

Council met in a **REGULAR MEETING**. The 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: Mr. James M. Trisket (Ward 5)
Mrs. Ann I. Stranman (Ward 3)
Mr. August A. Pugliese (Ward 2)
Mrs. Julie A. Lattimer (Ward 4)
Mr. Richard F. Balog (Ward 1)
Mr. Christopher J. McClure (Vice President)
Mr. J.P. Ducro IV (President)

Member(s) Absent: None

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: None

READING AND DISPOSAL OF MEETING MINUTES

The minutes of the **April 2 Special Meeting** were presented. The Clerk reported that the Ward 4 Councilor usually offers the prayer, but asked the Clerk to do so. Mrs. Lattimer moved, Mrs. Stranman seconded that the reading of the minutes be waived; motion CARRIED. Mrs. Lattimer moved, Mrs. Stranman seconded to adopt the minutes. There being no corrections, the minutes were approved as presented.

ACTING CITY AUDITOR RECOGNITION

Today we have set aside time to recognize our Acting City Auditor, Karen Jury. For the past 16 months, she has worked diligently to unexpectedly fill a position of vital importance to the city. I am certain I speak for all members of council in saying Karen has done an exceptional job. Her 24 years of dedication to the City of Ashtabula are a testimony to the caliber of her person; and her performance speaks both to her personal pride and her pride in our community. Karen, we cannot begin to thank you enough for all that you have done.

After much trepidation, soul-searching, and a November retirement option in view, Karen recently withdraw her name from consideration as permanent City Auditor. I initially declined to accept her request because I wanted her to know she was one of the strong contenders. However, realizing she believed it was the best decision for her, I accepted it and notified Council of her decision.

Some have wondered why the permanent City Auditor selection took so long. It was because the previous Council was respectfully concerned with making a major decision the new council would inherit. So once this present Council and Administration took office on December 1, we had to focus on spending countless hours addressing the City's finances, and present a balanced 2012 City budget, as required by State law. Once this was accomplished our attention was turned to hiring a permanent City Auditor.

New City Auditor

The job announcement was sent out; various governmental organizations were asked to present the job opening to their members national-wide; and an interview panel consisting of members of council, the county finance community, and the business community was assembled. While we would have liked to move more swiftly, assessment of the candidates prolonged the process, however was essential to the final outcome.

So, it is our pleasure to announce that Mrs. Dana D. Pinkert was offered and accepted the position as our new City Auditor. Dana was interviewed by the full Council and City Manager prior to being offered the position. Since accepting the position, Karen, Dana and I have been in constant contact. She's excited to get started, and we're excited for her to begin. We know with Karen's invaluable hands-on experience and vast knowledge, as well as that of our Treasurer, Lori Mackey, and Clerk of Council LaVette Hennigan, Dana is extremely fortunate to have such experienced and professional assistance to welcome her to the Departments of City Auditor and City Income Tax (for which the Auditor is responsible), and the City of Ashtabula's employ. *APPLAUSE!*

The Ward 4 Councilor said, "I just wanted to say you can't become a true diamond unless you've stood under pressure. And, Karen had pressure from every side and stuck in there. It was not fun, I'm sure. She had to handle a lot, through a lot of different transitions, and Council adjusting and her adjusting...from every single angle there was a lot of pressure that hit her. I just want to say she's a true diamond. And, thank you, thank you, from the bottom of my heart. Thank you!"

The Vice President said, "Not to take anything away from Mrs. Jury – we really have appreciated your time. But, I know that the press is going to run with the appointment of the new Auditor, and I think we'd be remiss if we didn't thank our outside panel that helped in that hiring process. And, Mrs. Jury for helping out in all the patience, and all the meetings, and all the discussions that we've had. Of note is Roger Corlett (*Ashtabula County Auditor*), Mr. Williams (*Finance Director*) from Conneaut, Ms. Tina Stasiewski (*Marketing Director*) from the hospital (*Ashtabula County Medical Center*), and of course our own Rick Balog and Augie

Pugliese. They put in a lot of time as a board, paneling interviews of Mrs. Pinkert, as well as many others. I think they made an outstanding selection, and allowed this Council to be unanimous in our decision. So, we appreciate that, especially the guys over here on the left. Thanks!"

The Ward 1 Councilor said, "Let's not forget our Council President, Mr. Ducro, who led us all through this."

CITY MANAGER'S REPORT

Demolition of 903 East Sixth Street Structure

The City Manager requested an ordinance to enter into an agreement with Adams Services, Inc., of 672 State Route 45 S, Austinburg, OH 44010 as the best and most responsible bid in the amount not to exceed \$13,800.00. Funds for this expenditure will be taken from Account Number 290-182-5420, entitled Land Bank Demolition. Mr. Pugliese moved, Mrs. Stranman seconded to grant the Manager's request. The Manager reported the project will commence on May 2. The motion CARRIED.

Repeal / Replace Payroll Ordinance 2012-33

The City Manager requested an ordinance repealing, in its entirety, payroll Ordinance No. 2012-33, passed on February 21, 2012, for the purpose of establishing the annual salary for the position of City Auditor, eliminating the payroll line items, annual salaries and hourly wages of the departments entitled "Engineering" and "Housing and Community Development", and establishing payroll line items, annual salaries, and hourly wages for the new department titled "Planning and Community Development." Mrs. Lattimer moved, Mr. Trisket seconded to grant the Manager's request. The President reported this ordinance also removes, from the payroll ordinance, the abolished position of City Income Tax Administrator. The Ward 4 Councilor asked for the complete title of the ordinance; the President announced the following: **AN ORDINANCE REPEALING, IN ITS ENTIRETY, PAYROLL ORDINANCE NO. 2012-33, PASSED ON FEBRUARY 21, 2012, FOR THE PURPOSE OF ESTABLISHING THE ANNUAL SALARY FOR THE POSITION OF CITY AUDITOR; ELIMINATING THE PAYROLL LINE ITEMS, ANNUAL SALARIES, AND HOURLY WAGES OF THE DEPARTMENTS TITLED "ENGINEERING" AND "HOUSING AND COMMUNITY DEVELOPMENT"; ESTABLISHING PAYROLL LINE ITEMS, ANNUAL SALARIES, AND HOURLY WAGES FOR THE NEW DEPARTMENT TITLED "PLANNING AND COMMUNITY DEVELOPMENT"; AND REMOVING THE ABOLISHED POSITION OF INCOME TAX ADMINISTRATOR FROM THE PAYROLL ORDINANCE.** The motion CARRIED.

New Payroll Ordinance

The Manager requested an ordinance authorizing compensation, salaries and wages to all employees of the City of Ashtabula, Ohio. Mrs. Lattimer moved, Mrs. Stranman seconded to grant the Manager's request; motion CARRIED.

Repeal Codified Ordinance Chapters 137 & 139

The Manager requested an ordinance repealing, in their entirety, Codified Ordinance Chapters 137 entitled “Division of Engineering” and 139 entitled “Division of Housing and Community Development”, for the purpose of reorganizing the Divisions of Engineering and Housing and Community Development. Mrs. Lattimer moved, Mrs. Stranman seconded to grant the Manager’s request.

The Ward 2 Councilor reported the Manager met with Union Local 1197, Council 8, out of Youngstown, and has a memorandum of understanding. He said, “Down the road, the positions that are under the union presently will be available to qualified union members when these jobs are posted”. He asked the Manager for confirmation.

The Manager said once Council passes the ordinances the jobs will be posted internally, and the most qualified persons will be chosen. He reminded Council that the City is currently repaying \$169,000 because of the deficiencies of the Division of Housing and Community Development. He said that for the last few years Council has been hearing “the basement” was going to be reorganized. We’ve done that within two months of the new Council and his taking office. When the department is redeveloped and running, it will be extremely efficient given the software the department has had for a long time but was not used.

The Ward 2 Councilor stated the Engineering Department has been one of the most important departments of the City for years, due to the knowledge of its staff. Therefore, his concern is will the new staff know the steps to “find these things in that office”; and said he believes the consolidation is good. He said he believes the Engineering Department has to be active in order to get things done; and wants to make sure the new transition is going to work; and that the Engineering Department will still be responsible for “Engineering Department activities with the employees of that department”.

The Manager reiterated something he said he has previously mentioned, that being, “with Mr. Closes’ retirement, with payouts from that, and the other finances of the City, we won’t be able to replace his position this year. I think, just as Mr. Pugliese noted, it is a vitally important position. He is employed right now as an Engineering Tech, and takes care of a lot of those day-to-day operations for us. We will have to find a way to get that money back in there next year. As I’ve also told you, my intentions, (and I also stated to the union), my intention is to eventually, when money allows and when we can crunch the numbers correctly, to get the engineering that we gave up to the county, back within the City; so that we’re doing inspections, whether it’s commercial first – residential first, those are the things that we have to weigh out. And, of course we have to be able to staff the department correctly and make sure that it’s self sufficient, as it was for so many years in the City’s history. I think we’re giving away a lot of control. So, it is our intention to get that back.”

The Ward 2 Councilor concurred and noted he voted against inspections going to the county. He said several thousands of dollars have been lost in the last year because inspections were sent to the county.

The Ward 4 Councilor reported the restructuring noted above was approved by the State. The Manager said, "The Department of Development within the agreement where they let us off the hook for the pass audits that were not favorable for the City, they did weigh in on the restructuring. And, part of the agreement made with them was this type of restructuring within the department." The motion CARRIED.

Traffic Signalization Project, Design Engineer

The City Manager requested an ordinance to enter into an agreement with LJB, Inc. of 3100 Research Blvd., Post Office Box 20246, Dayton, OH 45420-0246, for the purpose of providing design engineering for the ATB Traffic Signalization project through the Ohio Department of Transportation's Small City Funding. This contract is not to exceed \$88,950 and will be taken from Account Number 412-200-5554, entitled Street Improvements. Mrs. Lattimer moved, Mrs. Stranman seconded to grant the Manager's request. The Manager said the City received \$60,000 from NOPEC, and transferred it into the Street Improvements line item. He and his Executive Assistance, Brenda Sanders, went through the budget and found excess funding in the Permanent Improvement Fund that was also transferred to Street Improvements, to cover the City's portion of the project. Therefore, the \$333,000 for paving will be used for paving. The Manager reported the funds for the engineering portion of the project are required to be set aside this year; and the City's 20% match (\$200,000) set aside is required in 2013. The entire project is just over \$100,000,000.00 (one million dollars). The President asked if the City has a say in how many lights can be authorized at a particular intersection, in order to control the cost. He said, for instance, at the Lake Avenue/West Avenue/Carpenter Road intersection, he cannot understand why there are three traffic lights for two lanes of traffic in four directions. The Manager said he continues to try and understand the traffic light that is in the southwest corner in a tree at that same intersection. He said he has come to learn there was not much City oversight on the project, which could be the reason for the unreasonableness of the lights. He said before the new bridge was constructed there were 8 traffic lights strung across the intersection – now there are 16, counting the one in the tree. The Manager said he believes the City will have "some" say. He also believes the engineering firm will be watching out for the City, and that there will be a chance for our input throughout the project. He believes the project will cover 12 intersections. The motion CARRIED.

Ohio Department of Transportation – Transportation Enhancement Funding

The City Manager requested an ordinance to apply for funds and execute all necessary project documents for the Ohio Department of Transportation's – Transportation Enhancement Funding program. The City of Ashtabula will seek funding for approximately \$240,000.00 with a 20% match to complete the Point Park Stairway project. The design engineering for this project is complete and payment was made as part of the funds allocated on the original Enhancement funding. Mr. Pugliese moved, Mrs. Stranman seconded to grant the Manager's recommendation. The Vice President questioned the City spending \$48,000 to fix stairs at Point Park when several of our streets need repair, even in the area of the stairs. He made a challenge for the City's grant efforts in the areas of public works and community development to find monies for streets and other areas of the City that need attention. The Manager reported this same funding source paid for the restoration of the Goodwill Drive brick road. In

this next round it is our hope to restore Hulbert hill, but cannot do that until we do the stairs because it fits into this year's model. The Ward 2 Councilor reported Point Park stairs and Hulbert hill were included in the initial grant, and does not know what happened over the years that the stairs are just being done. He said the stairs need to be repaired, because they are dangerous, especially after the waterline break. The motion CARRIED.

Health District Licensing Council

The City Manager announced the appointment of Ms. Michele Downs to the Health District Licensing Council.

Street Light Outages

The Manager encouraged citizens to report outages to his office by phone or email. He said individuals may also go on the Cleveland Electric Illuminating (CEI) Company's website, where a section for reporting outages is available. The pole address is needed. CEI will remain in contact with the reporting party. The President said he believes adding the CEI street light outage reporting form to the City's website when upgraded, would be most beneficial.

Spring Cleaning

Complaints have been lodged regarding debris and garbage from spring cleaning being placed on treelawns and in yards for pick up with normal garbage. The Manager said pick up of these items is outside the scope of the law, and encouraged citizens to call Sanitation and schedule a special pick up, for which there is a charge.

QUESTIONS AND/OR COMMENTS FOR THE MANAGER

Leaf Pick Up Schedule

The Ward 4 Councilor asked if there is a schedule. The Manager said, yes, they are in Ward 1 this week; next week will be in Wards 2 through 5 on trash pickup day, and alternating thereafter. No stickers are needed the month of April. The Councilor asked if there is a written schedule to distribute. The Manager responded no, but would have one drafted and emailed to all members of Council, and placed on the City's website.

CITY SOLICITOR'S REPORT

Amnesty Day Report: The traffic was slower than previous days. Fines and court cost totaling \$1,870.00 was received. The next Amnesty Day is scheduled for Saturday, May 5, from 9:00 a.m. to 1:00 p.m. Outstanding warrants will be taken care of by volunteers from the Solicitor and Court staff, local attorneys, County Bar Association, and Public Defender's office.

L.A. Café Liquor Permit Renewal Hearing: The Solicitor reported, "We attended the scheduled hearing today on City Council's objections to the L.A. Café's permit renewal request. All sides were present, they discussed a proposed agreed upon resolution" of the matter, ran it past the Department of Commerce's hearing officer conducting the hearing, and he suggested ways to get it resolved. He has recommended the following to Council, with the advise and consent

of the Lift Bridge Community Association (LBCA) members at the hearing: Briefly what we were talking about was a voluntary 7 day suspension of sales of liquor at the L.A. Café, limiting the size of the patio, essentially removing the patio operations from the property to the north of the L.A. Café, (which is actually City owned property), the owner committing to maintaining a video security system that he has installed and making that available to the Ashtabula Police Department in the event it is involved in a criminal investigation of activities on those premises. And, finally, showing proof of payment of several thousand dollars in Smoke-Free Act fines which we were owed by this establishment. There are other details, but those are the high points. I would recommend that if we can work out those details and incorporate all of these points, that City Council authorize, through resolution, withdrawing its objections to the renewal of the L.A. Café liquor permit. I would ask that today that legislation be requested so that you can vote on it at your next meeting.” Mrs. Lattimer moved, Mr. Trisket second the City Solicitor’s request; motion CARRIED.

QUESTIONS AND/OR COMMENTS FOR THE CITY SOLICITOR

Amnesty Day Thank You: The Ward 4 Councilor thanked all those who volunteered their time.

ACTING CITY AUDITOR’S (ACA) REPORT

Finances: March was a pretty good month; no great changes were expected; the numbers are being watched very closely; there are some fluctuations within the month but they smooth out when adding the first three months together, therefore are not of concern; and the General Fund has finished March ahead of what was expected (\$508,000 cash balance expected; and \$655,000 was the actual finish). Water Pollution is now in the positive with \$150,000 cash. The first half property tax settlement was received from the County. \$168,589 in Street Lighting assessments was received, which is over 50% of what was budgeted.

Legislation Requests

The Acting City Auditor requested ORDINANCE NO. 2012-61 AN ORDINANCE APPROPRIATING FROM UNAPPROPRIATED GENERAL FUND 101 THE AMOUNT OF \$15,000 TO ACCOUNT NO. 101.140.5817, ENTITLED SETTLEMENT OF CLAIMS. Mrs. Lattimer moved, Mrs. Stranman seconded to grant the Acting Auditor’s request; motion CARRIED. The President believes it is important for citizens to know the purpose behind legislation. He reported these funds are for legal fees. The Manager reported the amount to be for some of the insurance company deductible payments for incidents. He said the initial 2012 appropriation for this fund was low and has been exhausted and more funds were needed in the account.

The Acting City Auditor requested ORDINANCE NO. 2012-62 AN ORDINANCE APPROPRIATING FROM UNAPPROPRIATED PERMANENT IMPROVEMENT FUND 412 THE AMOUNT OF \$60,000 TO ACCOUNT NO. 412.300.5552, ENTITLED BUILDING MAINTENANCE. Mrs. Lattimer moved, Mrs. Stranman seconded to grant the Acting Auditor’s request; motion CARRIED.

The Acting City Auditor requested ORDINANCE NO. 2012-70 AN ORDINANCE APPROPRIATING FROM UNAPPROPRIATED COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUND 290 THE

SUM OF \$2,000 TO ACCOUNT NOS. 290.170.5410, ENTITLED ADMINISTRATION-HOME, AND 290.174.5410, ENTITLED ADMINISTRATION-CDBG. Mrs. Stranman moved, Mrs. Lattimer seconded to grant the Acting Auditor's request; motion CARRIED.

QUESTIONS AND/OR COMMENTS FOR THE ACTING CITY AUDITOR - None

CITY COUNCIL COMMITTEE REPORT

Community / Economic Development / Parks & Recreation (Mrs. Stranman/Mr. McClure):
The Chair reported on the Committee's Wednesday, April 4, meeting, as follows:

Motions

Mulch Purchase: The Ashtabula Parks & Recreation Board requested approval of the purchase of 10 cubic yards of mulch at a cost not to exceed \$500.00 to be paid from their funding. The actual cost estimate was \$350.00. The Board approved the mulch being used in Cornelius Park during the scheduled clean up day. Mrs. Stranman moved, Mrs. Lattimer seconded to grant the Board's recommendation; motion CARRIED.

Yard, Garage, and Other Sales Legislation: The Committee discussed the Manager's recommendation for the \$3.00 yard sale permit fee to be removed; the Committee agreed. This is the only change being made to the legislation. Mrs. Stranman moved, Mr. Trisket seconded to repeal Ordinance NO. 2010-140 codified at Codified Ordinance Chapter Section 727.03 (b) and asking that paragraph (b) be removed; and enact new legislation void of the fee. The Manager reported a permit is still required, and may be obtained from his office, until the new Planning & Community Development Department is established. He noted the important pieces of the legislation that will still be enforced are that there shall be 30 days between sales and no sale shall last more than three (3) days, this will be tracked. The President reported the violation is a misdemeanor and citations may be issued. The motion CARRIED.

Beatitude House (BH) Tap-in and Zoning Permit Fee: The Committee finalized the discussion. There were questions regarding Council's request to waive these fees, but previous City Manager Anthony Cantagallo asked the Committee to hold off. It does not appear the fees have been assessed or paid. So to ensure there are no future problems or questions, and to show our support for BH, the Committee voted to formally waive the fees. Mrs. Stranman moved, Mrs. Lattimer seconded to formally waive the tap-in fee and zoning permit fee for Beatitude House. The President asked if the language should reflect that this gesture is an "in-kind" contribution versus just waiving the fee. Mrs. Stranman and Mr. Trisket noted that by waiving the fees the City is providing in-kind contributions. The Solicitor replied, "Under the Sewer Code legislation, while not necessarily under the zoning legislation, but under the Sewer Code Legislation, Council is specifically reserved the right, at its discretion, to waive tap-in fees. So, that's not really an issue. You can state whatever reason for the waiver you wish to; and, if it's in support of the activity of this organization, then that's perfectly acceptable. Zoning permits, I'm not entirely sure there's an expressed reservation of right, but I would not expect

there will be any objection of you waiving the zoning permit fee. The Ward 4 Councilor asked if the reason for waiving should be stated in the ordinance. The Solicitor said if he is instructed to prepare the legislation as such, he will. The Manager noted that when BH was scheduled to pay the tap-in the fee was astronomically high versus the new tap-in schedule. The President believes a dollar amount should be placed on the in-kind services so citizens will know what that number is. In order to do so the tap-in fee would have to be calculated using the former EPA flow chart. The Chair reported the properties use went from hosting a few meetings to 10 apartments; therefore the tap-in fee would have been substantial. BH will be required to pay the monthly usage fee. The motion CARRIED.

Miscellaneous

Walnut Beach

Concession Stand & Restroom Remodeling: The Manager discussed the on-going bid process for the WB concession stand operation and restroom remodeling project.

Plants: The Manager mentioned the possibility of the Army Corp of Engineers removing some of the invasive plant species near the beach in the area behind the breakwall. He also announced he was FINALLY able to secure information regarding ownership of the area behind the breakwall (which has been a question for sometime).

Economic Development: The Manager discussed some projects, and said he is working closely with the Ashtabula City Port Authority and Growth Partnership of Ashtabula County regarding the Route 11 Industrial Park.

Announcements:

Mural Project: The Chair reported she and the Manager attended the Ashtabula Parks & Recreation Board meeting on Tuesday, April 10. Christopher Raab presented a couple preliminary drawings for the first proposed murals. The Board liked them. His theme is education. Questions regarding the City's sign legislation found in CO 1154 were posed. The legislation prohibits signs painted on building. The Manager is going to have Executive Assistant Luciana Ratermann work with the Planning Commission to address the legislation, in general. It was suggested that the Solicitor could be consulted on whether a variance would be needed for the mural project since the mural will be painted on City property at Smith Field. Mr. Raab would like to begin the mural work in June. The Manager reported he spoke with the Solicitor and it has been determined that while the City does not have to "go through the process" we would "still like to go through the process", because it would be easier to ask for a variance verses changing the legislation to expedite the process. The Planning Commission meeting for this week has been cancelled, but will be rescheduled for a later date, (hopefully this week), to take up this matter.

Process for items referred to Planning Commission (PC): The Chair reported there was once a question posed as to whether PC minutes had to be received prior to Council acting on a PC recommendation. The Clerk of Council reported it was decided that the PC President may send

the Clerk signed correspondence informing her of the PC's decision, so that she would not have to wait for the meeting minutes to be transcribed in order for Council to act.

Community Health Initiative (Sponsor – Ms. Beverly Wendell): Ward walks will take place Saturday, May 19, from 1:00 p.m. to 3:00 p.m. Ms. Wendell spoke with Council in a pre-council meeting; ward councilors agreed to sit at a table in their ward to meet and greet walkers; and asked that Council inform Ms. Wendell of their participation and the location of the table.

Ashtabula Downtown Development Association (ADDA)

Easter Event: Their April 7 event was nice.

Meeting: Regular meeting was held on Friday, April 13, at which Detective Cellitti was to speak on crime prevention and review the safety manual he helped prepare for them.

Community Clean Ups:

Cornelius Park: Clean up of the park is scheduled for Saturday, May 19, from 9:00 a.m. to 3:00 p.m. – volunteers welcome.

Bridge Street: Clean up will take place on Saturday, May 5, beginning at 10:00 a.m., with a rain date of May 12.

Beatitude House (on the grounds of St. Joseph Church, Lake Avenue): Their Open House is scheduled for the weekend of June 1. They are also hosting a cleanup date on Thursday, April 19, from 1:00 p.m. to 8:00 p.m., in order to ready the apartments.

Free Health Clinic (proposed – not yet a reality): The Chair reported she, along with the Manager and Council President, attended and spoke at the Free Health Clinic fundraiser on Saturday, April 14. The event was nice and funding was secured to complete the process to obtain their 501(c)(3) non-profit status.

Next Meeting: The Committee is scheduled to meet on Wednesday, May 2, at 6:00 p.m., but may be cancelled.

Finance and Personnel - (Mr. Ducro IV/Mrs. Lattimer): The last meeting was cancelled due to scheduling conflicts. The next meeting is scheduled for Friday, May 11, at 8:00 a.m.

Legislation Request: Mr. Ducro moved, Mrs. Lattimer seconded to formally present ORDINANCE NO. 2012-68 AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCE FOR THE CITY OF ASHTABULA, OHIO; motion CARRIED.

Public Works / Utilities / Schools – (Mr. August Pugliese/Mrs. Lattimer): The Chair reported on the Committee's, Tuesday, April 10, at 8:00 a.m., as follows:

Signage: Mr. Pugliese moved, Mrs. Lattimer seconded on the President's request to place a Child-a-Play sign on West 55th Street, at Main Avenue; motion CARRIED.

Traffic Signalization Grant: The City Manager told the Committee that the \$96,000 engineering cost has been lowered to \$88,950. The engineering fee is due to be paid in 2012. The City received \$60,000 from NOPEC, which funds have to be used for permanent improvement projects. Therefore, the funds might be able to be used towards engineering costs. The project will begin in 2013 and cover 12 intersections.

2012 Paving Program

Engineering Technician (ET) Close told the Committee the following streets should be paved this year:

West 29th Street (Ohio Avenue to Griswold Road)
Griswold Road (West Avenue to end of the curbs)
Nathan Avenue (West 58th Street to West 55th Street)
West 14th Street (Ohio Avenue to Lake Avenue)
Great Lakes Avenue (Lake Avenue to ARU property)

The total of the above is estimated at \$333,000. It was suggested that \$25,000 be put aside for crack sealing. ET Close reported East 21st Street and the West Avenue overpass needs crack sealing. This year the funding is very low. The Committee Chair reported that years ago property owners were assessed for street paving, which is how so many streets were paved. He said hopefully it does not come to that again, but funding for street paving is essential. Every year more and more streets are decaying and becoming worse and worse.

Birchwood Alley Vacate Request: Councilor Lattimer requested the alley between Birchwood Avenue and Valleyview Boulevard vacated. The Chair asked if he should move on his colleagues request or if it first had to be referred to the Planning Commission. The Ward 4 Councilor reported the alley's lineage should first be determined because it is believed that a portion of the alley is "active". Discussion ensued regarding the portion of the alley between Birchwood Avenue and State Road. The Chair asked the Manager to have ET Close to determine what is able to be vacated. Mr. Pugliese moved, Mrs. Lattimer seconded to vacate the alley between Birchwood Avenue and Valleyview Boulevard, with the inclusion of the lineage when provided by ET Close; motion CARRIED.

Arrows & Signs for Truck Traffic at West Avenue & Griswold Road Intersection: The Chair reported that Public Services Superintendent (PSS) Dominic Iarocci asked that two to three arrows and signs be placed at the intersection of West Avenue and Griswold Road, at least 200 feet before intersection, as follows:

- * Curb/South bound lane – "Right Turn Only"; and
- * Middle/North bound lane – "Left Turn Only"

This will assist trucks turning onto Griswold Road from West Avenue. Mr. Pugliese moved, Mrs. Lattimer seconded to grant PSS Iarocci's request; motion CARRIED.

Road Salt Purchase: PSS Iarocci reported he received an email from the Ohio Department of Transportation extending the 2011 salt purchase contract period from April 30 to May 31. The City will have to purchase \$70,000 (1500 tons of salt), per this contract agreement with Morton Salt. If the salt is not purchased, it may become a matter of a "breach of contract". This results from entering a contract to purchase a specified amount of salt, but ending up having a very mild winter and not needing all that was purchased. The salt was purchased predicated on a hard 2010 winter.

Televising Cameras: The Manager told the Committee the City will purchase two (2) cameras for sewer televising. The Chair said this has been needed for years and will be a huge help. The Manager announced there will be meetings on the Formula Grant application. The cameras will be purchased through state purchasing, and will be about \$66,000, which will have locaters on them. The price also includes vehicle installation.

Questions/Comments for Committee

Nathan Avenue (from West 58th to West 55th Streets): The Ward 5 Councilor asked if this year's paving project will include removing the high ground presently used as the access point for Rails-to-Trails. The Chair did not know. The Councilor said for a decade when paving is discussed he brings this up. He said he went out with the previous Manager, presented him with "an elevation drawing showing the actual elevation leaving West 58th, going up quite a distance. And then if you're in the right hand side, because there's an on-coming car, it's almost an immediate drop-off, and you're not leaving the road. You're just going north, but it's almost an immediate drop-off. Most cars today will scrape bottom. The ladder truck can't go over that, which is really kind of sad because there's a three or four story apartment building there. This is something that should have been taken care of a long time ago. Part of the problem with why Nathan is so deteriorated in that stretch (I don't know maybe 50 foot stretch), between the high ground and 58th is because there's no place for the water to go. It gets trapped there – it can't follow the natural path, because the elevation of the road at the high ground is the same place the railroad left it, how many decades back. And, the City's never done anything with it. It took several requests just to get the rails that were sticking up out of the ground, removed. They weren't in the direct vehicle path, but for people walking there, it was a real hazard. So, here I am asking that when we go in there to do this, to have an excavator go in there and remove, at least down to the level of 58th, or the level of Nathan at that south point, so the water can just actually travel its natural path, and not built up, up there, so it turns into what looks like somebody dropped mortars all over it. It's always been bad. They'll go in and patch it all; and a year or so later it looks just the same. It doesn't last at all. If we can get that at least down to the point where water can move forward – move north, then it will make the road last a lot longer." The Chair understands his colleagues concern, said it has been a problem for years, and that when the contractor sees what has to be done in that area, he will correct it, but that it may take more funding. The Ward 5 Councilor agrees that the contractor should do something, but nothing has been done, which is why he brings it up

again. The Chair said if a local contractor is awarded the job (not saying they will be), they will do something. And most of the contractors who know of the problem will not do less than a full job. The President asked for clarification; the Ward 5 Councilor did so. He said, "There is no excuse for the way it has been all these years. It's just something that has to be done. It has to be. If the Greenway Trail area of Nathan Avenue is dropped down 2 or 3 feet, it will be smooth sailing".

Paving West 29th Street (Ohio Avenue to Griswold Road): The Ward 3 Councilor reported she believes the complete opening of the Ashtabula Area City Schools Wade Avenue campus is why this area is going to be paved. She reported receiving several complaints from the businesses on the road (Plasticolors, MFG, Ashtabula Rubber – three of our larger employers), and all of them will be pleased the road is being paved.

Nathan Avenue Paving: The Chair said once the paving contract is let we can have a representative from the City take the contractor to the area to show him the situation and see what he can do; and I'm sure they will take care of it. It may cost us a little extra, but they can take care of it.

Safety Forces – (Mr. Balog/Mr. Trisket): the Chair reported the Committee will meet on Friday, April 20, at 8:00 a.m. Some of the agenda items will be the meth lab clean up ordinances to help the City recover some of the cost incurred in these incidents. Jim Hockaday, Geneva-on-the-Lake Administrator, will be present for this discussion. Ashtabula City's vicious dog legislation will be discussed. APL representatives and possibly a veterinarian will be present. The Fire Chief will speak on outdoor wood furnaces, and the smoke nuisance they cause.

Questions/Comments for Committee

Vicious Dog: The Ward 3 Councilor noted this is specifically addressing the pit bull/breed specific legislation. She reported the City of Ashtabula and Geneva-on-the-Lake are the only two communities in Ashtabula County that still have a ban on pit bulls. She reported thousands of pit bulls are being sent to the APL, for which we pay \$75.00 a dog. The Manager reported that while there are not thousands of pit bulls being taken to APL, that the City does deliver pit bulls there. The Ward 3 Councilor reported Dr. Irene Fiala, an APL representative and advocate for banning breed specific legislation, went to Columbus, Ohio and got the state to look at their breed specific legislation, which resulted in a change. She reported Cincinnati is looking at overturning their ban due to the change at the state level.

The City Solicitor reported, "My personal belief, based upon my experience in this office for the past four years, (and, my belief has changed), I was not in favor of breed specific legislation when I first started in this office. But, I have found that it is, or can be, a useful tool in inhibiting the activities of certain people who are attracted to owning that particular breed, if I can put it that way. People involved in certain illegal activities, specifically drug trafficking, seem to be drawn to owning this breed because of its reputation of having vicious propensities; it adds to their credibility on the street. It creates a barrier between them and

someone who might be inclined – a competitor who might be inclined to rip them off. It is thought to inhibit the ability of the police to thoroughly search their premises or their cars in some cases. Generally speaking, you can't know if a dog is vicious in the sense of has it bitten or is it likely to bit. But you can spot – most of us can spot a pit bull pretty easily. And, an officer who spots someone with a pit bull, at that point has probable cause to stop and question the owner, or the person with the dog, about whether the dog is being owned by that person, or is being kept or harbored in the City to determine whether or not there's a violation of the ordinance. And on a couple of occasions those inquiries have led to further inquiries which have lead to arrests for possession of narcotic substances. So, it's a tool. Because of the way things are in the City right now, I've said in some email discussions I've had with Dr. Fiala that it's a tool I'm asking you not take away from us right now. Perhaps when there's a change in the landscape around here; when we've got some different things in place, it's something you can revisit. But, I'd like us to hang on to it for the time being."

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

PUBLIC (LEGISLATION) PORTION - None

LEGISLATION READING

ORDINANCE NO. 2012-60 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO DISPOSE OF OBSOLETE EQUIPMENT, was presented. Mrs. Lattimer moved, Mrs. Stranman seconded, to waive the reading of the ordinance; motion CARRIED. Mrs. Lattimer moved, Mrs. Stranman seconded, to waive the Charter requirements of two readings. On the roll call to waive Charter requirements of two readings: Mr. Trisket, Mrs. Stranman, Mr. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. McClure, Mr. Ducro voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mr. Trisket, Mrs. Stranman, Mr. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

The Clerk asked to consult with the City Solicitor. She then suggested the following legislation be disposed of by way of a Consent Agenda. She explained such an agenda allows various matters to be grouped together and disposed of by one vote. The Clerk reported the following legislation has been discussed in Pre-Council, committee, and at various other times, and was formally requested this evening with no objection. She announced a motion, second and vote to dispose of the legislation via consent agenda would first be required. And, then the actual vote to waive the reading and adopt the legislation would be done by one motion. The Vice President asked why this has not been suggested in years past. The Clerk replied, now is a good time to do so. The Solicitor reported legislative bodies have gotten into difficulty with consent agendas because they have been used to evade the Sunshine Law, (e.g. a legislative body walks out of a lengthy executive session and someone moves a consent agenda, someone seconds it and they vote it and walk out. So, essentially there is no public participation or viewing of the legislative process. Which is not what has happened here, noting the Clerk's report that tonight's legislation has been discussed at various other times.

Mrs. Lattimer moved, Mr. Trisket seconded for a consent agenda; motion CARRIED.

Mrs. Lattimer moved, Mr. Trisket seconded, to waive the reading of the consent agenda: Mr. Trisket, Mrs. Stranman, Mr. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

Mrs. Lattimer moved, Mrs. Stranman seconded, to waive the Charter requirements of two readings of the consent agenda. On the roll call to waive Charter requirements of two readings: Mr. Trisket, Mrs. Stranman, Mr. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

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

Consent Agenda Legislation

ORDINANCE NO. 2012-61 AN ORDINANCE APPROPRIATING FROM UNAPPROPRIATED GENERAL FUND 101 THE AMOUNT OF \$15,000 TO ACCOUNT NO. 101.140.5817, ENTITLED SETTLEMENT OF CLAIMS.

ORDINANCE NO. 2012-62 AN ORDINANCE APPROPRIATING FROM UNAPPROPRIATED PERMANENT IMPROVEMENT FUND 412 THE AMOUNT OF \$60,000 TO ACCOUNT NO. 412.300.5552, ENTITLED BUILDING MAINTENANCE.

ORDINANCE NO. 2012-63 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ADAMS SERVICES, INC. FOR THE DEMOLITION OF A VACANT AND BLIGHTED STRUCTURE AT 903 EAST SIXTH STREET IN THE CITY OF ASHTABULA.

ORDINANCE NO. 2012-64 AN ORDINANCE REPEALING, IN ITS ENTIRETY, PAYROLL ORDINANCE NO. 2012-33, PASSED ON FEBRUARY 21, 2012, FOR THE PURPOSE OF ESTABLISHING THE ANNUAL SALARY FOR THE POSITION OF CITY AUDITOR, ELIMINATING THE PAYROLL LINE ITEMS, ANNUAL SALARIES, AND HOURLY WAGES OF THE DEPARTMENTS TITLED "ENGINEERING" AND "HOUSING AND COMMUNITY DEVELOPMENT", AND ESTABLISHING PAYROLL LINE ITEMS, ANNUAL SALARIES, AND HOURLY WAGES FOR THE NEW DEPARTMENT TITLED "PLANNING AND COMMUNITY DEVELOPMENT", AND REMOVING THE ABOLISHED POSITION OF INCOME TAX ADMINISTRATOR FROM THE PAYROLL ORDINANCE.

ORDINANCE NO. 2012-65 AN ORDINANCE AUTHORIZING COMPENSATION, SALARIES AND WAGES TO ALL EMPLOYEES OF THE CITY OF ASHTABULA, OHIO.

ORDINANCE NO. 2012-66 AN ORDINANCE REPEALING, IN THEIR ENTIRETY, CODIFIED ORDINANCE CHAPTERS 137 ENTITLED "DIVISION OF ENGINEERING", AND 139 ENTITLED "DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT", FOR THE PURPOSE OF

REORGANIZING THE DIVISIONS OF ENGINEERING AND HOUSING AND COMMUNITY DEVELOPMENT.

ORDINANCE NO. 2012-67 AN ORDINANCE ENACTING NEW CODIFIED ORDINANCE CHAPTER 137, ENTITLED DIVISION OF PLANNING AND COMMUNITY DEVELOPMENT.

ORDINANCE NO. 2012-68 AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES FOR THE CITY OF ASHTABULA, OHIO.

ORDINANCE NO. 2012-69 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH LJB, INC., FOR PROFESSIONAL DESIGN ENGINEERING SERVICES RELATED TO THE CITY OF ASHTABULA'S TRAFFIC SIGNALIZATION PROJECT.

ORDINANCE NO. 2012-70 AN ORDINANCE APPROPRIATING FROM UNAPPROPRIATED COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUND 290 THE SUM OF \$2,000 TO ACCOUNT NOS. 290.170.5410, ENTITLED ADMINISTRATION-HOME, AND 290.174.5410, ENTITLED ADMINISTRATION-CDBG.

ORDINANCE NO. 2012-71 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO DEPARTMENT OF TRANSPORTATION'S ENHANCEMENT PROGRAM AND TO EXECUTE CONTRACTS/DOCUMENTS AS REQUIRED.

UNFINISHED BUSINESS

Public Hearing: The President announced Council will meet in a public hearing on Monday, May 7, at 5:30 p.m., to hear comments regarding the proposed amendment to the City's C-4 Commercial District, for the purpose of adding medical facilities as an allowable use, as requested by the City Manager.

NEW BUSINESS

Regular Meeting Absences: The Ward 5 Councilor reported family health issues caused him to be absent from the last Council meeting. He said he believes he leads in absences, at this time, and that the Charter requirement that 2% of his annual salary be deducted. The Clerk reported a vote is not required because, as a Charter requirement, it is automatic. The Clerk explained that the Charter allows up to 3 excuses from a regular meeting within a 12 month period before 2% of a member of Council's annual salary is deducted from their pay.

MISCELLANEOUS BUSINESS

Business Expo: The President announced the Chamber of Commerce Business Expo is scheduled for Thursday, June 14, at the Spire.

ATV/4-wheelers: The Ward 4 Councilor reported she will turn over to the City Manager and Police Chief Robert Stell, information regarding problems with ATV/4-wheelers at the Building Bridges Educational Facility (former State Road Elementary School). The illegal activity has prohibited children from using the playground facility.

50% Tax Credit: The Ward 4 Councilor reported Council received a letter regarding the newly established credit, and that she will personally address the author of the letter. The Councilor said her family is affected by the credit. However, when the tax credit was 100%, her husband did not pay income tax to the City of Ashtabula because he works out of town. She used to work out of town, at which time she, too, was not paying income to the City of Ashtabula. Therefore, when someone lives in the City, but works outside they are not contributing to the City's police and fire protection. She said that is when she saw it as unfair.

The Vice President said he, too, read the letter, and believed the legislation that went to the voters was not confusing. He believes it was a tax increase for some who live in the City, but work outside the City, as he stated in November. He suggested residents who work outside the city approach the city in which they are employed to see if there is a credit they may be afforded.

The President reported the letter said City officials are ignoring the need to draw in more business. He said as City officials attempt to draw in more businesses in a stagnant economy, the City is also trying to survive, and felt it reasonable to ask persons who reside in our City to pay a portion of their taxes to help fund the services they receive as a resident.

The Manager noted many of the persons who work in the City (e.g. hospital staff) do not live in our City but pay our 1.8% income tax. He stated that while he understands the author of the letter's point, there are more factors to consider. He said his research of income taxes paid in other communities revealed we are like many others – they either have a zero percent or 50% credit, and the City of Ashtabula is "late coming to the table". So, after it is all said and done, the City of Ashtabula is "a reasonable place to call home, expense wise." It was noted that Saybrook Township residents who work in the Ashtabula City limits pay our 1.8% income tax, plus all other taxes and levies required of them as Saybrook residents.

The Ward 2 Councilor noted that income tax revenue goes beyond fire and police protection because said revenues go into the General Fund.

The Ward 5 Councilor reported he pays 2% income tax to the City of Mentor where he is employed and will now also pay 50% of the City of Ashtabula's 1.8% income tax. When speaking with a gentleman regarding this, he was told he has to pay 2 or 2.5% in University Heights, Ohio, where he resides, and the 2% in Mentor where he is employed. While he knows it is a lot of income tax to pay, he believes he should contribute to the services he is provided in his community.

PUBLIC'S GENERAL PORTION

Ms. Pat Blum, 1540 West 17th Street: asked that the leaf pick up schedule be placed in the newspaper by weeks; clarified that no yard sale permit fee will be charged, but a permit is still required; asked how long the Equalization Basin (EQ) payment will be assessed (until 2016); said “we’re only giving you a year and a half on the street lighting assessment”; said the new Council and Administration have done a good job since taking office December 1, 2011, and asked that they keep a level head. She lastly reported she is surrounded by a vacant wooded property and by one that has a couple trees on it, and is tired of having to remove the debris from the other properties before mowing her own. The President reported the City is unable to remove debris from private property and suggested Ms. Blum find out who owes the properties through the County Auditor’s website.

Leaf Pickup Schedule: The Ward 3 Councilor asked that the pickup schedule be very clear when placed in the newspaper. She reported one pickup area is referred to as “the Harbor”, however within that designated area is a small portion of Ward 3.

Executive Session: At 8:50 p.m., Mr. McClure moved, Mrs. Stranman seconded to convene an Executive Session for the purpose of discussing Personnel (Compensation). On the roll call to convene an Executive Session: Mr. Trisket, Mrs. Stranman, Mr. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

Reconvene Public Portion of Meeting: At 9:20 p.m., the President announced Council reconvened the public portion of the meeting, and that there was no action to take.

Adjournment: Mrs. Lattimer moved, Mr. Trisket seconded to adjourn the meeting at 9:20 p.m.

DATE APPROVED: _____

ATTESTED BY: _____

J.P. Ducro IV
President of Council

ATTESTED BY: _____

LaVette E. Hennigan, MMC
Clerk of Council