

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:** 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. James M. Trisket (Ward 5)  
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  
City Auditor Dana D. Pinkert, Deputy 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.

**WELCOME:** The Council President welcomed the City's new Auditor, Mrs. Dana D. Pinkert. Mrs. Pinkert thanked the City for the opportunity to serve; and thanked the Manager, Solicitor, Deputy City Auditor, and Clerk of Council for their assistance so far.

**Excused Absence:** None

**READING AND DISPOSAL OF MEETING MINUTES - None**

**CITY MANAGER'S REPORT**

**Housing Appeals Board**

The City Manager requested the reappointment of Ms. Cindy St. Angelo to the Housing Appeals Board effective immediately with a term to expire on May 1, 2015. Mrs. Lattimer moved, Mr. Trisket seconded, to grant the Manager's request; motion CARRIED.

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### **Administration Board**

The City Manager requested the following reappointments to the Administration Board effective immediately with terms to expire as noted:

Mr. Tony Collette – April 1, 2016  
Ms. Karen Flack – August 20, 2014  
Mr. Harvey Mulder – April 1, 2015  
Mrs. Roxene Trebuchon – March 31, 2015

Mrs. Lattimer moved, Mrs. Stranman seconded to approve the Manager's request; motion CARRIED.

### **YMCA Agreement**

The City Manager requested an ordinance to enter into an agreement with the Ashtabula County YMCA of 263 West Prospect, Ashtabula, OH 44004 for the purpose of providing Lifeguards at Walnut Beach for the 2012 season in the amount not to exceed \$20,000.00. Funds for this expenditure will be taken from Account Number 233-158-5450, entitled Parks & Recreation Expenses. Mrs. Lattimer moved, Mrs. Stranman seconded to grant the Manager's request; motion CARRIED.

### **Jobs Creation Grant Agreement**

The City Manager requested an ordinance to enter into an agreement with Chromoflo Technologies, LLC of 2600 Michigan Avenue, Ashtabula, OH 44004 for the purpose of entering a Jobs Creation Grant Agreement. Mrs. Lattimer moved, Mrs. Stranman seconded to grant the Manager's request. The Manager reported Chromoflo acquired the former Plasticolors, that they are planning on creating 50 new jobs, and are planning to make a significant amount of capital and technological investments. This is the first time the City will use this economical tool since its passage by Council 1 to 2 years ago. The Vice President suggested Council present a letter of appreciation to Plasticolors for being raised in our community and for enduring the times; and a resolution of support for Chromoflo for their proposed investments. The President reported speaking with Doug Blanchard whose father started Plasticolors in his garage in 1970. He said his dad would be happy with the company's progress. The motion CARRIED. Mr. McClure moved, Mrs. Lattimer seconded for a resolution of thanks for Plasticolors, and a resolution of welcome for Chromoflo Technologies, LLC. The Solicitor reported Council presented a resolution of commendation to Plasticolors about one year ago to commemorate an anniversary. The Ward 3 Councilor reported the resolution was presented in 2010 in recognition of their anniversary, community service, etc. The Vice President suggested combining the sentiments into one resolution. The Clerk of Council asked that the Vice President or the Ward 3 Councilor and Chair of the Community/Economic Development/Parks & Recreation obtain the information for the resolution. The Vice President agreed to do so. The motion CARRIED.

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### **Community Development Block Grant – FY 2011 Formula Grant Application**

The City Manager requested an ordinance authorizing him to submit an application with the Ohio Department of Development, Office of Community Development, Community Development Block Grant, FY 2012 Formula Grant. Mrs. Lattimer moved, Mrs. Stranman seconded to grant the Manager’s request; motion CARRIED.

### **Chemical Feed Building Contractor Award**

The City Manager reported it has been a long and an ongoing process to get the Waste Water Treatment Plant’s Chemical Feed building in safe condition. He requested an ordinance to enter into an agreement with Union Industrial Contractors of P.O. Box 1718 Ashtabula, OH 44004 as best and low bid for the Chemical Feed Building Upgrade Project in the amount not to exceed \$299,972.00. This project is paid in part by the Ohio Public Works Commission (OPWC). City funds will be taken from Account Number 503-150-5522, entitled, Capital Improvements. Mrs. Lattimer moved, Mrs. Stranman seconded to grant the Manager’s request. The Ward 4 Councilor reported the project is paid, in part, by an OPWC “grant loan”. The President reported that in this evening’s Pre-Council meeting it was stated that the grant/loan will pay 80% of the cost and 20% will be paid from Capital Improvement/Permanent Funds in the Waste Water Treatment account. The motion CARRIED.

### **Planning & Community Development Department (newly created)**

The City Manager reported Council approved the department’s creation at the last regular council meeting. All interviews are completed, jobs will be awarded soon, and the department will be up and running in the next couple weeks.

### **City Offices Move to Municipal Building Second Floor**

The City Manager reported all City offices, with the exception of the Health Department and Lands & Buildings, will move to the second floor of the municipal building by the end of the month. The Health Department will remain in the basement.

### **Grass Violations**

The City Manager reported several calls regarding high grass violations have been logged; attention is being given to them; to date 77 citations have been issued; the City has mowed 26 of them; and 10 property owners were motivated to respond by mowing. The codified ordinances states if the City has to mow a private property they may charge \$150.00 per hour, and a \$250.00 administrative..

### **Harbor Topky Tennis Courts (Walnut Boulevard)**

The City Manager thanked the Sts. John and Paul school students and dads (Chuck Johnson, Mike Anderson, Don Sposito, Mike Czup, and Dr. Tom DiSalvatore), for cleaning, seal coating, and painting the courts with their own funds. Residents were using the courts on Sunday. (APPLAUSE)

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**East 6<sup>th</sup> Street Café Structure**

The City Manager HAPPILY reported that this morning the structure was being razed. He thanked the Ward 2 Councilor for staying on top of it, Mr. Franklin for his legal work, and Executive Secretary Mary Church for handling the funding. The Manager presented the Ward 2 Councilor with a brick from the demolition. (LAUGHTER)

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

**East 6<sup>th</sup> Street Café Structure:** The Ward 2 Councilor thanked the Manager and all others who had a part in the successful razing of this structure. He said it was sad that it had to be done, but was very necessary.

**Waste Management (WM) Bag:** The Ward 2 Councilor reported a WM bag has been on a Columbus Avenue treelawn for weeks, and that items were added to it over the weekend. He has attempted to have the bag removed for about 2 months; reported it to the City's Sanitation Department for picked up; who said the Manager's permission is required before doing so. He called WM and was told there was no record of the bag. The Manager explained WM has a program whereby their customers can purchase a large bag from Lowe's or Home Depot; they cost about \$100 to \$150; various types of items may be placed in the bags; and WM is called when the bag is ready for pickup. He said the City can remove it; however the bag and pick up have already been purchased. He said the City will remove it if it remains too much longer; and believes the owner was told how the process works. The Ward 2 Councilor asked the Manager to have the City's Code Enforcer cite the occupants.

**High Grass:** The Ward 2 Councilor presented the Manager with high grass violations on Woodman Avenue and at another location.

**Walnut Beach Concession Stand Operations:** The Manager reported there will be a concessionaire. He noticed the City was paying for utilities used at the concession stand which should be the responsibility of the concessionaire. He drafted a contract that requires a small rental fee and payment of a percentage of the utilities unless the utilities are completely borne by a business operating out of the structure. He said the City is not in a position to fund items outside of its realm of responsibility. Friday was the end of the bid period. The Wulff's, who operated the business for the last few years, sold most of their equipment. Their bid was not accepted because they included their own language which was outside of the concession operation bid specs. One other bid was received; an interview will be conducted. The President reported receiving a few calls complimenting the Wulff's on their operation. He has eaten there, enjoyed the Wulff's meals, understands why the changes are being made, and also compliment the Wulff's on their operation.

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**1246 West 48<sup>th</sup> Street Tree (reported months ago):** The Ward 3 Councilor reported a tree is leaning in the back of this property, and that a lot of trash and rodents are also on the vacant property. The new neighbors are concerned with the conditions.

**West 47<sup>th</sup> Street (between Kain Avenue and Woodman Avenue):** The Ward 3 Councilor reported the road the City patched last year is beginning to crumble.

**Street Opening:** The Ward 3 Councilor reported the Kain Avenue patch recently done by Ohio American Water Company is beginning to sink, and the sinking is enhanced with rain.

**Traffic Signal (West 32<sup>nd</sup> Street & Lake Avenue):** The Vice President asked for an update on the blinking light. The Manager reported someone hit a pole and the City's traffic controller. Parts are on order and full signalization will be restored when CEI installs the pole.

**Street Caving:** The Ward 5 Councilor reported Ohio American Water Company conducted road work on West Avenue just north of the southern railroad overpass (in the area of the former TOPS grocery store area), which is now caving in.

**1722 East 45<sup>th</sup> Street:** The Ward 4 Councilor reported a complaint has been lodged against this property due to three pit bulls at the resident. The complainant reported she walks her family through the alley and the only thing separating the dogs from the alley is a low chain-linked fence, which the dogs are lunging for. She reported having difficulty reaching the Animal Control Officer (ACO). The Manager reported the ACO was off today; a message was left for him; follow up will take place tomorrow morning; and that he will notify the Councilor of the outcome. The Clerk of Council asked how a message was left for the ACO. The Manager replied his City cell phone. She then asked how to reach the ACO internally because the extension she was given is not operating. The Manager reported the mailbox may be full and problems have been experienced. He reported the ACO may be reached at extension 542 or by calling his office.

#### **Street Patches**

**East 44<sup>th</sup> Street & State Road:** The President reported a sinking street cut patch is located at the intersection of East 44<sup>th</sup> Street and State Road.

**Collins Boulevard (by Police Department):** The Ward 2 Councilor reported the patch on Collins Boulevard needs attention. The Manager reported the City fixed this area when the sewer broke, and the asphalt plant has to open before it is repaired properly, as is the case for all road cuts being reported.

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

**AIM Recycling and Demolition (formerly Ashtabula Iron and Metal):** The Solicitor reported the following: This business, located on West 30<sup>th</sup> Street, is now closed. Fire Chief Pristera approached him a few weeks ago with concerns about some things he saw on the property from the road. The Chief attempted to gain access to the property through a court appointed receiver; however access was denied. The Environmental Protection Agency (EPA) began negotiating with one of the receivers. (Two receivers were appointed by two courts because two companies were involved in the West 30<sup>th</sup> Street operation). The EPA was also unsuccessful in gaining access. On April 27, he and the Fire Chief applied to the Ashtabula Municipal Court and were granted an administrative search warrant, authorizing entry onto the premises, specifically to search for fire code violations. The Fire Chief invited representatives of the OEPA's Solid and Hazardous Waste Divisions to join him. Unfortunately there are some conditions at the site which Council and community should be aware of. An apparent fire code violation has been determined due to the improper storage of over 100,000 tires on the property. These conditions may cause disease and are fire hazards. The owners have been given 45 days to remediate the problem. On May 3, the EPA sent a notice of violation to the company; the City was copied. The EPA is concerned with 55 gallon drums of unidentified chemicals and what appears to be waste oil, oil products, or cutting oil also located on site. The owners have been asked to assess the potential hazard and submit a plan of remediation. Private and City law enforcement agents are keeping an eye on the property. The Solicitor urged everyone to stay away from the site; and invited persons to make further inquiry to him if they need to do so.

### **QUESTIONS AND/OR COMMENTS FOR THE CITY SOLICITOR**

**AIM:** The Ward 4 Councilor asked if a time limit was placed on the remediation. The Solicitor said because of the number of tires involved and the way they are arranged on the property, the Fire Chief determined a minimum of 45 days would be allowed to do their engineering and submit their remediation plan, which would include the timeframe, pursuant to the Fire Code. He said not all the tires need to be removed, but all of them do need to be stored properly. Failure to comply with EPA regulations could result in a \$10,000 per day penalty.

### **CITY AUDITOR'S REPORT**

The City Auditor reported April books are closed and the report will be presented to the Finance & Personnel Committee on Friday.

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

The President thanked the Deputy City Auditor for assisting the new auditor come on board. He said he has heard nothing but good things regarding the transition. The Clerk of Council welcomed Auditor Pinkert to the team.

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## **CITY COUNCIL COMMITTEE REPORT**

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

The Chair reported the following:

**Meetings:** The Committee's May meeting was cancelled; the next meeting is tentatively scheduled for Wednesday, June 6.

**Smith Field Murals:** Correspondence has been shared; the Ashtabula City Parks & Recreation Board has been meeting with the artist; the Solicitor suggested a public hearing be held to give the public an opportunity to comment on the murals, and that the hearing has been scheduled for tomorrow at 5:30 p.m. The Solicitor reported a vote of Council is not required on any financial obligation related to the mural. Mrs. Stranman moved, Mr. Trisket seconded to give the City Manager permission to move forward with the mural on the Smith Field dugout. The Manager is to be the supervising agent of the project.

**Comments:** The Clerk of Council asked if the Manager's responsibilities regarding murals are specific to the upcoming project, or for all mural projects going forward. She reported her goal, and believed the Ward 5 Councilor's request was for a procedure to be established so if the request to paint a mural is presented in the future, the procedure would be known. The Ward 5 Councilor reported it was Council's belief that they should get involved if legislation was required, otherwise did not need to be involved by micromanaging. He said it has been the goal of this present Council to move more and more away from micromanaging and let the City Manager do the job of managing the City. He believes mural project fits within that goal.

The Vice President said he would not want to make decisions regarding beautification of public spaces without first speaking with Council.

The Ward 2 Councilor recalled that a mural was placed on the East 6<sup>th</sup> Street Café building which ultimately had to be removed. He believes Council should have some say, but that the Manager should make the final decision after the public hearing.

The Ward 4 Councilor agreed with the Solicitor's suggestion that Council handle murals on a case-by-case basis, thus taking some of the pressure off the Manager.

The President believes the public hearing portion is critical; that the law should apply across the board; and that consistency with what is permitted to be painted be the goal.

The Solicitor reported the original question that was posed to him was, "Does the City need to obtain a zoning permit to permit a decorative mural to be placed on one of its own structures."

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His response was, "No, but, since Council has enacted legislation appointing a Parks & Recreation (P&R) Board to give advice and counsel as to the management of our park properties, and since we do have legislation that creates a Planning Commission (PC) that has a say on various land use policies, that both of those bodies be consulted. And, that one of those bodies, specifically the P&R Board holds a public hearing so that public comment on the issue could be obtained." The suggested procedure is not the result of an ordinance mandate, and was not suggested to circumvent Council. It was suggested in order to give deference to what Council has already done by delegating certain responsibilities to the P&R Board and the PC. He said, "Going forward. if there is some sort of desire of Council, that in addition to that or instead of following the suggested procedure, that there be a process of direct consultation of Council, they have the power to legislate the process, and may want to refer the matter to a committee for consideration, if it's as important to the members of Council to be a part of the process, as it seems."

The Ward 5 Councilor concurred with the Solicitor.

The Manager asked for the motion to be stated. The Ward 3 Councilor reported the motion was, "Shall the Manager be allowed to proceed with the murals as he sees fit, based on the outcome of the public hearing." The President noted that after the motion was made the question was asked, "Shall the Manager be given the go ahead on this mural or on all murals hereafter also. The Clerk announced the motion was, "Shall the Manager be allowed to proceed with the allowance of this mural on the backdrop at Smith Field." This is why the question was posed as to whether the directive is for the upcoming Smith Field mural only, or for all murals to come. It was determined that permission has been granted for the upcoming Smith Field mural only. The motion CARRIED.

**Clean ups:** Walnut Beach cleanup is scheduled for Saturday, May 12, from 10:00 a.m. until 1:00 p.m. Cornelius Park is scheduled for Saturday, May 19, from 9:00 a.m. until 3:00 p.m.

**Community Health Initiative – 10,000 Steps - Ward Walk:** The Ward Walk is scheduled for May 19, from 1:00 p.m. to 3:00 p.m. The Clerk reported the following meet and greet locations has been established: Ward 1 Councilor - Nappi Field; Ward 2 - Massucci Field; Ward 5 - former ODOT building on West Avenue by the Greenway Trails; Ward 3 - to be determined; and Ward 4 - Demshar's business. The Ward 3 Councilor reported she is considering Rite Aid on West Avenue; however the walk promoter might have something else in mind.

**Finance and Personnel - (Mr. Ducro IV/Mrs. Lattimer):** The Chair reported the last meeting was cancelled; and that the next meeting is scheduled for Friday, May 11, at 8:00 a.m., at City Hall.

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**Public Works / Utilities / Schools – (Mr. August Pugliese/Mrs. Lattimer):** The Chair reported the Committee will meet tomorrow at 8:00 a.m. He reminded residents that in order to have leaf bags picked up, stickers are required. Branches should be cut in 3 foot lengths and bundled.

**Safety Forces – (Mr. Balog/Mr. Trisket):** The Chair reported on the Committee’s April 20 meeting as follows:

**Meth Lab Cleanup Ordinance:** Geneva-on-the-Lake (GOTL) Administrator, Mr. Jim Hockaday, spoke about his community’s met lab legislation. While it would be good for the City to enact such legislation, the Solicitor’s opinion has not been provided; therefore the matter will be revisited at the May 18 meeting. The Fire Chief said state and federal laws will allow some of the cleanup costs to be recouped without the passage of local legislation. The Solicitor reported the Fire Chief has copied him on GOTL’s legislation and provided him with proposed revisions. The next step is for the Solicitor to meet with the Fire Chief to review his thoughts, after which, an opinion may be provided.

**Pit Bulls Legislation:** Doc Irene Fiala spoke about removing the City’s ban on pit bulls, but maintaining the vicious dog legislation. Wards 3 and 5 Councilors were invited to comment since they were at the meeting. Police Chief Robert Stell and the Solicitor had concerns with removing language from our present vicious dog legislation. Because the Chief and Solicitor were not at the meeting to express their thoughts, the matter will also be revisited at the Committee’s May 18 meeting. Doc Fiala has been invited and the Clerk of Council has been asked to ensure that all interested parties are able to attend.

**Outdoor Wood Furnaces:** The Solicitor has been provided with sample legislation regarding outdoor wood furnaces; the committee awaits his comments. The Fire Chief has asked the Committee to consider the furnaces illegal due to the nuisance they create.

**AIM:** The Fire Chief shared with the Committee the problems at the West 30<sup>th</sup> Street property, which the Solicitor reported earlier in this meeting.

**Questions and/or Comments for the Committee**

**May 18 Meeting Postponed:** The Clerk of Council asked the Chair to consider postponing the meeting to a date that would allow her to be in attendance due to the subjects to be discussed. The Chair kindly did so.

**Pit Bulls:** The President said he is torn on the matter. He looks for as much input as possible, while not removing tools the Police or Solicitor Departments use to control a criminal element in the community.

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He then said there were compelling arguments about the proposed ordinance amendment that would continue to provide tools for usage in deterring some criminal activity. He said he is uncomfortable telling a person what type dog they may or may not have.

The Committee Chair reported House Bill (HB) 14 has removed breed specific language (BSL), but does not mean the City of Ashtabula has to.

The Ward 3 Councilor reported GOTL was the only other community in Ashtabula County with BSL, and has since repealed it on the Monday before the April 20 Safety Forces Committee meeting.

The President invited citizens to attend the meeting and voice opinions so Council receives as much information as possible in order to make their decision.

The Vice President said there are pit bulls in the City as we speak; that the ordinance is not being enforced to the letter of the law; and agrees it could be an effective law enforcement tool.

The Ward 4 Councilor announced she is against BSL legislation, and said large cities do not have such.

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

**Special Meeting:** The President determined that the Vice President is the only Council member unavailable to attend a special meeting to vote on accepting two union contracts. The Solicitor suggested Council not wait until all contracts are ratified because each contract stands alone. He said because all three contracts expired April 30, the City is operating on extensions, which expire at the end of this month. The President announced the Special Meeting will take place on Monday, May 14, at 4:00 p.m., in the Municipal Building 2<sup>nd</sup> floor conference room, to discuss and vote on two union contracts.

**Public Hearing:** The Community Development Department is hosting a hearing on Monday, May 14, at 5:00 p.m., regarding one of our grant funding sources.

**Moment of Silence:** The President asked the room to stand and observe a moment of silence for Private Michael Metcalf, the son of Ashtabula Township resident CJ Metcalf, and the nephew of Anthony Metcalf, owner of Metcalf Glass, a City business. Private Metcalf was hit by an improvised explosive device and killed on a mission in Afghanistan. He was flown back to the USA and his funeral was over the weekend in Florida where his mother resides, and where he spent time growing up.

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He will be returned to Ashtabula for services for his father's side of the family and for friends he made in our community. He will be laid to rest in Arlington Cemetery. The President invited the public to attend his home coming on Wednesday, May 9, between 5:00 p.m. and 6:00 p.m. His procession will leave from Cleveland Hopkins Airport, to Interstate 90, Geneva exit, north to Route 20/Prospect Road, to Zaback-Ducro Funeral Home. There will be a procession on Saturday as they take his body to Gateway Church for the funeral. Calling hours are Friday from 4:00 p.m. until 8:00 p.m. He said the family is appreciative of the community support received.

#### **FORMAL LEGISLATION REQUEST**

Mr. Ducro moved, Mrs. Lattimer seconded for the presentation of ORDINANCE NO. 2012-72, AN ORDINANCE ESTABLISHING APRIL 1 AS THE EFFECTIVE DATE OF AMENDED SECTION 189.08 OF THE CODIFIED ORDINANCES OF THE CITY OF ASHTABULA, OHIO, FOR PURPOSES OF EFFICIENCY AND CLARITY; motion CARRIED.

Mr. Ducro moved, Mrs. Lattimer seconded for the presentation of ORDINANCE NO. 2012-58, AN ORDINANCE AMENDING ZONING WITHIN THE CITY OF ASHTABULA, OHIO BY REPEALING, IN THEIR ENTIRETY, EXISTING CODIFIED ORDINANCE SECTIONS 1135.02 AND 1135.04 IN ORDER TO PERMIT MEDICAL OFFICES AS A PERMITTED USE WITHIN THE C-4 COMMERCIAL DISTRICT; motion CARRIED.

Mr. Ducro moved, Mrs. Lattimer seconded for the presentation of ORDINANCE NO. 2012-59, AN ORDINANCE AMENDING ZONING WITHIN THE CITY OF ASHTABULA, OHIO BY ENACTING NEW CODIFIED ORDINANCE SECTIONS 1135.02 AND 1135.04 IN ORDER TO PERMIT MEDICAL OFFICES AS A PERMITTED USE WITHIN THE C-4 COMMERCIAL DISTRICT; motion CARRIED.

**FORM AND CORRECTNESS:** The Solicitor approved the Legislation Agenda as to form and correctness, with the inclusion of changes.

#### **LEGISLATION ADDENDUM AGENDA**

Mrs. Lattimer moved, Mrs. Stranman seconded to repeal tonight's addendum agenda (Police and Fire Union contracts); motion CARRIED.

**PUBLIC (LEGISLATION) PORTION - None**

**LEGISLATION READING**

**ORDINANCE NO. 2012-72 AN ORDINANCE ESTABLISHING APRIL 1 AS THE EFFECTIVE DATE OF AMENDED SECTION 189.08 OF THE CODIFIED ORDINANCES OF THE CITY OF ASHTABULA, OHIO (50% Tax Credit), FOR PURPOSES OF EFFICIENCY AND CLARITY,** 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 requirement of two readings. On the roll call to waive the Charter requirement: Mrs. Stranman, Mr. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mr. McClure, Mr. Ducro voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mrs. Stranman, Mr. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

**ORDINANCE NO. 2012-73 AN ORDINANCE AMENDING THE TRAFFIC MAP TO PLACE A CHILD-AT-PLAY SIGN ON WEST 55<sup>TH</sup> STREET AT MAIN AVENUE,** 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. 2012-74 AN ORDINANCE AMENDING THE TRAFFIC MAP TO PLACE ARROWS AND SIGNS FOR TRUCK TRAFFIC AT THE INTERSECTION OF WEST AVENUE & GRISWOLD ROAD,** was presented for its first reading. Mrs. Lattimer moved, Mrs. Stranman seconded to waive the reading of the ordinance; motion CARRIED. The Ward 5 Councilor reported this to be a good idea, and suggested the signs be placed overhead for better motorist visibility. The President noted he was surprised to see “truck” mentioned as the only vehicle type, because it would apply to buses and any type commercial vehicles. The ordinance was placed on its first reading.

**ORDINANCE NO. 2012-75 AN ORDINANCE AUTHORIZING THE WAIVER OF TAP-IN FEES OTHERWISE PAYABLE BY THE BEATITUDE HOUSE ON LAKE AVENUE IN THE CITY OF ASHTABULA,** 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 requirement of two readings. The Solicitor reported the action of Council is that of a “waiver” as outlined in the ordinance; and that the waiver is because the organization is a benefit to the City. On the roll call to waive the Charter requirement: Mrs. Stranman, Mr. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mr. McClure, Mr. Ducro voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mrs. Stranman, Mr. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

**ORDINANCE NO. 2012-76 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO THREE (3) COLLECTIVE BARGAINING AGREEMENTS WITH THE FRATERNAL ORDER OF POLICE, LODGE NO. 26, EFFECTIVE MAY 1, 2012, THROUGH APRIL 30, 2015,** 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 requirement of two readings. The Solicitor reported the need for two corrections in this ordinance and in Ordinance No. 2012-77. All references to 1135.03 should be 1135.02; all references to 1135.05 should be 1135.04. Mrs. Lattimer moved, Mrs. Stranman seconded to make the corrections by interlineation; motion CARRIED. On the roll call to waive the Charter requirement: Mrs. Stranman, Mr. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mr. McClure, Mr. Ducro voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mrs. Stranman, Mr. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

**ORDINANCE NO. 2012-77 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A COLLECTIVE BARGAINING AGREEMENT WITH THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, LOCAL # 165, EFFECTIVE MAY 1, 2012, THROUGH APRIL 30, 2015,** 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 requirement of two readings. On the roll call to waive the Charter requirement: Mrs. Stranman, Mr. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mr. McClure, Mr. Ducro voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mrs. Stranman, Mr. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

#### **UNFINISHED BUSINESS**

**West 51<sup>st</sup> Street Tree Removal:** The Ward 4 Councilor asked for an update. The Manager reported there has been no movement because the City does not have the funds to remove the tree. The Councilor reported that at the last meeting it was stated that the matter could be considered a nuisance, and therefore filed in court. The Manager reported the City no longer cuts down its trees. The Councilor asked if the City could have the tree cut down and place the cost to do so on the owner's property taxes for collection. The Manager said if it is really a nuisance he will see what can be done.

**NEW BUSINESS - None**

**MISCELLANEOUS BUSINESS – None**

**PUBLIC'S GENERAL PORTION**

**Mrs. Barb Johnson, 425 West 52<sup>nd</sup> Street:** reported that the West 51<sup>st</sup> Street tree mentioned in the Unfinished Business portion above busted out all her fencing; damaged the roof on the red house next to her; the neighbor reported it a long time ago to the City because his insurance would not cover it since it was on the other neighbor's property; nothing was done so he patched it; her sister-in-law lives next door to the tree; it busted the whole side of her fencing, and damaged her new car. Mrs. Johnson said she reported it to Mr. Penna when was the Director of Housing & Community Development; that nothing was done for the longest time, and that house has since been razed in 2010 or 2011. Housing told her there was grant funding to remove the tree in the summer of 2010; but only got the run around from 2010 until her husband passed. She said her husband's dying wish was that the tree be removed before he passed; but it didn't happen.

The Manager told Mrs. Johnson the tree is on private property, but that he would continue to look into it. The President asked Mrs. Johnson if she has attempted to take civil action against the tree's property owner. She said she was told the owner passed, but was not sure. The President said the City is not able to go on private property and remove a tree, and that he does not know what steps the City is able to take; but will look into it for her.

Mrs. Johnson reported the property also needs to be mowed, and that junk needs to be removed from the yard.

After more discussion, the Ward 4 Councilor reported she sent Mrs. Johnson a copy of a July 2011 letter that the City's Code Inspector sent to the property owner. Mrs. Johnson reported her copy is dated August 11, 2011.

**Mr. Michael Wagner, West 38<sup>th</sup> Street:** reported squatters and high grass violations at a property on his street. The Manager said he is aware of the problem; however is unsure where the property is on the demolition list.

The Manager reported the Ohio Attorney General's office was given a little over ninety-two million dollars to distribute to people who lost their homes through foreclosures which were not done properly, and to municipalities for demolition activity to remediate blighted areas being created by foreclosures. Of the ninety-two million dollars, seventy-five million will be distributed to each of the counties based on the percentage of foreclosure filings within all 88 counties. Today the City was told Ashtabula County will be awarded an estimated six-hundred thousand dollars of that funding. He reported that he, Planning & Community Development Director Luciana Ratermann, and Janet Switzer (Ashtabula County) attended a conference in Columbus and were told municipalities need to determine how to secure a portion of the \$600,000. Up to \$500,000 does not require a local match.

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Matching funds have been set aside in order to garner more of the pot. Hopefully the City can convince the County and other surrounding communities that the City is in desperate need to go after our blighted structures. This evening he received an email from Ashtabula County Treasurer Dawn Cragon asking for a list of blighted properties to go after. He asked Mr. Wagner to continue to be patient.

Mr. Wagner asked the Solicitor if legislation could be passed prohibiting ones from the trend of wearing their pants too low and showing under garments. He said East Cleveland has such legislation. The Solicitor said he has not looked into it extensively; has read some head-notes from cases that have been decided on this issue; and generally speaking what Mr. Wagner is speaking of is public decency/indecency laws. Some have been upheld; some not. Some cases have said these types of laws are directed at freedom of expression; therefore are struck down. The Solicitor said the trend seems to be “generational”.

**Adjournment:** Mrs. Lattimer moved, Mrs. Stranman seconded to adjourn the meeting at 8:50 p.m.

DATE APPROVED: **September 4, 2012**

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

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

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

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