved by Johnstone, seconded by Julian to remove Draft No -71-24 from the agenda. Motion carried.

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 Johnstone, seconded by Julian to give a third reading to this Draft No 60-24.

YEAS: 6 NAYS: 0

It was moved by Julian, seconded by Sollitto to adopt this Draft No 60-24.

YEAS: 6 NAYS: 0

This Draft No 60-24 has been adopted on the 1st day of May 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 Johnstone, seconded by Julian to give a second reading to this Draft No 62-24.

YEAS: 6 NAYS: 0

This Draft No 62-24 has received its 2nd reading on the 1st day of May 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. 68-24)

AN ORDINANCE AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION FOR A MATCHING GRANT FROM THE OHIO PUBLIC WORKS COMMISSION (OPWC) FOR THE 2025 NILES STREET RESURFACING PROJECT; AND DECLARING AN EMERGENCY

RESOLUTION NO. ____ (Draft No. 69-24)

A RESOLUTION AUTHORIZING THE MAYOR AND/OR SERVICE DIRECTOR TO PREPARE AND SUBMIT AN APPLICATION AND ENTER INTO AGREEMENTS WITH THE APPALACHIAN REGIONAL COMMISSION TO BECOME ELIGIBLE FOR FUNDING ASSISTANCE FOR THE JOHNNYCAKE WATERLINE REPLACEMENT PROJECT; AND, DECLARING AN EMERGENCY

RESOLUTION NO. ____ (Draft No. 70-24)

A RESOLUTION AUTHORIZING THE MAYOR AND/OR SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT FOR THE SALT SPRINGS WATERLINE REPLACEMENT PROJECT; AND, DECLARING AN EMERGENCY

RESOLUTION NO. ____ (Draft No. 72-24)

A RESOLUTION OPPOSING DOMINION ENERGY OHIO'S PROPOSED THIRTY PERCENT RATE INCREASE AND REQUESTING THAT THE PUBLIC UTILITIES COMMISSION OF OHIO DENY DOMINION ENERGY OHIO'S REQUEST FOR THE SAME; AND, DECLARING AN EMERGENCY

ORDINANCE NO. ____ (Draft No. 74-24)

AN ORDINANCE AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED FUNDS FOR FUND 217 POLICE & FIRE FOR HOODS AND GLOVES, 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 1st day of May 2024.

ORDINANCE NO. _____ (Draft No. 73-24)

**AN ORDINANCE AMENDING THE ZONING OF PARCELS 25-482950, 25-653260,
AND 25-653261, AND DECLARING AN EMERGENCY**

It was moved by Julian, seconded by Sollitto to give a first reading to this Draft 73-24.

YEAS: 6 NAYS: 0

This Draft No 73-24 has received its 1st reading on the 1st day of May 2024.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL FOR GENERAL PURPOSE

(Public comments began at 13:10 into recording)

Kitty DeVengencie: Ms. DeVengencie is the President of the Orchards of Howland. Their association is in Howland, but they receive water from Niles. She had a sheet that was passed out to council to help explain about the meter rates that she is here to speak about this evening. She brought with her this evening a resident and the secretary of the board. They currently have two water meters that have been installed since they opened in 2005. The fixed charges were extremely reasonable. Since 2020, the rates have been increasing and are now over and above what they feel is a fair charge. The charges have now tripled their water consumption. The charges are now \$688.00 every month for two meters. She thinks by the end of the year, they will be paying \$8000.00.

Ms. DeVengencie has spoken to the mayor many times about this over the years, but she does need to express the concerns of the residents. Mr. Sollitto asked Mayor Mientkiewicz to give the reasoning for this. Mayor Mientkiewicz explained that they do have two meters at the complex. As council knows, there are monthly service fees associated with the meters that are based on the size of the meter. Based on national standard, it has been decided through the multiple rate studies to set the monthly service fee based on the meter size. They are not alone in being charged these monthly service fees. The 6-inch meter is what is driving the higher rates. Mayor Mientkiewicz said himself and Service Director Flarey have offered suggestions to try and reduce these charges.

It was moved by Sollitto, seconded by Lastic to grant and additional three minutes.
Motion carried.

Mayor Mientkiewicz said when the complex was designed, it was designed by an engineer, and they had the 6-inch meter installed. They suggested that the association hire an engineer to reassess the water distribution system to see if the meters they currently have are needed. Mr. Johnstone asked if this was common or if they would do better with having individual meters per unit. Mayor Mientkiewicz said it depends on how the complex was designed. He does not know why they have meters that they do because the city did not design it. All the city does is put the

meter on the service line and charge the customer the associated fee. Mr. Lastic wanted to confirm if there were individual meters and Ms. DeVengencie said there are two meters for the whole complex. She explained when the development was set up, they only put certain wiring in so they did not get individual meters. She believes the company went bankrupt in 2008 and did not finish.

Mr. Johnstone said he thinks what was suggested is that they need to have an engineer come out and re-evaluate the development. The city is following their standards based on the current recommendations. Mayor Mientkiewicz did confirm that and said if there is way to install a smaller meter, then they will base that on what the engineer says. Mr. Sollitto asked Service Director Flarey if his understanding was that they needed the larger meter and Service Director Flarey said his understanding for the 6-inch meter was for growth. The complex did not expand the way it was intended to. The only way to reduce the meter system is to have an engineer come out and redesign it and redo the piping.

Robert Allen: Mr. Allen is concerned about the property behind this house being rezoned from residential to commercial. He does not have anything against it, but he does want to know why the reasoning behind the change. He also wants to know what will happen to the wooded area that buffers the zone. Mr. Johnstone said the property owner was at the public hearing prior to council and he said that his intent was to clean it up and put a building up on the property to house equipment. Mr. Sheely added that he has a tree service, and he wants to put a warehouse on there house his equipment and move his business from Liberty to Niles. Mr. Sheely didn't see where there was any issue.

Mr. Allen doesn't have an issue with it. He also said there are people who ride motorcycles back there all weekend long. Mr. Johnstone said that was addressed also and he hopes with his presence on that property that it will help with that issue. Mr. Allen asked if anyone knew about his plans for the wooded area in the back. Mayor Mientkiewicz asked Mr. Allen to call his office tomorrow and they would connect him with the zoning inspector. Mayor Mientkiewicz said per city zoning ordinance, there has to be a 50ft buffer between the commercial and residential area. He would have to leave the trees as is and have the 50ft buffer. He is requesting to change the zoning of 3 of the parcels that he owns.

Dee Sebben: Mrs. Sebben wanted to talk about the mission she does work for. It is very dear to her heart so she is asking for the support of council and the administration to donate to the bookbag giveaway they will do in the summer.

Mr. Dillion: Mr. Dillion was at council a month ago about the ditch in his background being overgrown. He hasn't heard anything back about his complaint. He was told that the city did pay for the retention pond there, so he feels that makes it the city's responsibility. Mr. Sollitto said the actual creek is dammed up and there is no water flowing through it. Eventually, that area will flood. He said Law Director Zuzolo has been out there also to see the area. Mr. Sollitto would like to get a hold of this issue before it becomes worse and starts flooding the areas there.

Mayor Mientkiewicz asked Mr. Sollitto if he had an address to where the dam is located so they can site the property owners. They will do this if there is a disturbance to the natural flow of

water. Mr. Sollitto questioned why the property owner would be sited for that when they are not allowed to maintain that area. Mayor Mientkiewicz said the ordinance does put that back on the property owner. Mr. Sollitto said they need to revisit that ordinance because they should not be punishing the property owner. Mayor Mientkiewicz said he also has a swell in his backyard that he has been maintaining for the last two weeks. He knows this would be his responsibility as the property owner. He asked for the addresses of those properties so the city can take action.

Mr. Sollitto said he is going to refer this issue back to public grounds for them to take a look at the ordinance. He does not feel comfortable with this.

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

Mr. Dillion again stated that the city put in the retention pond, and it does not work. And now, it is holding the water and filled with leaves and trees. Mayor Mientkiewicz said yes, the city did put in the retention ponds. President Marino has seen the drawings with the mayor and whose name was on the drawing. Mayor Mientkiewicz said he doesn't know why Mr. Dillion is saying the retention pond does not work because they do.

President Marino said he works over there and knows the area. The retention ponds do fill up and the drain slowly so that the properties do not flood. He thinks they should take a look at it and see where the problem area is and work with the resident on a solution. Some people do not have the means right now so they should work collaboratively instead of having animosity. As he has said in the past, the solution may not be one that anyone likes, but at least they are trying to address it within the laws. Mr. Johnstone asked for the ordinance to be emailed to council so they can review and decide if any changes are warranted. President Marino said to the mayor's point, he does agree that it is important to find out where it is occurring. They need to inform the residents on what is happening and help them understand.

Mr. Sollitto said the city has the resources available where the average citizen \$5,000-\$10,000 would put a dent in their pocket. He feels the city has the resources to see that this is not a norm for what is going on. It could be a one-time fix. He works closely with ODNR and he knows nobody has the authority to go in there say go do this because now you are just giving a blank check to do something that you aren't allowed to do. He would like to see the ordinance and see if they need to make any modifications.

Mayor Mientkiewicz said they have received phone calls from neighbors in that area and he did visit it along with the service director and sewer superintendent. They walked the entire ditch line. He saw grass clippings, yard debris, limbs, and other stuff that people were just throwing in that ditch line. People cannot do that since it is private property and a natural drainage ditch. Per the city ordinance, you cannot do that. People were sited and they had to educate them on why they cannot dispose of waste there. Mr. Sollitto understands that, but he is saying the debris they are taking about is not something people threw in there.

President Marino confirmed the ordinance will be emailed to the members so they can review. They will work on coming up with a solution.

Mark Koenig: Mr. Koenig said he lives at 312 Brown St. and was at council last night for his basement flooding and sewer backup. He asked last month what can be done to fix this and no one answered. They rebuilt the pump station across from him, but that did not solve the problem. Now he sees an advertisement in the paper where the city is going to spend \$1,000,000.00 on renovations to city hall. He would like the \$1,000,000.00 spent on the waterlines and infrastructure before they do that.

Mayor Mientkiewicz said he agrees with Mr. Koenig about city hall. What the administration has planned is that after the rehabilitation for the pump stations is complete, they will have a study assessment conducted like what was done on Dragon Drive. President Marino asked if there was a timeline for that and Mayor Mientkiewicz said he does not have one yet. President Marino said they need get him a more definitive timeline on when this study will take place. He appreciates Mr. Koenig for being as patient as he has been through this process. He said the studies take time but at least then he will know that the ball is moving. Mr. Koenig understood this and just wants things to keep moving to address this issue.

MISCELLANEOUS REMARKS

(Miscellaneous remarks began at 41:40 into recording)

President Marino said he knows he speaks for everyone that they will keep Mrs. Devorich in their thoughts and prayers. She is a dear friend of his and he grew up with her. She is in their prayers, as is her husband.

Mayor Mientkiewicz echoed President Marino's remarks.

Law Director Zuzolo also echoed President Marino's remarks.

President Marino thanked Treasurer Telego for the report he provided to council this evening. Treasurer Telego said the federal reserve doesn't intend to move the interest rate, which is great for the investments the city has. He thinks the tax collections will stay the same this year or slightly increase. He also sends his condolences to Mrs. Devorich.

Service Director Flarey wished a speedy recovery to Mrs. Devorich.

Safety Director Kaniclides said his thoughts and prayers are with Mrs. Devorich.

Chief Holland said he is also sending prayers to Mrs. Devorich.

Chief Stevens echoed those comments as well for Mrs. Devorich. He also wanted to thank council for passing the appropriation this evening for the grant.

Mr. Johnstone said he has had a resident reach out a few times about some 4-wheeler traffic and he did relay the information to Chief Holland. He appreciated him addressing it. Chief Holland

committed to getting more patrol in that area of James and Cardigan. He also recommended that the residents call the police department and report the issue. Mr. Johnstone just wanted to relay that information and encourage the residents to call. He is more than happy to receive the call, but they also need to make sure they are keeping law enforcement in the loop. Also, the CIC will meet on May 21st, at a location to be determined. Mr. Johnstone wanted to plug the Coffee with Council on May 18th at the Von Isley Estate. This is primarily for those who cannot make the normal council meetings and meet the people who represent them. Lastly, he said he knows Mrs. Devorich is one tough woman and will be back on her feet in no time.

Law Director Zuzolo said there is another zoning change that needs to be brought to council. He would like to have a public hearing on June 5th @ 5:15 P.M.

Mr. Julian echoed everyone else. His prayers go out to Mrs. Devorich.

Mr. Sollitto didn't want to get into too many details, but Mrs. Devorich suffered a very serious health setback and is currently in intensive care. Second, he doesn't want to make this political because he hates it when that happens, but the goal is to have access to the city building. As President Marino has stated there needs to be better customer service. He doesn't like it when he hears "I am against doing it this way". At the end of the day, it is whatever is the most feasible. It isn't going to be a million dollars coming out of taxpayers' pockets. It will be public grounds, utilities, and a bunch of different ones contributing to it, if they go that route. They do not know what they are going to do right now. The only thing they are focused on is providing better customer service. You should have the ability to see someone and ask questions, without having to ring a buzzer. He has had more than a half dozen people say they have waited and couldn't get in. There will be no levy to the city and people would see a minimal dent, if any.

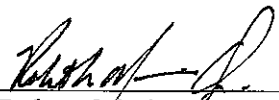
Mr. Sollitto said they are getting good at tearing down buildings, but not building them up. This will renovate the building and make it better. He would like to spend money to provide good customer service and provide a safe environment. It is not the mayor's building, or council's building. The building belongs to the citizens. Lastly, he encouraged residents to come to the Coffee with council event.

ADJOURN

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



Nicole Bacak, Clerk of Council



Robert Marino Jr., President of Council