

COUNCIL MEETING MINUTES
AUGUST 21, 2024

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

Niles City Council held its regular meeting on August 21, 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 Julian, seconded by Weddell to accept the minutes from the June 26th regular meeting and public hearing on June 26th and place them on file.
Motion carried.

REPORTS AND COMMUNICATIONS

FROM- Mayor's office

1st Annual Run for Resilience flyer

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

Motion carried.

FROM- Auditor's office

Statement of cash from revenue and expense and Check report by check number - June 2024

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

Motion carried.

FROM- Auditor's office

Statement of cash from revenue and expense and Check report by check number - July 2024

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

Motion carried.

President Marino stated that Councilman Sollitto asked to have the agenda amended this evening for a presentation.

It was moved by Sollitto, seconded by Johnstone and Sheely to amend the agenda to this evening.

Motion carried.

Mr. Sollitto said he asked several city workers from different groups to attend this evening. Most people look at the city and city council and the administration, which he believes is doing a great job, but the city workers that we have are second to none. When the power goes out or there is a water break, the city has a great bunch of people. He would like to introduce them all and he wanted them to know that they have council's full support, and he believes the administration's support also. He said it is time that we get them on par with everybody else. Council received a raise in the past and so did the administration. If you look where they are in comparison to the neighboring communities, they are a little behind. He doesn't think the city can afford to lose these the employees.

If you look at other cities that have lost power, they are out for long periods of time. For our city, the power goes back on very fast. Mr. Sollitto said he knows everybody on council appreciates what the employees do, and he hopes that it carries over into contract negotiations. Mr. Sollitto asked for all of the employees who were present to introduce themselves. After the employees introduced themselves, Mr. Sollitto again wanted to recognize the employees and let them know that they have his full support and to continue to move the city forward.

Mr. Sheely agreed and said if you look at other city's who have Ohio Edison and they lose their power, they could be out for days with no power. In our community if there is a power outage, the power is back on within a few hours usually. He appreciates everything they do, and this is a service that the city wants to continue in the future.

Mr. Sollitto stated that he has heard the mayor praise their work so even though they might not hear it from him, it is happening. Mayor Mientkiewicz agreed and said he knows the employees very well and he converses with them on a daily, weekly, and monthly basis. In emergency situations, they are the first responders, just like the safety responders. He is very happy that they were able to join the meeting this evening.

Treasurer Telego said the city is very fortunate to have the employees that are here tonight, as well as the other employees that are not here. The city has a well-oiled machine in the town, and he thinks we spoil the citizens with the type of people we have working for us. Treasurer Telego congratulated all of the workers on the good job they do for the city.

Mr. Johnstone said that thank you isn't enough. He has a lot of co-workers that live outside of Niles and he hears the stories they go through when there is a storm. His in-laws live in Champion and had to get a hotel room recently due to power outages and we did not have those problems. How they thank them is by showing them support and keeping the people here. He hopes that all of the employees get exactly what they are worth.

Mr. Sollitto said Mr. Julian and himself met a few of the employees a few weeks ago at Tommy Doggs and was impressed then. He thinks it is a great crew we have. Mr. Flarey also wanted to recognize the billing department for doing an outstanding job. President Marino also thanked the

employees for the work they do. Also, Mr. Flarey recognized the water department for the work they do.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL FOR AGENDA ITEMS

(Public comments began at 15:35 into recording)

NONE

COUNCIL COMMITTEE REPORTS

NONE

ORDINANCES AND RESOLUTION

(Legislation began at 15:55 into recording)

ORDINANCE NO. ____ (Draft No. 94-24)

AN ORDINANCE AMENDING THE ZONING OF PARCEL 25-082050

It was moved by Julian, seconded by Sollitto to give a third reading to this Amended Draft No 94-24.

YEAS: 6 NAYS: 0

It was moved by Julian, seconded by Lastic to adopt this Amended Draft No 94-24.

YEAS: 6 NAYS: 0

This Amended Draft No 94-24 has been adopted on the 21st day of August 2024.

ORDINANCE NO. ____ (Draft No. 96-24)

AN ORDINANCE AUTHORIZING THE SALE OF 138 KV FACILITIES

It was moved by Julian, seconded by Johnstone to give a third reading to this Draft No 96-24.

YEAS: 6 NAYS: 0

It was moved by Johnstone, seconded by Julian to adopt this Draft No 96-24.

YEAS: 6 NAYS: 0

This Draft No 96-24 has been adopted on the 21st day of August 2024.

ORDINANCE NO. ____ (Draft No. 103-24)

AN ORDINANCE AMENDING THE ZONING OF PARCELS 25-723598 AND 25-723599, AND DECLARING AN EMERGENCY

It was moved by Julian, seconded by Sheely to give a second reading to this Draft No 103-24.

President Marino wanted it on record that there was a discussion about this in caucus about the yellow section on the map. That section is not in the current phase of construction. If and when that future development comes, it is the understanding that it will go back to the planning commission and the residents will have the ability to make sure the buffer zone is maintained. Law Director Zuzolo said he has already relayed that to Attorney Ross.

YEAS: 6 NAYS: 0

This Draft No 103-24 has received its 2nd reading on the 21st day of August 2024.

President Marino wanted to recognize Mr. Johnston and Mayor Mientkiewicz for the work they did on this legislation and looking out for the interest of the residents.

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. 108-24)

AN ORDINANCE APPROVING A THEN AND NOW PAYMENT REQUEST TO PROQUALITY DEMOLITION FOR DEMOLITION OF PROPERTY LOCATED AT 404 GRANT STREET; APPROPRIATING THE NECESSARY FUNDS; AND, DECLARING AN EMERGENCY

ORDINANCE NO. ____ (Draft No. 109-24)

AN ORDINANCE AUTHORIZING THE SALE OF DECOMMISSIONED POLICE CRUISER TO CHAMPION TOWNSHIP AS IT IS NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE BY THE CITY; AND DECLARING AN EMERGENCY

ORDINANCE NO. ____ (Draft No. 110-24)

AN ORDINANCE AUTHORIZING THE DISPOSAL OF POLICE TASERS TO BROOKFIELD TOWNSHIP AS THEY ARE NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE BY THE CITY; AND DECLARING AN EMERGENCY

ORDINANCE NO. ____ (Draft No. 111-24)

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. 113-24)

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO CONTRACT WITH NECO TO REPLACE RF TRANSMITTERS AND PROCODER REGISTERS, APPROPRIATING THE NECESSARY FUNDS, AND, DECLARING AN EMERGENCY

RESOLUTION NO. ____ (Draft No. 114-24)

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

ORDINANCE NO. ____ (Draft No. 115-24)

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO DIRECT PURCHASE VIP UTILITY BILLING LICENSE AND SERVICES FROM SOFTWARE SOLUTIONS, APPROPRIATING THE NECESSARY FUNDS, AND DECLARING AN EMERGENCY

ORDINANCE NO. ____ (Draft No. 117-24)

AN ORDINANCE AUTHORIZING EXPENDITURES FROM THE LOCAL FISCAL RECOVERY FUND 210

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 21st day of August 2024.

ORDINANCE NO. ____ (Draft No. 112-24)

AN ORDINANCE APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF BLUE CREEK WIND SCHEDULE WITH AMERICAN MUNICIPAL POWER, INC. AND TAKING OF OTHER ACTIONS IN CONNECTION THEREWITH

Mr. Sollitto asked for clarification on this legislation. Mayor Mientkiewicz explained this is for an additional power initiative through AMP Ohio that allows the city to purchase additional wind power through Blue Creek. It is a wind solar farm in western Ohio. President Marino said this is a smart decision. 30 years ago, the city locked itself into rates that were much cheaper with the building of various power plants. The decisions they are making now to invest in these things will bear fruit and protect the light department and utility rates for the future. These are very good things to stay on top of.

It was moved by Sollitto, seconded by Weddell to give a first reading to this Draft 112-24.

YEAS: 6 NAYS: 0

This Draft No 112-24 has received its 1st reading on the 21st day of August 2024.

ORDINANCE NO. ____ (Draft No. 116-24)

AN ORDINANCE AMENDING NILES CODIFIED ORDINANCE 547.02 (NCO), AND DECLARING AN EMERGENCY

Mr. Sheely explained that he would like to pass this legislation by suspension this evening. There are a lot of issues within the city with high grass. Residents will get a warning when the grass is too high and then they will cut it, and the cycle starts all over. They are implementing changes that would start issuing citations on the 2nd time a resident is in violation, instead of just continuously issuing warnings.

It was moved by Sheely, seconded by Julian to suspend the rule requiring three readings for this draft.

Mr. Johnstone believes since they are changing rules on the residents in the middle of the year, he thinks it should go three readings. He agrees with the changes on the legislation. But if a resident is going to be charged fees, they should have ample time to be made aware of the changes.

YEAS: 4 NAYS: 2 (Johnstone and Sollitto)

Rules are not suspended.

It was moved by Sheely, seconded by Julian to give a first reading to this Draft 116-24.

YEAS: 6 NAYS: 0

This Draft No 116-24 has received its 1st reading on the 21st day of August 2024.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL FOR GENERAL PURPOSE

(Public comments began at 27:00 into recording)

Dee Sebben: Mrs. Sebben said two weekends ago they did a backpack program for the kids in the city. She wanted to thank the safety forces for all that they do for her group. They passed out 100 bookbags to students and they were gone within 15 minutes. Mrs. Sebben announced the veteran's brunch that will take place in November. All veterans will eat for brunch free and anyone else can eat for \$10.00. It will be held at the Mckinley Fire Department. Mrs. Sebben also wanted to remind everyone that they do a lot of with the veterans at Washington Square and there is a drop off box for donations of socks, slippers, pajamas, etc. President Marino thanked Mrs. Sebben for everything she does and everyone appreciates her.

Daniel Dillon: Mr. Dillon wanted an update on the flooding issue that is happening in his backyard. He said that Mr. Sollitto told him that ODNr, and the Army Corp engineers are getting involved with this problem. Mayor Mientkiewicz explained ODNr and Army Corp engineers are involved with the Mosquito Creek clean up project. This is a separate issue. Mayor Mientkiewicz said the city inspector has been monitoring his issue and they have seen that the ponds on Gypsy and Frederick have been filling and draining appropriately into the waterway on Moreland. The outlet on Frederick is not blocked and draining appropriately. Other than that, the city is looking at capital plans for the future to hopefully include that in a capital storm water project.

Mr. Sollitto said council has allotted \$100,000 for shoreline clean up and if the city needs more, they can reevaluate. He asked the mayor where they were with beginning that project and Mayor Mientkiewicz said it is in progress and hopes to have it started this year. There is a new drone in the police department that he would like to use and fly up and down the creek to identify areas you can't really get into and see from the shoreline.

President Marino wanted to get back to Mr. Dillon's question. There were areas when that was inspected that may have been areas of concern. President Marino wants to make sure that he is understanding what is being said because he thinks they are talking about two different things. Mr. Sollitto said there are two different things. One issue is the shoreline clean up with hired contractors, and the other is the Army Corp engineers coming in and pulling some of the trees out. They are two different projects.

Mayor Mientkiewicz clarified that the Army Corp engineers have nothing to do with the Moreland issue. President Marino said in the Old Fodge area, there were trouble spots. He wants to know with this extra money if there is any thought on going to identify problem areas. He thought they discussed that homeowners have the responsibility to remove the obstructions. If there were issues with them not being able to remove the obstructions, they would come back to the city and let them know. He wants to know if they are still doing this, and Law Director Zuzolo said yes. He said the city is also looking at an overall comprehensive storm water grant to deal with Moreland and other problems areas all at once. They are looking into this before they tell the homeowners to go out and spend a bunch of money for clean-up.

George Kuriatnyk: Mr. Kuriatnyk said everyone knows he is very critical of the employees, but they definitely do the work, especially the water department. He feels for those employees. He wanted to go back to the grass issue. He has been asking for these ordinances to be changed forever. And you can make all of the changes you want, but they aren't going to be enforced. Mr. Johnstone and Mr. Sollitto don't want to vote on it because it is in the middle of the season. He has a neighbor that has received three citations and just laughs about it. The neighbor cuts their grass three times a year only after they receive a warning. He is done with the warnings and people should be taken to court.

Mr. Kuriatnyk said he hasn't been at city council in awhile and a lot of people think he was banned from city property. People haven't heard the final results of the court cases. The mayor brought him to court twice and he beat him twice. He said it was a malicious prosecution twice and the mayor lost. He said there were two witnesses on council who testified against him. Mr. Kuriatnyk said he has been subpoenaed to appear in court as a witness on the 28th for a protection order case. The tables have turned, and he can't wait.

Mr. Kuriatnyk wanted to talk about the paving that is being done. He stated he has two letters about the blacktop, from ODOT and Shelly and Sands. The blacktop being put down is not up to specs and they will fall apart in two years top. Mr. Kuriatnyk told Mr. Sollitto he does not give his son credit for the creek, but it was okay and don't do it now. Mr. Sollitto said he wasn't going to. Mr. Sollitto said he is one of the biggest advocates for enforcing the grass and Law Director Zuzolo confirmed that.

MISCELLANEOUS REMARKS

(Miscellaneous remarks began at 40:37 into recording)

President Marino said council has been putting in requests for funding for several projects and pet peeves. He wants to put something on everyone's radar that is of critical importance. President Marino said the ladder truck at the fire department is a critical asset. When the city purchased it 30 years ago, he was here and at the time it was an emergency. A new ladder truck is millions of dollars, and the price increases every year. Council needs to make sure that they keep this on their radar.

There was a disturbance in the audience between Mr. Kuriatnyk and Mr. Strong. Officer Mobley was called into the meeting to handle the situation, and both were asked to leave the meeting.

Service Director Flarey wanted to recognize Mr. Nicastrro for the work he does at the treatment plant and Mr. Pavlick for his work as the customer service representative for the water department.

Mr. Weddell wanted to recognize the city utility workers. He has never been so proud to be part of this city when he saw what happened in other areas that did not happen here. If there was an issue, it was addressed immediately. He thanked them for their continued dedication.

Mr. Johnstone said his daughter was very excited to go back to school today, so he wanted to welcome back all of the students and wish them a great year. He also hopes they are just as excited on the last day of school as they were today.

Mr. Sheely wanted to thank the law officers for everything that they do. There was a tough situation this summer in the Third Ward. He appreciates what the officers have to deal with every day. There were concerns and issues with the property the incident occurred at, and he addressed those concerns with the mayor and police chief. He also followed up with the elderly neighbor to ensure she was okay. He appreciates our officers for everything they do. He also appreciates the fire department for all of their hard work.

Mr. Lastic said the kids will be more excited on the last day of school.

Mr. Sollitto thinks Mrs. Sebben's brunch is a great idea, and he will be donating to it. He also wanted to mention a fundraiser for Sierra's Sanctuary on August 29th. It is a night at the races at Vernon's. He wanted to comment on the grass again. He is all about enforcing it and he has had several people complain about it. He was okay with suspending it to get it done but Mr. Johnstone was right. If they are going to make changes to a rule, it doesn't hurt to go a few weeks longer to go through the process.

ADJOURN

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



Nicole Bacak, Clerk of Council



Robert Marino Jr., President of Council