

Council met in a **REGULAR MEETING**. The Vice President of Council called the meeting to order at 7:00 p.m., the Ward 4 Councilor offered the opening prayer, and the Pledge of Allegiance was cited.

**Members Present:** Mrs. Julie A. Lattimer (Ward 4)  
Mr. Richard F. Balog (Ward 1)  
Mr. James M. Trisket (Ward 5)  
Mrs. Ann I. Stranman (Ward 3)  
Mr. August A. Pugliese (Ward 2)  
Mr. Christopher J. McClure (Vice President)

**Member(s) Absent:** Mr. J.P. Ducro IV (President)

**Officer(s) Present:** City Manager James M. Timonere, City Solicitor Michael Franklin  
Acting City Auditor Karen S. Jury, Clerk of Council LaVette E. Hennigan

**Officer(s) Absent:** None

**SUNSHINE LAW:** The Clerk of Council certified conformity to the Sunshine Law.

**Excused Absence:** Mrs. Stranman moved, Mr. Trisket seconded to excuse the President from this meeting; motion CARRIED.

**PRESENTATIONS- None**

#### **READING AND DISPOSAL OF MEETING MINUTES**

The minutes of the **January 17 Regular Meeting** were presented. Mrs. Lattimer moved, Mrs. Stranman seconded that the reading of the minutes be waived; motion CARRIED. There being no corrections, the minutes were approved as presented.

#### **CITY MANAGER'S REPORT**

##### **Health District Licensing Committee**

The City Manager reappointed Mr. David DeGeorge to the Health District Licensing Council effective immediately, with a term to expire on February 4, 2017. Mrs. Stranman moved, Mr. Trisket seconded to approve the Manager's reappointment; motion CARRIED.

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**East 17<sup>th</sup> Street & Scott Avenue Repairs**

The City Manager requested an ordinance to enter into an agreement with Severino Construction, Inc. of 937 West 52<sup>nd</sup> Street (P.O. Box 603), Ashtabula, OH 44004 for the purpose of repairing the storm drain located at East 17<sup>th</sup> Street & Scott Avenue in the amount not to exceed \$10,592.00. Funding for this expenditure will be taken from Account Number 412-200-5554, entitled Street Improvements. Mr. Pugliese moved, Mrs. Stranman seconded to approve the Manager's request; motion CARRIED.

**Council to Receive Bids:** The Vice President reported typically the City Manager will provide Council with the winning bid. He has asked that Council receive all bids before voting. He said it is important that the public knows that policies are in place and that they are being followed.

**Legislation Requests**

The City Manager formerly requested RESOLUTION NO. 2012-51 ENTITLED RESOLUTION NO. 2011-133 PASSED ON AUGUST 1, 2011, ENTITLED A RESOLUTION ADOPTING AN APPROPRIATION PLAN FOR REVENUES RECEIVED FROM THE CITY OF ASHTABULA TRAFFIC CAMERA ENFORCEMENT PROGRAM, RETROACTIVE TO JANUARY 1, 2012. Mrs. Lattimer moved, Mrs. Stranman seconded to approve the Manager's request; motion CARRIED.

The City Manager asked for an ordinance authorizing the appropriation of all Traffic Camera Enforcement Program revenue to the Police Department. Mr. Trisket moved, Mrs. Lattimer seconded to approve the Manager's request. The Manager reported unpaid fines assessed previous to November 8, when the Program ceased, totaling \$170,000 are outstanding. Because of Police Department revenue shortfalls, and because the Program was the Police Department's recommendation, if fines are collected all said revenue should go to the Department. The City Manager announced this action, if approved, would be retroactive to January 1. The Manager said how the outstanding balance will be collected is at issue. He has been told ACS, the company whose traffic camera equipment was used, will not seek their 33% of the uncollected fines, but that they have not provided the final numbers they have on file. The motion CARRIED.

**East 6<sup>th</sup> Street Café:** The City Manager announced the asbestos abatement has been completed; four (4) bids have been received to raze the structure; and that this brings the project closer to being completed.

**West 55<sup>th</sup> Street Tree:** The City Manager announced the property owner, as listed on the County Auditor's website, was sent a 72 hour notice to abate the tree on the house. The owner did not comply; therefore the City removed the tree, and will send the owner a bill.

If the bill goes unpaid the unpaid amount will be certified to his property tax duplicate. A condemned sign has been placed on the house, and the structure has been placed back on the demo list.

**Broken Windows Campaign:** The City Manager reported Police Officer William Felt's work on this campaign has been tremendous; the results of which may clearly be seen. He encourages residents to continue to be watchful of illegal or suspicious neighborhood activity and report it by calling the 992-7126 tip line. If a return call is not received, know that the information is being received, compiled, and handled. He thanked all departments involved.

**Walnut Beach Concessionaire Operations:** The City Manager announced RFP's to operate the Walnut Beach Concession Stand this year are available in his office, and are due at the end of the week.

**Public Works / Sanitation:** The PW third shift has ended early due to good weather. While there is no formal leaf pickup schedule available, leaf pickup began today. Until May 1, the twenty-five cents leaf bag stickers are not required. He is encouraged by the number of residents who have called and are cleaning up their yards.

#### **QUESTIONS AND/OR COMMENTS FOR THE MANAGER**

**East 55<sup>th</sup> Street House:** When asked how long would it be before the house would be razed, the Manager reported a determination has to be made as to whether asbestos is present. If asbestos is present, it will have to be abatement. It's expensive to abate a structure and the City just does not have the funding to do so. There remains about \$100,000 of Neighborhood Stabilization Program (NSP) funds for demolition activity. Once the East 6<sup>th</sup> Street Café is razed, close to \$70,000 will remain. Once asbestos abatement is complete, requests for Proposals (RFPs) will be secured for the demolition. The Housing Department identified nine bad houses; which the City is going after. If after this there are no funds remaining, the hope is the County will have funds to give to the City to continue said demolitions and East 55<sup>th</sup> Street will be razed with these funds.

The Manager said he would like to do his due diligence to research how the owners of these condemned structures are maintaining their homes and paid their property taxes in other communities, because he has found out that these owners' properties located in other communities are in very good condition, but not the ones they own in our City. He said the City of Ashtabula should not have to bail them out because they opt not to maintain their properties located in our community.

**East 51<sup>st</sup> Street Tree:** The Ward 4 Councilor said there is no address associated with the tree, because the house has been removed. Originally it was thought that the tree was going to be taken down when the house was razed as a part of the NSP activity. She spoke with Public Services Superintendent (PSS) Dominic Iarocci and Code Enforcement (CE) Officer John Artuso, and knows the tree was supposed to go onto a list. She said she does not know the status of the tree's removal and has not received an update. The Manager asked whose responsibility the tree is; the Councilor replied the homeowner, which is a topic that has already been discussed. She noted the Solicitor is familiar with the property. She said, "They have secured a way to process the removal of the tree". The Manager was not aware of this. The Councilor said, "If the woman couldn't afford the house, and the property was in her name, and she acknowledged receipt of the problem; she responded very quickly and said I realize that but I'm an older woman I seriously have no money. So I believe the Solicitor's response to that..." The Solicitor asked if that was the discussion to classify the tree as a public hazard/nuisance and if it was being abated on that basis. The Councilor replied, "Right". The Solicitor said he recalls the discussion. The Councilor said the abatement would go on the owner's property taxes. The Solicitor replied, "Yes it can. We just have to be able to verify or document that there's a legitimate public health or public safety nuisance that stems from leaving the tree up. We have to go through a formal notice process of notifying the property owner, giving the property owner a reasonable period of time to take it down, and/or request a hearing. After that process is complete the City may make entry onto the property, (as long as we have funds to do so), and remove the nuisance, and submit a bill to the owner. If it goes unpaid the City is allowed to assess upon the property tax duplicate." The Manager will check with PSS Iarocci.

#### **CITY SOLICITOR'S REPORT**

**Amnesty Day:** The Ashtabula City Municipal Court held an Amnesty day on Saturday, March 10. It was the 4<sup>th</sup> program in fifteen (15) months. He gave a brief background on the day; said 23 people were seen, representing 39 outstanding warrants; \$3,735 was collected and the dollar amount grows with each day the program is offered. The next day is scheduled for April 14, from 9:00 a.m. to 1:00 p.m. The list of persons with recent outstanding warrants is posted on the first floor of the City Hall Annex; and inquiries may be made to the Municipal Court.

#### **QUESTIONS AND/OR COMMENTS FOR THE CITY SOLICITOR – None**

#### **ACTING CITY AUDITOR'S (ACA) REPORT**

**February Month End:** General Fund cash balance is \$152,636 cash. It was projected to end with a negative \$95,000. The County Auditor's advance of the first half property taxes helped. Photo Traffic Enforcement fines of \$17,000 were received.

Sanitation fees are up compared to this time last year; trash fees are up about \$80,000; sewer and trash billing is back on schedule; commercial trash container revenue is up \$14,800 above last year; Water Pollution fees are up \$167,000 compared to last year; and while the month ended in a negative \$177,000, it's much improved over the negative \$333,000 cash balance at the end of 2011. Penalties have been applied to all sewer and trash bills due on March 5; and no penalties were applied to any past due amounts or balance forwards. The penalties are only applied to the current portion of the bills. Year-to-date expenses for most departments are on target. Public Works is a concern. They ended the month with a negative \$31,000, with fuel costs being the biggest contributor (e.g., January \$13,000; February \$12,000). Double payments on items like pension were made in February, thus making the numbers high. The Health Insurance (HI) Fund is negative \$450,000 because not enough is being allocated from departments to cover claim costs. No more can be allocated to the HI Fund without cutting into department expenses elsewhere. The Acting Auditor said this needs to be "thought about".

**Ordinance Request:** The Acting City Auditor requested AN ORDINANCE REQUESTING THE SUM OF \$50,000 FROM UNAPPROPRIATED FUND NO. 622, WORKERS' COMPENSATION, INTO ACCOUNT NO. 622.139.5462, ENTITLED WORKERS' COMPENSATION. Mrs. Lattimer moved, Mrs. Stranman seconded. The Ward 4 Councilor reported this fund is being repaid funds the City borrowed. The motion CARRIED.

#### **QUESTIONS AND/OR COMMENTS FOR THE ACTING CITY AUDITOR**

**Fuel Costs:** The Vice President asked the Manager to elaborate on the \$31,000 in fuel costs the Acting Auditor report. The Manager reported fuel purchasing is alternated between Sanitation and Public Works. The City has faced EPA warnings due to their displeasure with "what's been going on at the Transfer Station". He was happy to report PSS Iarocci and staff have done an excellent job complying with EPA requests and the EPA is no longer present at the Transfer Station. In order to comply, sanitation trucks that pickup routes are not dumping at the Transfer Station, but rather going directly to the landfill, thus creating increased costs. One of the EPA violations was that garbage was "touching the ground", and should but put directly in the hole. Semis are not capable of handling much, therefore the garbage would sit on the ground, and by the end of the day everything was cleaned up. The Vice President asked if the surge in commercial hauling is making up for the loss in fuel costs. The Manager said he believes the commercial fees are for bin charges not hauling, but would have to check to make sure. He said PSS Iarocci has done well to inform businesses of the savings they realize, comparably. The Acting Auditor reported some of the revenue represents tipping fees. Increase costs are also due to the unseasonably weather, thus causing contractors to drop off more than normal in January and February. The Vice President asked if enough is being charged if we have to spend more in fuel to go to the landfill.

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It was noted that at the request of the department Council could consider raising costs; the Manager said he and PSS Iarocci will determine if an increase is needed. He reported the City has not been fined by the EPA. The Ward 4 Councilor asked if overtime is being created by now having to go back and forth to the Geneva landfill. The Manager said no, as long as employees show up for their schedule shifts. He said PSS Iarocci has stated that perhaps Monday's route, being the largest, may need to be changed, but so far the set up is working well. The semi is able to transport one and a half garbage truck loads. The Solicitor issued a reminder that the City does have a fuel surcharge, which fluctuates with fuel costs, and that it should be built into our rate structure.

### **CITY COUNCIL COMMITTEE REPORT**

#### **Community / Economic Development / Parks & Recreation (Mrs. Stranman/Mr. McClure)**

The Chair reported on the Committee's March 7 meeting, as follows:

**Proposed Healthy Community Initiative:** Beverly Wendell spoke on the series of walks to take place this summer. She would like to form a committee, and will be working with the City's Parks & Recreation Board. She may be reached at [eevwendy@gmail.com](mailto:eevwendy@gmail.com).

**Lift Bridge Community Association (LBCA) Activities:** Ms. Wendell reported a Blues Night has been scheduled for July 21. LBCA is still pushing the Streetscape Project forward. The historic plaques (which will tell what has been in each building) are completed. A plaque unavailability will be scheduled for a future date.

**Mr. Ron Kister, Chairman, Ashtabula City Port Authority:** told the Committee that the Authority is working on dredging the remainder of the Ashtabula River; are looking into possibly using NRD Funds; and expressed an urgent need for activity at the Route 11 Industrial Park. The Bridge Street public restrooms are completed, and likely will open May 1. Mr. Kister asked that a priority for next year's City budget be to rejoin Growth Partnership of Ashtabula County (GP). He believes GP did a great deal for the City, and that the behind the scenes work they do most of the public is unaware of. The Chair reported that for the past two years the City of Ashtabula has not been able to pay the \$5,000 membership fee.

**City Manager Report:** He provided updates on JEDDs; briefly discussed NRD Funding and the possible enactment of the Crime Free Multi Housing Program (which he supports); and spoke about a proposed meth lab ordinance he most likely will bring to Council. Mr. Ron Kister suggested Council's careful consideration before moving forward with the ordinance. This Committee Chair suggested Council may want to host a public hearing on the topic at the appropriate time, to ensure "the bases are covered and nobody's screaming after the fact".

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The Committee Chair asked the Manager to:

- a) Follow up on the unofficial Beatitude House permit and tap-in fee waivers;
- b) Refer any suggestions regarding fees, regulations, things that can make the City more business friendly (as the Manager and former President/CEO of the Ashtabula Area Chamber of Commerce), so “we can start moving forward with some legislation items from the Committee to try to spur economic development.

**Parks & Recreation Board Activities:** Mr. Earl Tucker, Board member, said complaint calls were received on Nappi Field (NP); a proposal was received to purchase mulch for NP; and repairs to the NP fence will be performed by City employees. Mr. Christopher Raab’s proposed mural to be placed on the back of the Smith Field dugout, was discussed. It was suggested he submit a mural rendering for consideration.

**Vision Statement:** The Committee Chair asked Mr. Tucker, a previous adhoc committee member, if he could refer to his notes to provide what the Vision Statement Committee previously suggested in the way of a vision statement, even though they were not pleased with. The Chair said perhaps a new adhoc committee will be formed, at which time City employee suggestions would be solicited.

**Miscellaneous Items:** The Chair attended the March 9 ADDA meeting. They are having an Easter event on Saturday, April 7, from 1:30 p.m. to 3:00 p.m. at Cornelius Park. They are seeking candy donations and volunteers. The Chair attended the Free Clinic meeting Monday, March 12, where State Representative Capri Cafaro was in attendance. The Chair reported that in an email to Council she recapped the ADDA meeting and made note of how the City may assist them. She issued a reminder that the Free Clinic fundraiser will take place on Saturday, April 14, from 4:00 p.m. to 8:00 p.m., at G.O. Ministries. Tickets may be purchased from Mr. Mark Leatherman by calling 969-5719. Goodwill’s fundraiser, a Night with Ole Blue Eyes, is scheduled for April 14, at Lakeside High School. For tickets and information call Goodwill at 964-3565 x224.

**Next Meeting:** The Committee’s next meeting is scheduled for Wednesday, April 4, at 6:00 p.m. A proposal for the creation of a new economic cluster in Northeast Ohio, pertaining to the Adaptive Community created by Georgetown University School of Continuing Studies for the Spire Institute, will be discussed.

#### **Questions/Comments for Committee**

**Growth Partnership:** The Vice President urged the City to renew their membership and asked the Manager to place on his agenda the need to request appropriations for such. He reported the Adaptive Community idea is the type of thing that spawns out of Growth Partnership. He said while Council cannot legislate the Adaptive Community idea, they can vote in favor of the GP membership renewal.

**Public Works / Utilities / Schools – (Mr. August Pugliese/Mrs. Lattimer):** The Chair announced the Committee met on Tuesday, March 13, and reported the following:

**Remove No Parking Signs (Strong Avenue & West 48<sup>th</sup> Street)**

The Chair reported Police Chief Robert Stell emailed the Chair to say he has no problem with this request, and the Chair requested an ordinance to enact such. The Ward 1 Councilor reported at his Safety Forces Committee meeting, which took place after this committee's meeting, the Police Chief reported he sent a survey to the residents in the neighborhood, the results of which were to leave the signs in place. The Ward 1 Councilor, City Manager, and Clerk of Council provided clarification. It was determined that the signs should remain, with the exception of the one that was removed in front of a specific residence, at the request of the resident's daughter.

**Traffic Signalization Grant:** Engineering Technician (ET) David Close attended a meeting regarding this project. The project will affect 11 intersections. The engineering consultant's cost has been quoted at \$96,000. The consultant fees need to be set aside this year; the project will begin in 2013.

**Preempt Control Test**

ET Close reported a test will be conducted at the Five-Point intersection (Lake Avenue/Park Avenue/Route 20). This is a test to see how such traffic controls will work in the area to stop traffic when emergency vehicles need to pass through. The test should take place in 3 to 4 weeks.

**West Avenue/West 30<sup>th</sup> Street Bridge**

The Manager told the Committee he did not know when the project would begin because of funding.

**Traffic Paint**

PSS Iarocci told the Committee the paint does not last long, and that he is looking at different options. The Vice President said while selling paint in college he learned that lead is the best pigmentation that can be placed in traffic paint, but is no longer permitted to be used.

**Traffic Control Requests**

**Nathan Avenue & Route 20:** The City does not have funding to repair the light; it has been placed on flashing; the company who conducted the traffic control study for the Traffic Signalization Grant recommends the light be removed, and the committee voted in favor of such. Mr. Pugliese moved, Mrs. Lattimer seconded to remove the light.

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The Ward 5 Councilor said if removing the light will benefit the City he has no objection. He agrees with Police Chief Stell that turning left onto Route 20 from Nathan Avenue may be difficult to do without a traffic signal; and realized the light was installed when TOPS grocery store was put in the area. The Solicitor strongly suggested that if this motion fails and a flashing light (red on Nathan; yellow on Route 20) be the end result, that stop signs be installed according to the Uniform Traffic Control Manual. On the roll call to remove the flashing light at Nathan Avenue and Route 20, due to TOPS no longer being in the area: Mrs. Lattimer (yea), Mr. Balog (yea), Mr. Trisket (nay), Mrs. Stranman (yes), Mr. Pugliese (yea), and Mr. McClure (yea). The motion CARRIED by a 5-1 vote.

Mr. Pugliese moved, Mr. Trisket seconded to erect a stop sign at the corner of Nathan Avenue and Route 20 once the traffic signalization is removed; motion CARRIED.

Mr. Pugliese moved, Mr. Trisket seconded the removal of the NO TURN ON RED sign at the southeast corner of Jefferson Road & Bunkerhill Road. The Ward 5 Councilor reported the light was useful when McKinsey Elementary School was located in the area, but it has since been closed. The motion CARRIED.

Mr. Pugliese moved, Mr. Trisket seconded the removal of the NO TURN ON RED sign at the southeast corner of East 42<sup>nd</sup> Street and State Road since there is a 4-way stop with a flashing red at all times; motion CARRIED.

#### **Lake Avenue and West 32<sup>nd</sup> Street Traffic Light**

The traffic light will be on shortly and will be placed on a steel armed pole. The delay in restoring the light to full operation is that The Cleveland Illuminating Company did not want the controller on their pole.

#### **2012 Paving Program Status Report**

The list seems to get shorter due to funding. Securing a zero percent, 20 year loan was discussed, but it is not feasible due to Ohio Public Works Commission (OPWC) restrictions. The Chair asked residents to be patience, realizing there are several bad roads; and said Public Works crews patches daily.

The Vice President reported street resurfacing is not determined by ward or favors, but rather by necessity, and that Council does not determine which streets get done. The Chair reported in the early 70's property owners were assessed for street paving, which is why so many streets could be paved. It was then determined that the City would set aside \$500,000 each year to pave 10 streets. In the beginning it worked, but no longer does. Also because the City's funds are limited, some of the paving funds have been used for other projects, thus reducing the paving dollars even more.

The Chair reported the continued project to remove islands on Main Avenue will be placed on hold this year.

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**Great Lakes Avenue/Ferry Drive Paving (road heading back to the old Coast Guard Station)**

The Manager told the Committee he would speak with the Ohio Department of Natural Resources (ODNR) & Norfolk/Southern Railroad to see if they would financially contribute to the road repairs (the road is on the east side of the river). It had been rumored that ODNR was going to relocate due to the road's condition. The Manager spoke with them and was told their move is due to the deterioration of their building. The Manager said assessing the concrete road repairs to the two users would be appropriate, for they are the only users.

**Leaf Bags**

No leaf bag stickers will be required until May 1. Thereafter the orange, twenty-five cents stickers will be required on all bags in order to have them removed from the treelawn.

**Hulbert Hill Repair (south of Bridge Street)**

Public Works crews will patch the road for smoother passage where utility cuts have been made over the years. Placing barricades on the road warning motorists of the roads condition and that the road is slippery in the winter months was discussed. The Clerk of Council reported that yesterday her husband let her out in front of Bridge Street Boutique, went up the street and turned around by traversing Hulbert Hill, and was not happy. He said the City should let motorists know they cannot go on that street. She asked when the barricade was going to be placed on the street. The Manager said at the meeting it was decided that the concrete patches would be removed, the road would be leveled and filled, and then it would determined if something more was needed. He said if the repair is not sufficient, the matter would be taken back to the PW Committee, at which time it would be recommended that the road be shut down at the top and halfway up (some residents and Briquettes restaurant is on the corner use the road for parking). The Clerk of Council suggested that since the PSS has notified government officials of the need for the road to be repaired, and because the matter is being discussed in this public meeting, the barricade or warning sign should be erected now so the City will be liable if someone's vehicle sustains damage. The Solicitor said if you attempt to travel the road from East 6<sup>th</sup> Street down, there is a rough road sign, and thought there was one at the bottom. If there is not recommended one immediately is placed there. The Ward 4 Councilor suggested that perhaps the grant used on Goodwill Drive (rebricking) may be used for future road repairs. The Chair reported Hulbert Avenue, on both sides of Bridge Street, and the steps behind the library and at Point Park, were a part of the grant used to rebrick Goodwill Drive. The Manager said the second part of the Harbor/Bridge Street Streetscape project is being applied for right now, to address the steps that come down from Point Park to the Harbor. Ways to secure funding for Hulbert Hill repairs will have to be explored.

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**Adams Avenue Utility Cuts:** The Ward 5 Councilor reported a couple of Adams Avenue utility cuts need attention. He said Hulbert Hill was not originally a concrete road and that the City's ordinance requires the same product removed during a street cut is that should be put back when the cut is repaired. He said if there is a way to get the utility company responsible for the cut to make it right, we should try.

**Safety Forces – (Mr. Balog/Mr. Trisket):** The Chair reported on the Committee's March 16 meeting as follows:

**Non-Emergency Emergency Transport:** This item was moved from the active agenda items to the pending agenda. Community Care Ambulance Network asked for the legislation but is not ready to move forward.

#### **Fire Department**

**Wood Furnace:** Fire Chief Pristera spoke to the Committee about the extreme smoke nuisance wood furnaces create. They are designed for rural areas. The Chief will present sample legislation for the Committee's consideration. The Committee agreed that this nuisance needs to be addressed.

**Clandestine Drug Lab - Proposed Legislation:** The Manager presented Geneva-on-the Lake's clandestine drug lab clean up legislation for discussion. Geneva-on-the Lake Administrator, Jim Hockaday, will be invited to the next Committee meeting. The Chair reported that the bottom line is for the City not to be on the hook for the total clean up costs; it should fall to the property owner or occupant or someone beyond the taxpayer.

**Marc's Radio:** The Police Chief updated the Committee on the transition from Marc's radios to the 700 megahertz ban. He is waiting on the FCC (Federal Communications Commission) to license the radio system, and is also waiting on the Canadians to weigh in. Hopefully it will happen in a few months.

#### **Police Department (Police Chief)**

**Raids:** Arrests and drug operation shut-downs are the result of about 10 drug and felony raids over the past two months.

**LESO (Law Enforcement Support Office):** The department has secured about \$750,000 in equipment at no cost to the City. The items are useful in all City departments, (e.g., copiers, dump trucks, protective clothing, etc.)

**Calls for Service:** Calls are down from 20,000 in 2007 to 18,000 in 2010. This is a trend reflective of cities of our size. Violent crime is up.

### **Questions/Comments for the Committee**

**Meth Property Cleanups:** The Vice President commented that meth labs are not representative of the mad scientist in a basement. It can simply be a Gatorade bottle, Drano, and other chemicals. When they explode, an environmental situation is created (ammonia, gas, etc.). This is the cleanup being discussed. He said Council has to be careful regarding who will bear the cleanup cost; and what is deemed hazardous, etc. The City does not want to create legislation where a structure is ultimately going to be boarded up and remain that way. The Solicitor reported, "There is quite a bit of legislation on the books that permits us to, on an emergency basis, abate a public health nuisance, which clandestine labs are – and assess the reasonable cost of that against the property owner. Probably on an administrative level, it's a very good idea to streamline that in the case of a meth lab (or a suspected meth lab), and then come up with some standardized costs rather than just doing it by guess and by golly. But, putting together such legislation, I agree, and I would urge Council to take some careful thought in, I'm concerned about one size fits all legislation. In the past two months, with the reports that hit my desk, which involve not only the City of Ashtabula but the townships of Plymouth, Ashtabula, and Saybrook, I have seen reports on both the so-called new shake-n-bake labs which you referred to, and the old fashioned meth labs where they're using anhydrous ammonia and various other chemicals – and cooking, if you will, in a longer process. That old fashioned lab resulted in the saturation of a dwelling with volatile organic compounds and poisons. And, could in fact poison an entire house to the point where it really wasn't usable from that point on. That's much less likely to happen with the shake-n-bake lab – it either works or it doesn't; and if it doesn't then you got a fire. But, both are still out there, and they need a very separate approach to cleanup." The Vice President concurred with the caution of creating legislation that fits all situations.

### **Wood Furnaces**

The Ward 4 Councilor asked for clarification on the nuisance these furnaces create. The Ward 5 Councilor reported "They are outdoor furnaces for homes, business, out buildings, etc., that use logs. They are of good size and are stoked once a day. They run off the homes thermostat. Inside the furnace is a radiator coil, so as the fire kicks on it heats up the water (or whatever liquid they use), travels through the systems in the house (in the different zones). Once the house is warmed the thermostat tells the furnace to close the damper. When the intake and exhaust dampers are close the fire lessens, and then opens and closes based on what it needs to keep the fire going. This creates a smoldering effect. The house then gets cold enough, needs to be heated again, and the damper opens allowing air to come in. It kicks up the fire to get it going (somewhat like a locomotive warming up), which creates all this smoke bellowing across the yard. If you live within a couple blocks of one of these furnaces in the City, you will smell it and it will fill your house. They stand about six foot tall, and have a three or four foot stack on top of them.

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They are fully automated with the exception of the area where the wood is loaded. The Ward 4 Councilor wanted to know the opposition to the furnaces. The Ward 5 Councilor reported they created "lots of heavy, heavy smoke. They are designed for somebody who lives in a rural area where you don't have a neighbor right on top of you; where you have room for your smoke to disburse."

The Vice President said these systems are not for city living; but exist in the City. He said the Fire Chief was in support of legislation establishing the footage or acreage one would need in order to locate it in the City.

**Finance and Personnel - (Mr. Ducro, IV/Mrs. Lattimer):**

**Legislation Requests**

Mrs. Lattimer moved, Mr. Trislet seconded for AN ORDINANCE CREATING NEW GENERAL FUND ACCOUNT NO. 101.140.5310, ENTITLED STREET LIGHTING ASSESSMENT REFUND; motion CARRIED.

Mrs. Lattimer moved, Mrs. Stranman seconded for AN ORDINANCE APPROPRIATING FROM UNAPPROPRIATED GENERAL FUND 101, THE SUM OF \$1,000, TO ACCOUNT NO. 101.140.5310, ENTITLED STREET LIGHTING ASSESSMENT REFUND; motion CARRIED.

Mrs. Lattimer moved, Mr. Trislet seconded for AN ORDINANCE APPROPRIATING FROM UNAPPROPRIATED GENERAL FUND 101, THE SUM OF \$10,380 FOR THE PURPOSE OF PAYING THE BALANCE OF A RETIREMENT PAYOUT; motion CARRIED.

Mrs. Lattimer moved, Mrs. Stranman seconded for AN ORDINANCE APPROPRIATING FROM UNAPPROPRIATED GENERAL FUND 101, THE SUM OF \$2,000, TO ACCOUNT NO. 101.111.5430, ENTITLED PROFESSIONAL SERVICES, FOR 2012 CODIFIED ORDINANCE UPDATES; motion CARRIED.

**Work Session– (Mr. Ducro IV, Chair) – No Report**

**PUBLIC (LEGISLATION) PORTION - None**

**LEGISLATION READING**

**ORDINANCE NO. 2012-42 AN ORDINANCE AMENDING THE TRAFFIC CONTROL FILE FOR THE PURPOSE OF THE REMOVAL OF THE NO TURN ON RED SIGN AT THE SOUTHEAST CORNER OF THE INTERSECTION OF JEFFERSON ROAD & BUNKER HILL ROAD**, was presented for its first reading. Mrs. Lattimer moved, Mrs. Stranman seconded to waive the reading of the ordinance; motion CARRIED. The ordinance was placed on its first reading.

**ORDINANCE NO. 2012-43 AN ORDINANCE AMENDING THE TRAFFIC CONTROL FILE FOR THE PURPOSE OF THE REMOVAL OF THE NO TURN ON RED SIGNS AT THE INTERSECTION OF EAST 42<sup>ND</sup> STREET AND STATE ROAD**, was presented for its first reading. Mrs. Lattimer moved, Mrs. Stranman seconded to waive the reading of the ordinance; motion CARRIED. The ordinance was placed on its first reading.

**ORDINANCE NO. 2012-44 AN ORDINANCE AMENDING THE TRAFFIC CONTROL FILE FOR THE PURPOSE OF THE REMOVAL OF THE TRAFFIC LIGHT SIGNALIZATION EQUIPMENT AT THE INTERSECTION OF NATHAN AVENUE AND ROUTE 20 AND PLACING A STOP SIGN ON NATHAN AVENUE INSTEAD**, was presented for its first reading. Mrs. Lattimer moved, Mrs. Stranman seconded to waive the reading of the ordinance; motion CARRIED. The ordinance was placed on its first reading.

**ORDINANCE NO. 2012-45 AN ORDINANCE APPROPRIATING THE SUM OF \$50,000 FROM UNAPPROPRIATED FUND NO. 622, WORKERS' COMPENSATION, INTO ACCOUNT NO. 622.139.5462, ENTITLED WORKERS' COMPENSATION**, was presented. Mrs. Lattimer moved, Mrs. Stranman seconded to waive the reading of the ordinance; motion CARRIED. Mrs. Lattimer moved, Mrs. Stranman seconded that the Charter requirement of two readings be waived. On the roll call to waive the Charter requirement of two readings: Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. Pugliese, Mr. McClure voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. Pugliese, Mr. McClure voted yea; motion CARRIED.

**ORDINANCE NO. 2012-46 AN ORDINANCE CREATING NEW GENERAL FUND ACCOUNT NO. 101.140.5310, ENTITLED STREET LIGHTING ASSESSMENT REFUND**, was presented. Mrs. Lattimer moved, Mrs. Stranman seconded to waive the reading of the ordinance; motion CARRIED. Mrs. Lattimer moved, Mrs. Stranman seconded that the Charter requirement of two readings be waived. On the roll call to waive the Charter requirement of two readings: Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. Pugliese, Mr. McClure voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. Pugliese, Mr. McClure voted yea; motion CARRIED.

**ORDINANCE NO. 2012-47 AN ORDINANCE APPROPRIATING FROM UNAPPROPRIATED GENERAL FUND 101, THE SUM OF \$1,000, TO ACCOUNT NO. 101.140.5310, ENTITLED STREET LIGHTING ASSESSMENT REFUND**, was presented. Mrs. Lattimer moved, Mrs. Stranman seconded to waive the reading of the ordinance; motion CARRIED. Mrs. Lattimer moved, Mrs. Stranman seconded that the Charter requirement of two readings be waived. On the roll call to waive the Charter requirement of two readings: Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. Pugliese, Mr. McClure voted yea; motion CARRIED.

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On the roll call to adopt the ordinance: Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. Pugliese, Mr. McClure voted yea; motion CARRIED.

**ORDINANCE NO. 2012-48 AN ORDINANCE APPROPRIATING FROM UNAPPROPRIATED GENERAL FUND 101, THE SUM OF \$10,380 FOR THE PURPOSE OF PAYING THE BALANCE OF A RETIREMENT PAYOUT**, was presented. Mrs. Lattimer moved, Mrs. Stranman seconded to waive the reading of the ordinance; motion CARRIED. Mrs. Lattimer moved, Mrs. Stranman seconded that the Charter requirement of two readings be waived. On the roll call to waive the Charter requirement of two readings: Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. Pugliese, Mr. McClure voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. Pugliese, Mr. McClure voted yea; motion CARRIED.

**ORDINANCE NO. 2012-49 AN ORDINANCE APPROPRIATING FROM UNAPPROPRIATED GENERAL FUND 101, THE SUM OF \$2,000, TO ACCOUNT NO. 101.111.5430, ENTITLED PROFESSION SERVICES, FOR 2012 CODIFIED ORDINANCE UPDATES**, was presented. Mrs. Lattimer moved, Mrs. Stranman seconded to waive the reading of the ordinance; motion CARRIED. Mrs. Lattimer moved, Mrs. Stranman seconded that the Charter requirement of two readings be waived. On the roll call to waive the Charter requirement of two readings: Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. Pugliese, Mr. McClure voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. Pugliese, Mr. McClure voted yea; motion CARRIED.

**ORDINANCE NO. 2012-50 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH STATE ROAD INDUSTRIAL DEVELOPMENT, LLC, AND STERON, LLC FOR AN EMERGENCY TEMPORARY CONNECTION TO A SANITARY SEWER LINE SERVED BY THE CITY OF ASHTABULA WASTE WATER TREATMENT PLANT**, was presented. Mrs. Lattimer moved, Mrs. Stranman seconded to waive the reading of the ordinance; motion CARRIED. Mrs. Lattimer moved, Mrs. Stranman seconded that the Charter requirement of two readings be waived. On the roll call to waive the Charter requirement of two readings: Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. Pugliese, Mr. McClure voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. Pugliese, Mr. McClure voted yea; motion CARRIED.

The Clerk informed the Solicitor THAT the following resolution was not signed as to form and correctness. The Solicitor gave the Clerk permission to present it.

**RESOLUTION NO. 2012-51 A RESOLUTION REPEALING, IN ITS ENTIRETY, RESOLUTION NO. 2011-133 PASSED ON AUGUST 1, 2011 TITLED, "A RESOLUTION ADOPTING AN APPROPRIATION PLAN FOR REVENUES RECEIVED FROM THE CITY OF ASHTABULA TRAFFIC CAMERA ENFORCEMENT PROGRAM", RETROACTIVE TO JANUARY 1, 2012**, was presented.

Mr. Trisket moved, Mrs. Lattimer seconded to waive the reading of the resolution; motion CARRIED. The Ward 4 Councilor reported 100% of the remaining Traffic Camera Program revenues and the revenues still be received after the Program ceased, will go to the Police Department. The Acting City Auditor confirmed \$17,000 in revenue has been collected this year, that 33% of it will cover fees, which leaves a balance of \$11,000. The Vice President reported rumors are circulating that the Police Department is in need of funds; and that his inquiry about these funds underlines the point that funds are being directed to them. And, that public safety is not being compromised as sometimes it may appear. Mrs. Lattimer moved, Mrs. Stranman seconded that the Charter requirement of two readings be waived. On the roll call to waive the Charter requirement of two readings: Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. Pugliese, Mr. McClure voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. Pugliese, Mr. McClure voted yea; motion CARRIED.

#### **UNFINISHED BUSINESS - None**

#### **NEW BUSINESS**

**Route 20 C-4 Commercial Corridor Zoning District (all of Route 20 located in the City – YMCA west to the City limit):** The City Manager reported he took, to the Ashtabula City Planning Commission, a request for medical facilities to be allowed in the Route 20 Commercial Zoning District. He said a public hearing will have to be scheduled and the notice of such hearing in the newspaper 30 days prior to the hearing; and then back to Council for the final vote up or down. The Ward 4 Councilor said she was a member of the Planning Commission at the time this district was established. The consultant working with the Commission advised them to only list allowable uses in the zoning code and have all others used be determined by requesting a Special Use Permit.

Mrs. Stranman moved, Mr. Trisket seconded to draft legislation to amend the C-4 Commercial Zoning District to allow medical facilities, and refer it to the Planning Commission.

The Clerk of Council asked the Solicitor if the process moving forward is that the ordinance is drafted, voted on, and then that ordinance is presented to the Planning Commission for their consideration. The City Solicitor said it does not have to be voted on, but it needs to be presented to Council. At some point in the legislative process it needs to be referred to the Planning Commission for comment and to make it the subject of a public hearing with notice. He further commented that when there is a change in zoning, the ordinance creating that change, before it is finally passed by Council, must be referred to the Planning Commission for review and comment, and must be afforded a public hearing.

The Vice President called for more discussion; hearing none he called for the voice vote on the motion to draft legislation to amend the C-4 Commercial Zoning District to allow medical facilities, and refer it to the Planning Commission. The motion CARRIED.

### **MISCELLANEOUS BUSINESS**

**Trash:** The Vice President asked citizens to adhere to the laws and procedures for having trash removed from properties that is not common to the weekly garbage pickup items. He announced such items may be taken directly to the Transfer Station, or that Sanitation may be scheduled to pick it up for a fee.

**Tire Amnesty Day/ Trash Drop Off/Pickup Day:** The Manager reported the City is looking at allowing a day in which only tires may be taken to the Transfer Station for free disposal, up to a certain amount. He reported the cost of doing a free trash drop off day is cost prohibitive due to EPA regulations. The Manager asked that the Sanitation Department be called if an inordinate amount of trash is going to be placed on the treelawn so they can coordinate efforts. The Vice President suggested a review of fuel surcharges as they relate to having to service vacant properties where an inordinate amount of trash is left on the property. The Ward 3 Councilor encouraged a Saturday drop off day due to resident's work schedules.

**Tire Enclosure:** The Ward 2 Councilor reported seeing a new enclosed unit in which tires are being keep. He said it is a good thing and that it also looks good. The Manager reported the EPA prohibits tires from sitting on the ground; therefore a shipping-like container is being rented for the purpose of storing tires. He reported costs have increased to comply with EPA mandates, but that they far outweigh the fines that would be levied against the City if noncompliant.

**Federal Emergency Management Agency (FEMA):** FEMA has a web based program called Emergency Management Institute ([www.training.fema.gov/emiweb/is/is36.asp](http://www.training.fema.gov/emiweb/is/is36.asp)). The training is termed Multi Hazard Planning for Child Care, and is free to the public. It is for educators, with a focus on pre-school through high school. The training also may be used for civic organizations that come in contact with youth, parents, and grandparents.

**PUCO:** The Manager reported that in November 2011, Council passed a resolution opposing Ohio American Water Company's proposed rate increase. He said he recently sent a letter, on behalf of the City and Council, reiterating the City's opposition to the increase. The PUCO held a public hearing on the request, at Ashtabula Township Hall. It was the same night as Council's Community/Economic Development/Parks & Recreation Committee meeting; therefore several Ashtabula City officials were unavailable to attend.

**50% Income Tax Credit Passage:** The Vice President thanked the electorate for the passage of the tax credit at the March 6 primary election. Revenue from the credit will be realized next year; and hopefully will help out some of the City's "red categories" they are and will be faced with.

#### **PUBLIC'S GENERAL PORTION**

**Mr. Leonard Deneen, 5021 Crystal Avenue:** reported his neighbor who lives above him puts tree limbs in her leaf bags. Six bags are ready for pickup, which have limbs protruding 4 to 5 feet out of the bags. He does not believe the City is going to pick them up, because the same thing happened last year, and it was 2 months before they were picked up but by that time the bags were rotted. He said the debris gets all over his yard, and wondered what could be done.

Mr. Deneen reported that on Sunday (and every weekend) a Topper Avenue neighbor burns debris which creates lots of smoke.

Mr. Deneen reported 3 years ago he took a sofa to the Transfer Station and was charged \$12.00 to dump it. He said it did not matter if it was one sofa or a truck load, it was the same rate. He suggested having one day where items can be disposed of at no cost or at a decent rate – believing \$12.00 to dump a couch is too much.

The Manager reported the limbs should fit neatly inside the bags. He has seen citizens cut them down in size, tie them up, and put a sticker on them. He said Code Enforcement may be sent to the location if the City is notified. The Manager reported limbs should be cut down to 3 or 4 feet in size.

The Vice President reiterated the need to consider a cleanup day so items may be taken to the Transfer Station for free. The Manager reported costs have prohibited the City from doing so for the past 3 to 4 years. He believes this is more of a problem because of the large transient population in the City. He said the City is in no position to pickup garbage without assessing a fee.

**Mrs. Pat Blum, 1540 West 17<sup>th</sup> Street:** asked how the street lighting assessment will be handled for foreclosed properties. The Solicitor said the assessment will be placed on the property taxes; which is the same for everyone. The Ward 2 Councilor reported property owners whose property taxes are paid with their mortgage payment will be notified by way of the increase in their mortgage. The Solicitor reported mortgage companies are required to notify their customers.

Mrs. Blum said the K-9 Program that is being abolished due to funding, is needed.

**Ms. Alice Cook, 1742 West 14<sup>th</sup> Street:** expressed concerned with unsafe conditions created by a ¾ inch thick – 8/10ths inch high, metal broom which sits against a bin at the City’s recycling area. She reports she has fallen over it before; and that it is there again this week. She reported the employee who was sent to remove the broom said “We can do that some other time”. She said she finds it offense that the recycling center was paid for by funds for recycling and all types of things are being stored therein, and believes Council members should be aware of this. She said she was told she should walk around the bin another way or should put her recyclables in the front, which she said is “so full in the front”.

The Vice President reported hearing from other residents about the City’s recycling center and its customer service. He said he has been told that what is taken to the center ends up in the landfill. He said it is difficult to get to; and, “That the customer service is not really a stellar example”. The City Manager said he will address it with Public Services Superintendent Iarocci in tomorrow’s department head meeting. He, too, has heard about recyclables going to the landfill, however has seen payments/refunds for items that are taken there.

The Ward 4 Councilor reported the center is a “county recycling center”. She said there is an entrance that may be accessed from 24<sup>th</sup> Street; therefore the door which enters into the Sanitation area could be closed so citizens go in and out of the area after 3:00 p.m.

The Ward 2 Councilor reported the recycling area is not paved, and in the winter trucks are parked in the recycling building so they are easy to start. This also causes the building to get dirty; and believes they try their best to keep it clean. He said he had the same complaints when he was City Manager. The Vice President said it appears there is room for improvement; and that perhaps use of the former ODOT building, which now belongs, to the City is something to consider.

The City Manager reported either House Bill 280 or 230 would take recycling away from municipalities and counties and give it to the private sector exclusively.

**Ms. Karen Flack, 1827 West 6<sup>th</sup> Street:** reported the Sanitation Department is “filthy”, even though they have a machine with a roller that would clean it. She said she understands the trucks have to be stored somewhere, and asked why the machine with the roller couldn’t be used to clean the building before the public enters it. She said she has been recycling for years; therefore has seen the building “nice and clean” a couple of times when someone was “coming to take a look at it”. She suggested slag be placed where motorist drive around to get into the building, instead of leaving the ground filled with holes and ruts.

Ashtabula City Council Regular Meeting  
Monday, March 19, 2012

Mrs. Lattimer moved, Mr. Pugliese seconded to adjourn the meeting at 9:45 p.m.

DATE APPROVED: **June 28, 2012**

ATTESTED BY: \_\_\_\_\_

**J.P. Ducro IV**  
**President of Council**

ATTESTED BY: \_\_\_\_\_

**LaVette E. Hennigan, MMC**  
**Clerk of Council**