

**COUNCIL MEETING MINUTES**  
**SEPTEMBER 4, 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 4, 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

President Marino said it is exciting to see Councilwoman Devorich back at council this evening. He is thrilled to have to back.

It was moved by Sollitto, seconded by Julian to accept the minutes from the August 21<sup>st</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 3:48 into recording)

NONE

**COUNCIL COMMITTEE REPORTS**

NONE

**ORDINANCES AND RESOLUTION**  
(Legislation began at 4:12 into recording)

**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 Weddell to give a third reading to this Draft No 103-24.

Mr. Johnstone stated that this is the legislation about the potential dealership and the condos that it will butt up against. He asked that it be stated in the record that the way he believes this to go is there will be two phases. The initial phase is the development of area on 422 and the second phase is the development of back part that would be butting up to the residents. Law Director Zuzolo said he believes that is what was initially laid out and proposed.

Mr. Johnstone reiterated that there have been conversations about water erosion, evasive lighting, and maintaining a natural tree line. Mr. Johnstone wanted to clarify what will happen in phase two. When they begin work on that phase, it will have to go back to the planning commission to review the submitted plans and address the concerns in a public hearing. Law Director Zuzolo said yes, the plans would be submitted to the planning commission for approval for construction. They would make sure the plans were in compliance with the ordinances of the city, which would include the buffer zone.

Mr. Johnstone asked if at that point in time that the housing department would review the plans and make sure the residents concerns are addressed through the public meeting. Law Director Zuzolo said yes this would all take place through the planning commission. The permits would then be issued as long as they are in compliance with everything. Mr. Johnstone wanted to confirm that there would be a public meeting. Law Director Zuzolo said the planning commission meetings are public. Notices for these meetings are published as usual on the website and in the newspaper. Mr. Johnstone asked if this could be relayed to council and Law Director Zuzolo said he would make sure council is notified.

**YEAS: 7      NAYS: 0**

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

Mr. Johnstone wanted to state that they are excited for the economic development. This company has given them no indication that there will be any concerns. The company has been very open and honest. He is just expressing the concerns on behalf of the residents and their legal counsel has been very easy to work with through this process. President Marino shared the same sentiments that Mr. Johnstone expressed. He thanked him for following up on this and making sure the residents are taken care of.

**YEAS: 7      NAYS: 0**

This Draft No 103-24 has been adopted on the 4th day of September 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**

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

**YEAS: 7      NAYS: 0**

This Draft No 112-24 has received its 2<sup>nd</sup> reading on the 4th day of September 2024.

**ORDINANCE NO. \_\_\_\_ (Draft No. 116-24)**

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

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

Mr. Sollitto wanted to clarify why he is moving to suspend this legislation. The city has an ordinance about the grass being cut. There have been several calls made from concerned neighbors that there are ticks and rodents in unkept grass. With the current ordinance, people are given a notice to cut the grass within 7 days once it reaches a certain height. The inspectors are running around the city trying to enforce this. There are people who only cut their grass 3 times a year when they receive the warnings, and this is not fair to the other residents who keep theirs cut all of the time. Mr. Sollitto thinks time is of the essence and this needs to be changed now.

Mr. Sheely agrees with Mr. Sollitto. He had a resident reach out to him earlier in the year about a house on Pearl. The city had already reached out to this resident, and they cut the grass in the front and the side, but the back was out of control. He reached out to the inspectors to follow up on this. He was also told that this has been going on since approximately 2018 with the same property. The resident runs it out for as long as they can to not cut their grass, and it is a constant game.

Mr. Sollitto said other residents are threatening to stop maintaining their yards if nothing is being done to those who aren't taking care of their yards. Mr. Sollitto feels people need to stop inconveniencing their neighbors.

Mr. Johnstone supports this ordinance 100%. For every rule, there are always rule breakers. His concern is not ordinance, but transparency. This was something he ran on for his campaign. Unless it is financially needed for the city to suspend the rules, council rules allow them to give three readings. This is a change in the law and could affect someone. The last thing he wants to hear is that they changed the rules overnight. He feels that three readings is absolutely necessary.

**YEAS: 6      NAYS: 1 (Johnstone)**

Rules are suspended.

It was moved by Sollitto, seconded by Julian to adopt this Draft No 116-24.

**YEAS: 7      NAYS: 0**

This Draft No 112-24 has been adopted on the 4th day of September 2024.

Mr. Sollitto wanted to make sure that the enforcement officers were aware of these changes. President Marino said as soon as the mayor signs it, it becomes law of the city. Mr. Sollitto asked if the mayor had any comments on this legislation and Mayor Mientkiewicz said he did not.

**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. 118-24)**

**AN ORDINANCE APPROVING A THEN AND NOW PAYMENT REQUEST TO SUMMIT SUPPLY FOR REPAIR OF SANITARY SEWER; AND DECLARING AN EMERGENCY**

**ORDINANCE NO. \_\_\_\_\_ ( Draft No. 119-24)**

**AN ORDINANCE AUTHORIZING APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED WATER FUND TO THE CONTRACTED LABOR FUND FOR THE WATERLINE EXTENSION PROJECT AT 2560 STILLWAGON ROAD; AND, DECLARING AN EMERGENCY**

**ORDINANCE NO. \_\_\_\_\_ ( Draft No. 120-24)**

**AN ORDINANCE AUTHORIZING AMERICAN MUNICIPAL POWER, INC (AMP), ON BEHALF OF THE CITY OF NILES, TO CONTRACT WITH PROFESSIONAL METER INSTALLERS (PMI) FOR ELECTRIC METER SITE SURVEY SERVICES, AUTHORIZING APPROPRIATION OF NECESSARY FUNDS AND, DECLARING AN EMERGENCY**

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

President Marino asked Law Director Zuzolo for clarification on draft no. 120.-24 not being publicly bid out. Law Director Zuzolo said that AMP Ohio has already done the bidding and submitted documentation of their competitive bidding.

**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 4th day of September 2024.

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

(Public comments began at 17:25 into recording)

Bernie Profato: Mr. Profato wanted to thank council, and the mayor for the opportunity to come here this evening and speak. Mr. Profato is at council this evening representing his daughter and about 6 of her neighbors. His daughter lives on Ohio Ave. and has been there for about 20 years. His daughter has never had a problem until now. There are children on the street playing basketball. Even though this may sound trivial to some, it is not trivial to all. If it bothers some people as it is now, he feels it needs to be looked into.

Mr. Profato stated he was the first traffic officer for the city and retired after 33 years of service. As a traffic officer, the only time pedestrians are to be in the street is when there is no sidewalk. Streets are for vehicles and motor vehicle traffic only. If someone complains about something, there is some type of enforcement action that can be taken. You can't keep giving people warnings. Laws and rules are only made for 4-5% of people because 95% don't do this. You are dealing with a 4-5% of people that are out there and they are not allowed to be in the streets. It's not the fact that they are playing in the streets, but it is the noise and disruption. He has never seen his daughter this upset in the 20 years she has lived there. Playing basketball in the street is something they all have done, but it doesn't give them the excuse to condone it.

President Marino informed Mr. Profato that he was out of time. Mr. Sollitto asked if he needed an additional three minutes. He said he would like the extra time.

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

Mr. Profato said he applauds the job that the city has done. The mayor and his administration is by far the tops in the lifetime that he has lived here. Council is doing all that they can to help people and that's all they are asking for. Go up to the parents and say hey your kids aren't allowed in the street because it escalates. They go from playing basketball to shooting off fireworks and playing loud music. When you give them a little bit, they stretch it as far as they can.

Mr. Profato thanked council for the opportunity to speak. He knows how diligent they are about doing their job for the city and making the city safe to live in. He thinks the city is safe but uncomfortable and he doesn't think people should have to live under those circumstances. He always heard how people couldn't wait to move to Niles and now he hears how people can't wait to move out of Niles. He applauds the police department and the job they are doing. Officer Crank is doing a fantastic job as the traffic officer. Mr. Profato gave 33 years of his life to the city as a police officer, and he is very proud of that. He wanted to thank the mayor and his administration. He also wanted to thank the clerk of council for talking with his daughter. His daughter was very upset, and she was able to calm her down. He also wanted to recognize Mayor Mientkiewicz for taking the time to speak to his daughter directly because he doesn't know that many others would have done that.

#### **MISCELLANEOUS REMARKS**

(Miscellaneous remarks began at 25:11 into recording)

Mayor Mientkiewicz wanted to remind everyone of the tire drop off going on now near the recycling center in the back of the police station. You are allowed to drop off ten tires/rims. It ends at the end of next week. The city will be having the annual Truck A Truck event on Saturday, September 7<sup>th</sup> from 11:00A.M.- 2:00 P.M. at the Niles Wellness Center. There is also another round of electronic recycling on Saturday near the recycling center from 10:00A.M.-1:00 P.M. Finally, Mayor Mientkiewicz said he did meet with the city's partners at Eastgate about the Appalachian Regional Grant Program and the \$3.5 million downtown project. All of the contracts have been executed and a detailed final design is currently underway. He hopes to have this wrapped up by the end of this year and to have the groundbreaking at the latest early next year.

Service Director Flarey wanted to welcome back Mrs. Devorich.

Chief Holland also welcomed back Mrs. Devorich.

Mr. Weddell said it is nice to see all of the city streets being paved and have been paved. The downfall is some comments that he has gotten is that people think it is now a racetrack. He is asking the public to slow down, especially in school areas.

Mr. Johnstone stated at the last council meeting there was a large presence from the city workers, and it was nice to see them come out and support each other as they are getting ready to go into their negotiations. He made a comment in closing comments last meeting, and he isn't sure how it came across. He wants to make sure that he reiterates that they went around and told those employees how much they much appreciate the employees, support them and commended them on a job well done. Now is the time to show them and he hopes that they get every penny that they are worth. He thinks we are so spoiled inside of the city, and we don't realize it. A lot of his co-workers are envious when a power outage occurs and he is already back to work and showered, and they are having to go to in-laws because they have no power. He appreciates the support verbally, but now it is time to show the workers, and he hopes they get what they are worth.

Next, Mr. Johnstone wanted to let everyone know the next CIC meeting will be Tuesday, September 17<sup>th</sup> @ 4:30 P.M. at the Wellness Center. It is a public meeting, and he encourages people to attend. Lastly, he said he cannot put into words how great it is to see Mrs. Devorich back.

Mr. Sheely also said how happy he is to see Mrs. Devorich. He has been praying for her and her husband. He hopes that she continues to get better and better every day, and he will continue to pray for her. Mr. Sheely said he is not always the most well-spoken person because sometimes he gets nervous. But when it comes to the constituents in the third ward, if anyone needs him, he is here. If you send an email or call him, he will respond as quickly as he can. He will do whatever he can to address the issue.

Mrs. Devorich wanted to thank all of her colleagues on council who reached out to her with emails, phone calls, prayers, etc. She believes that she and her husband are here this evening because of those prayers. She also wanted to thank the administration and the residents for their prayers. Day by day she is getting better, and she hopes to continue down that path. The best news that she has to deliver today is that a month ago her husband's oncologist told them that he is cancer free.

Mr. Julian welcomed back Mrs. Devorich.

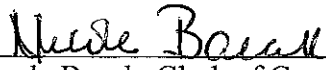
Mr. Lastic welcomed back Mrs. Devorich and thanked John.

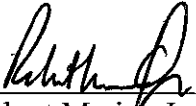
Mr. Sollitto said most people know that the Devorich family is very close with his family. It is a breathe of fresh air to see them both sitting here. He is glad that Mrs. Devorich pointed out that her husband was going through some serious treatments, while he was trying to take care of her. It is great to have her back.

Mr. Sollitto thinks what is going on in the city with council and the administration is unprecedented as far as moving forward right now in a unified manner.

**ADJOURN**

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

  
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Nicole Bacak, Clerk of Council

  
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Robert Marino Jr., President of Council