

COUNCIL MEETING MINUTES
SEPTEMBER 18, 2024

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

Niles City Council held its regular meeting on September 18, 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-P, Julian-P, Lastic- P, Sollitto- P, Marino-P

It was moved by Weddell, seconded by Devorich to accept the minutes from the September 4th regular meeting and place them on file.

Motion carried.

REPORTS AND COMMUNICATIONS

FROM- Billing office

August 2024 Adjustments

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

Motion carried.

FROM- Auditor's office

Statement of cash from revenue and expense- August 2024

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

Motion carried.

FROM- Auditor's office

Check report by check number- August 2024

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 3:48 into recording)

NONE

COUNCIL COMMITTEE REPORTS

Safety committee meeting minutes- September 4, 2024

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

ORDINANCES AND RESOLUTION

(Legislation began at 4:12 into recording)

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

It was moved by Julian, seconded by Sollitto to give a third reading to this Draft No 112-24.

YEAS: 7 NAYS: 0

It was moved by Julian, seconded by Sollitto to adopt this Draft No 103-24.

YEAS: 7 NAYS: 0

This Draft No 112-24 has been adopted on the 18th day of September 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.

RESOLUTION NO. ____ (Draft No. 121-24)

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

RESOLUTION NO. ____ (Draft No. 122-24)

A RESOLUTION ACCEPTING THE AMOUNT AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR; AND DECLARING AN EMERGENCY

ORDINANCE NO. ____ (Draft No. 123-24)

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

ORDINANCE NO. ____ (Draft No. 124-24)

AN ORDINANCE AUTHORIZING BUDGET APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED FUND 401 CAPITAL PROJECTS; AND, DECLARING AN EMERGENCY

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

YEAS: 7 NAYS: 0

Rules are suspended.

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

YEAS: 7 NAYS: 0

This consent agenda has been adopted on the 18th day of September 2024.

ORDINANCE NO. ____ (Draft No. 125-24)

AN ORDINANCE CREATING NILES CODIFIED ORDINANCE 521.081: REMOVAL AND ABANDONMENT OF SHOPPING CARTS

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

Mr. Johnstone asked why council was voting to suspend the rules. Mr. Sollitto stated that businesses are already looking to enforce this and have signs up with the ordinance. The ordinance doesn't exist and technically the businesses jumped the gun by putting up the signs. He does not want to wait six weeks to get the ordinance put in place.

Mr. Johnstone asked if this was true, and Law Director Zuzolo said yes a business has already put up signs. There are other laws that could be enforced if council does not pass this legislation this evening. Mr. Sollitto said he wants to support the businesses if they are trying to stop this

from happening. He doesn't think we need to have a warning to stop shoplifting. He thinks this needs to be suspended and they do not need to have three readings to tell people to stop shoplifting or taking the carts. It is a fair enough warning that the business has a sign telling people to stop stealing their carts. They need to suspend the rules and tell people to stop it now.

Law Director Zuzolo said suspension is council's prerogative if they chose to do so. Mr. Sollitto said he is just trying to explain his rationale. If the business has a sign saying they consider it shoplifting, they are trying to help the business. He does not want to drag it out another five weeks.

YEAS: 6 NAYS: 1 (Johnstone)

Rules are suspended.

It was moved by Sollitto, seconded by Lastic to adopt this Draft No. 125-24.

YEAS: 7 NAYS: 0

This Draft No. 125-24 has been adopted on the 18th day of September 2024.

MEMBERS OF THE AUDIENCE TO ADDRESS COUNCIL FOR GENERAL PURPOSE

(Public comments began at 11:17 into recording)

Chuck Johnstone: Mr. Johnstone wanted to talk to council this evening about the rental properties in his neighborhood. Mr. Johnstone has spoken to a friend of his that lives in McDonald about this issue and wanted to know what they do there. He was told that their rental properties are inspected and re-evaluated every year. He wants to know why we don't do that in the city of Niles. Mr. Johnstone brought a list of properties to council that are near him. The house conditions vary from busted windows, and other countless things that are not being addressed. There are many abandon homes that nothing is being done with. If a house sits for 15 years and nothing is done, then either the fines need to be raised or something else needs done like evaluating the property every year, so they are kept up to code.

Mr. Johnstone (council) asked if the current procedure was that the rental property was inspected on the transfer of the occupancy. Law Director Zuzolo said that there is an inspection any time there is a utility transfer on the property. Mr. Johnstone (council) asked if the ordinance could be changed to a yearly inspection of the properties and Law Director Zuzolo said it could be.

President Marino interjected and said when this was put into place years ago, there was a lot of back and forth on the annual inspection. To Mr. Johnstone's (council) point and Mr. Sheely as the chair of the committee, this might be a good time to re-evaluate the ordinance. There may be some things that are more progressive and aggressive in protecting everyone in the neighborhood. This would be for both owner occupied, and non-owner occupied because there

are good renters in the community. He thinks they need to dust off the ordinance and review it. Mr. Johnstone (council) just wanted to clarify who would be responsible for the fees and Law Director Zuzolo said it would be the property owner.

Mayor Mientkiewicz wanted it to be noted that if council does decide to move forward with changing the ordinance to having annual inspections, they will need to look at manpower in that department. With the current staffing levels, the city does not have the manpower to do annual inspections. Mr. Johnstone (council) said they can look at that when the time comes. It doesn't have to be annual inspections. They could change it to bi-annual. He said whatever they decide on would be an improvement from just the transfer of utilities.

Mayor Mientkiewicz said they started the interior inspections about two years ago and it is going well, and the housing inspectors are staying on top of this project. There are things already in place that have been done over the past few years to help curb the rental issue.

President Marino informed council that Mr. Johnstone's time was up, and he would need to request an additional three minutes.

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

Mr. Johnstone said he doesn't understand because this is just like the issue with cutting the grass. It is an ongoing issue that happens over and over at the same properties. There is a house on Sayers Ave. that the windows have been boarded up for a long time and nothing is done about it. There are a ton of cars that are not registered and have no license plates on them and nothing is done about it. It is absurd how long it takes to get addressed and nothing is being done. There is a house on Warren Ave. next to the old school that has shingles falling off of it and no one says anything.

President Marino asked Mr. Johnstone if he had anything else to say because he doesn't want the council members to take up the rest of his time. Mr. Johnstone said that was basically all he had. He hasn't come up to speak on this in so long because he sounds like a broken record, and nothing is being done to address the issue. Mr. Johnstone (council) asked for a list of the properties so he can put an email together. Mr. Johnstone had a list with him and gave the list to the clerk.

Mr. Sollitto said he would like to expand on this to address not only the rentals, but the vacant homes as well. There is a vacant home that sits across the street from Pope's for years. Law Director Zuzolo said the vacant property might include issues with family properties that have been passed down generation to generation. And they keep those properties up to code. He knows the rationale was not to charge those families an annual fee to keep that home.

President Marino wanted to clarify that as long as the house is meeting exterior maintenance codes, the occupancy would not be an issue. What is the issue, that Mr. Johnstone mentioned, is the exterior not being maintained. He pointed out that this does fall under the safety committee.

He recommended that they review the ordinance and update it based on what we are experiencing today.

Mr. Johnstone (council) stated they have talked about the rental properties and inspections, but what is the process for vacant homes. He asked if they could be put on a list for annual inspections. President Marino said they could address that in the ordinance when they review it. Mr. Sollitto agrees, and he would like to see the vacant homes addressed because they can be a bigger problem than the rental properties. Mr. Sheely would also like to see the vacant home issue addressed. Mr. Sollitto asked if a vacant home was required to have utilities on and Law Director Zuzolo said no. Utilities only have to be on if someone is living in the house. Mrs. Devorich was also questioning the vacant homes and if they were required to maintain insurance on the property. Mr. Sollitto is concerned if there is a family dispute about who will own the property, and no one does anything in the meantime.

Council discussed potential issues with having inspections on non-owner-occupied houses that are left to family members for generation after generation. Law Director Zuzolo said he was not here when the ordinance was written. President Marino said he was here and there was a lot of push back and Mr. Lastic agreed. (inaudible recording) President Marino again suggested that council get out the ordinance and work through it via the committee. They need to look at interior/exterior/occupied/non-occupied etc. He agreed with Law Director Zuzolo that people will come to visit them about this ordinance.

Mr. Sollitto asked if there could be a requirement to have the city's utilities, even if no one is living there. Service Director Flarey said there could be an issue with having utilities on in a property and no one living in there. If there is a water break in the homes, there wouldn't be anyone to report it, and the house could get severely damaged. This could be a big risk. President Marino said he is all for updating the ordinance and he thinks it is the right thing to do. He told Mr. Sheely to start working the process through his committee because this will take time. Mr. Johnstone agrees that this needs to be addressed. Mr. Sollitto said the people who suffer are the neighbors because they are keeping their properties up to code and you have one person who isn't. He thinks the adjustments they made to the grass ordinance is a great start. It allows the city some leverage and addressing issues, so it is not dragged out. He said we need to force people to do the right things. It's not fair that by them not taking care of a property, that negatively affects those around them and brings down their property values.

After some discussion, Mr. Sollitto said he likes what Mr. Johnstone brought up and if McDonald can do, we need to look into it. If the mayor is saying we need more manpower to get it done, he thinks council would agree to that. He knows it will be a tedious process to get to that point, but it is what needs to be done. He agrees with Mr. Johnstone (council) that they need to be more heavy handed. Mayor Mientkiewicz wanted it on record that the housing department does not prosecute. The penalties, fees, fines, and whatever else goes along with it does not give the department the right to prosecute. Mr. Sollitto said no they don't, but they would have progression of discipline, and they could end up in court. The city is just enforcing it by bringing people into court. Mr. Sollitto agreed with Mayor Mientkiewicz that the new supervisors of the Planning/Permitting department have been doing a great job since they were hired.

Dee Sebben: Mrs. Sebben has a quick question about the railroad trestles that are in the city. There is one by McDonalds and one on Robbins Ave. She asked if they could be painted. Law Director Zuzolo explained that those are considered federal property. They have to be maintained by the railroad company, and they have to be painted a certain color. Mrs. Sebben asked why don't they paint them and Law Director Zuzolo said they have had no luck getting anyone to do that. Mayor Mientkiewicz said there are two other railroad trestles that are owned by the commissioners, and they are getting painted. The commissioners are set to approve this at their next meeting and the city has \$350,000.00 in state money ready to address those two trestles. He explained the two Mrs. Sebben mentioned are owned by Genesse Railroad and they have not been cooperative with the city about addressing them. Mrs. Sebben asked what would they be painted. She thinks it would be nice to put something on them about dragon town instead of the standard color.

MISCELLANEOUS REMARKS

(Miscellaneous remarks began at 33:32 into recording)

Mr. Sheely said that last week was the anniversary of 9/11 and he had the pleasure of taking his grandson to school that day. He wanted to recognize the police department for their presence at the school. There were three officers at the school because there were threats made. He is very proud that the department made sure our kids were safe. It sent a message that nothing will happen to our kids. He wanted to thank Chief Holland for being there for the kids.

Mr. Julian scheduled a Utilities meeting for Wednesday, September 25th @ 5:15 P.M. in the lower level conference room of the city administration building. There are items they need to discuss for legislation for the next meeting. President Marino asked if they were still moving forward with the software in the billing office and Mayor Mientkiewicz said yes. It should be operational around 2nd quarter of next year. President Marino also asked if there would be a review of internal controls and was told yes.

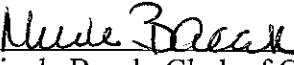
Mr. Sollitto wanted to acknowledge Duke Wheeler for being an outstanding hire since he has come on board. Since council passed the grass ordinance, they have issues 5 warnings. He knows there were concerns if it would be enforced and he is happy to say they are.

Mr. Sollitto asked for an Iowa Park update from the mayor. Mayor Mientkiewicz said the basketball court is done, and the hoop is going up. They are getting some stumps removed. The swing set is already up. Mr. Sollitto said they might get some picnic tables next year also. Mr. Johnstone asked about the equipment from Waddell that will be transferred there. It was explained that will probably not be moved until next year.

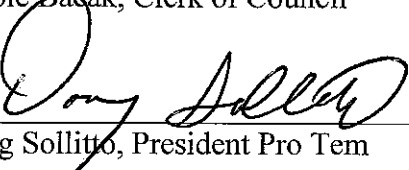
Mr. Sollitto asked about the \$100,000.00 that was set aside for the shoreline cleanup. Mayor Mientkiewicz said they are still working with the Army Corp Engineers on this. They are working with tree companies on getting trees removed and they are still actively working this project.

ADJOURN

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



Nicole Basak, Clerk of Council



Doug Sollitto, President Pro Tem