

**COUNCIL MEETING MINUTES**  
**SEPTMEBER 3, 2025**

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

Niles City Council held its regular meeting on September 3, 2025, at 6:00 p.m. at the Niles Senior Center in Niles, Ohio.

The meeting was called to order by Council Pro Tem President, Doug Sollitto and the Clerk, Nicole Bacak, called the roll:

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

It was moved by Lastic, seconded by Julian to excuse Devorich and Marino from the meeting. Motion carried.

It was moved by Julian, seconded by Weddell to accept the minutes from the August 20<sup>th</sup> regular meeting and special meeting on August 28<sup>th</sup> and place them on file. Motion carried.

**REPORTS AND COMMUNICATIONS**

**FROM-** Ohio Department of Liquor Control

Notice to legislative authority- To: MATA 23 LLC From: STONEYARD GRILL & TAVERN LLC

It was moved by Sheely, seconded by Julian to refer to the Police Chief and Safety Director for their recommendation.

Motion carried.

**FROM-** Auditor's office

Statement of cash from revenue and expense- July 2025

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

Motion carried.

**FROM-** Auditor's office

Check report by check number- July 2025

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

Motion carried.

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

(Public comments began at 4:15 into recording)

NONE

**COUNCIL COMMITTEE REPORTS**

NONE

**ORDINANCES AND RESOLUTION**

(Legislation began at 4:33 into recording)

Law Director Zuzolo told council that an item from the consent agenda needs to be removed and only given a first reading. Mr. Sheely would like to have Draft No. 144-25 removed and given a first reading only.

It was moved by Sheely, seconded by Julian to remove Draft No. 144-25 from the consent agenda and give it a first reading only.

Mr. Sheely explained what the change in the legislation was for and how by adding trailers to the inoperable vehicles, this will allow the police department and traffic officer to address issues.

**YEAS: 6      NAYS: 0**

Motion carried.

**ORDINANCE NO. \_\_\_\_ ( Draft No. 106-25)**

**AN ORDINANCE AMENDING CHAPTER 1507.01 "PAYMENT OF FIRE LOSS CLAIMS" OF THE CODIFIED ORDINANCE OF THE CITY OF NILES, IN PART, TO PERMIT TRANSFER OF FUNDS TO ASSIGNEES; AND DECLARING AN EMERGENCY**

It was moved by Julian, seconded by Weddell to give a third reading to this Draft No. 106-25.

**YEAS: 6      NAYS: 0**

It was moved by Lastic, seconded by Julian to adopt this Draft No. 106-25.

**YEAS: 6      NAYS: 0**

This Draft No. 106-25 has been adopted on the 3rd day of September 2025.

**ORDINANCE NO. \_\_\_\_ ( Draft No. 134-25)**

**AN ORDINANCE AUTHORIZING THE CITY OF NILES TO PURCHASE PARK BENCHES UP TO AN AMOUNT OF \$15,000 AND SUBJECT TO FUTURE APPROPRIATIONS; AND, DECLARING AN EMERGENCY**

It was moved by Johnstone, seconded by Sheely to table this Draft No. 134-25.

Mr. Johnstone explained that he would like to wait and have discussions during the budget process and see if there is money available for this for the following year's budget.

**YEAS: 6      NAYS: 0**

This Draft No. 134-25 has been tabled on the 3rd day of September 2025.

**ORDINANCE NO. \_\_\_\_ ( Draft No. 136-25)**

**AN ORDINANCE ADOPTING THE UPDATED PUBLIC RECORDS REQUEST POLICY FOR THE CITY; AND, DECLARING AN EMERGENCY**

It was moved by Julian, seconded by Lastic to give a second reading to this Draft No. 136-25.

**YEAS: 6      NAYS: 0**

This Draft No. 136-25 has received its second reading on the 3rd day of September 2025.

**ORDINANCE NO. \_\_\_\_ ( Amended Draft No. 138-25)**

**AN ORDINANCE IMPLEMENTING SECTIONS 3735.65 THROUGH 3735.70 OF THE OHIO REVISED CODE, ESTABLISHING AND DESCRIBING THE BOUNDARIES OF THE NILES COMMUNITY REINVESTMENT AREA IN THE CITY OF NILES, DESIGNATING A HOUSING OFFICER TO ADMINISTER THE PROGRAM, CREATING A COMMUNITY REINVESTMENT HOUSING COUNCIL; REPEALING ORDINANCE 04-06; AND DECLARING AN EMERGENCY**

It was moved by Johnstone, seconded by Sheely to give a second reading to this Amended Draft No. 138-25.

**YEAS: 6      NAYS: 0**

This Amended Draft No. 138-25 has received its second reading on the 3rd day of September 2025.

**ORDINANCE NO. \_\_\_\_ ( Draft No. 139-25)**

**ORDINANCE TO CREATE A TIF AREA PURSUANT TO SECTION 5709.40(B) OF THE OHIO REVISED CODE; DECLARE IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY LOCATED IN THE TIF AREA TO BE A PUBLIC PURPOSE AND EXEMPT FROM REAL PROPERTY TAXATION; REQUIRE THE OWNERS OF THOSE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISH A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THOSE SERVICE PAYMENTS; SPECIFY THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE WITHIN THE TIF AREA THAT DIRECTLY BENEFIT THOSE PARCELS; APPROVING AND AUTHORIZING THE EXECUTION OF A TAX INCREMENT FINANCING AGREEMENT AND DECLARE AN EMERGENCY**

It was moved by Johnstone, seconded by Lastic to give a second reading to this Draft No. 139-25.

**YEAS: 6      NAYS: 0**

This Draft No. 139-25 has received its second reading on the 3rd day of September 2025.

**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. 141-25)**

**AN ORDINANCE AMENDING ORDINANCE NO. 90-25 AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION FOR A MATCHING GRANT FROM THE OHIO PUBLIC WORKS COMMISSION (OPWC) FOR THE 2026 NILES STREET RESURFACING PROJECT; AND DECLARING AN EMERGENCY**

**ORDINANCE NO. \_\_\_\_ (Draft No. 145-25)**

**AN ORDINANCE AUTHORIZING THE PURCHASE OF A REPLACEMENT UPS BACKUP BATTERY THROUGH GOVCONNECTION INC. AND STATE PURCHASING REALTING TO SOURCEWELL CONTRACT #121923 FOR THE WELLNESS CENTER; AND, DECLARING AN EMERGENCY**

**ORDINANCE NO. \_\_\_\_ (Draft No. 146-25)**

**AN ORDINANCE AUTHORIZING APPROPRIATION BUDGET TRANSFERS; AND, DECLARING AN EMERGENCY**

**ORDINANCE NO. \_\_\_\_ (Draft No. 147-25)**

**AN ORDINANCE APPROVING A THEN AND NOW PAYMENT REQUEST FOR Z  
TECH BUILDERS & EXCAVATIONS INC. FOR ADDITIONAL REPLACEMENT OF  
STORM PIPES; AND DECLARING AN EMERGENCY**

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

**YEAS: 6      NAYS: 0**

This consent agenda has been adopted on the 3rd day of September 2025.

**ORDINANCE NO. \_\_\_\_ ( Draft No. 142-25)**

**AN ORDINANCE CREATING NILES CODIFIED ORDINANCE 1159 ET SEQ TITLED:  
SMALL BOX DISCOUNT STORES; AND DECLARING AN EMERGENCY**

It was moved by Johnstone, seconded by Lastic to give a first reading to this Draft No. 142-25.

**YEAS: 6      NAYS: 0**

This Draft No. 142-25 has received its first reading on the 3rd day of September 2025.

**ORDINANCE NO. \_\_\_\_ ( Draft No. 143-25)**

**AN ORDINANCE CREATING NILES CODIFIED ORDINANCE 1160 ET SEQ TITLED:  
SELF-SERVICE STORAGE FACILITY ESTABLISHMENTS IN THE CITY OF NILES,  
OHIO, AND DECLARING AN EMERGENCY**

It was moved by Johnstone, seconded by Sheely to give a first reading to this Draft No. 143-25.

**YEAS: 6      NAYS: 0**

This Draft No. 143-25 has received its first reading on the 3rd day of September 2025.

**ORDINANCE NO. \_\_\_\_ ( Draft No. 144-25)**

**AN ORDINANCE AMENDING NILES CODIFIED ORDINANCE 351.16; AND  
DECLARING AN EMERGENCY**

It was moved by Julian, seconded by Johnstone to give a first reading to this Draft No. 144-25.

**YEAS: 6      NAYS: 0**

This Draft No. 144-25 has received its first reading on the 3rd day of September 2025.

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

(Public comments began at 15:30 into recording)

Lois Nickel: Mrs. Nickel is at council tonight to hopefully find a solution to her problem. Mrs. Nickel said she will not have a smart meter installed on her house. She has done her research and said there is a possibility of carcinogens coming from that. She does not want the radiation pumping through her house. She said there has to be a way to compromise. No one has a right to add anything to her house without her permission. She stated the city's code was written 105 years to put meters on the houses to read the meters. She wants to know why there isn't an opt-out option.

Law Director Zuzolo explained this is a council policy and from a legal perspective, the city is allowed to require this. Mrs. Nickel argued that the city's code is not the law, and Law Director Zuzolo explained it is the codes are the laws. Mrs. Nickel argued that it is not law, and she is refusing to have a smart meter on her home. Law Director Zuzolo said he understands her concern, but the city is within their rights to do this. Council and the administration can change this, but as of now, they are in compliance with the law. Mayor Mientkiewicz said he has no comment on this. He reiterated what the current policy is.

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

Mrs. Nickel said she called to opt out and was told she couldn't but now Law Director Zuzolo said she can. Law Director Zuzolo corrected her and said he did not say that. He said if council or the administration wants to provide an opt out, they can but they do not have to. They are permitted legally not to have an opt out as an option. It is up to council to make that decision. Council Pro Tem President Sollitto referred this to Mr. Julian, since he is the utilities chair, and asked him to have a committee meeting to discuss.

Mrs. Nickel hopes that they do have a meeting and provide an opt-out option. She hasn't owned a microwave in 25 years, never puts a cell phone to her head. She turns her WIFI off when she isn't using her computer. She will absolutely not put a smart meter on her house. And if the city is going to shut off her water, then so be it. She will spend the rest of her life fighting this and

suing the city. Mr. Julian said he will talk with the members of council and see what date works to have a meeting.

Richard Strong: Mr. Strong wanted to apologize for not turning his phone off at the beginning of the meeting.

### **MISCELLANEOUS REMARKS**

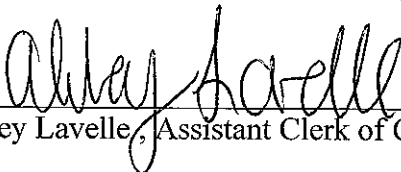
(Miscellaneous remarks began at 22:20 into recording)

Mayor Mientkiewicz wanted to remind everyone that this Saturday there is the annual Touch a Truck from 11:00 A.M.- 1:00 P.M. at Waddell Park. Also, the following Saturday, September 13<sup>th</sup>, the yearly electronics drive will take place behind the police station from 10:00 A.M.- 1:00 P.M.

Mr. Sollitto thanked Mr. Julian for scheduling a Utilities committee meeting to address the concerns brought up tonight.

### **ADJOURN**

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

  
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Abbey Lavelle, Assistant Clerk of Council

  
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Robert Marino Jr., President of Council