

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. Richard F. Balog (Ward 1)
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. 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, Clerk of Council LaVette E. Hennigan

Officer(s) Absent: None

Excused Absence: None

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

READING AND DISPOSAL OF MEETING MINUTES

The minutes of the **February 21 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.

The minutes of the **March 5 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.

The minutes of the **March 19 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.

Executive Session: At 7:15 p.m., the City Manager asked that Council convene an Executive Session to discuss Personnel (Compensation). Mr. Trisket moved, Mrs. Lattimer seconded to grant the Manager's request. On the roll call to convene an Executive Session to discuss Personnel (Compensation): Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. Pugliese, Mrs. Lattimer, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

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The President announced actions resulted from the Executive Session (if applicable) would be presented when the public portion of the meeting reconvened.

Reconvene Public Portion: At 7:40 p.m., the President announced the public portion of the meeting was reconvened, and that no specific action would be taken “right at this time”.

CITY MANAGER’S REPORT

Legislation Requests

The City Manager requested ORDINANCE NO. 2012-104, AN ORDINANCE APPROVING AND ADOPTING PAY RATES AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR CURRENT ADMINISTRATIVE AND NON-UNION PERSONNEL EMPLOYED BY THE CITY OF ASHTABULA. Mrs. Lattimer moved, Mrs. Stranman seconded to grant the Manager’s request; motion CARRIED.

The City Manager requested ORDINANCE NO. 2012-105, AN ORDINANCE REPEALING, IN ITS ENTIRETY, PAYROLL ORDINANCE NO. 2012-102, PASSED ON JUNE 4, 2012, FOR THE PURPOSE OF ADOPTING PAY RATES AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR CERTAIN ADMINISTRATIVE AND OTHER NON-BARGAINING UNIT POSITIONS IN THE CITY OF ASHTABULA, OHIO. Mrs. Lattimer moved, Mrs. Stranman seconded to grant the Manager’s request; motion CARRIED.

The City Manager requested ORDINANCE NO. 2012-106, AN ORDINANCE AUTHORIZING COMPENSATION, SALARIES AND WAGES TO ALL EMPLOYEES OF THE CITY OF ASHTABULA, OHIO. The Ward 4 Councilor reported the ordinance above repeals the current payroll ordinance and makes adjustments for non-union employees. Mrs. Lattimer moved, Mrs. Stranman seconded to grant the Manager’s request; motion CARRIED.

QUESTIONS AND/OR COMMENTS FOR THE MANAGER

Cleveland Avenue: The Ward 3 Councilor reported receiving a call from a Cleveland Avenue resident concerned that someone in a vehicle was watching her 12 year old daughter. The resident called the Police Department with the license plate. The resident is also concerned with what she “believes” to be prostitution in the area; and asked for increased patrols for a while.

Garbage Cans: The President reported he continues to receive calls from residents who are satisfied with Sanitation’s proper placement of trash cans after emptying them. Residents say the appearance of neighborhoods is nicer and that the elderly are able to more easily retrieve their cans when they are placed upright.

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Increased Police Patrol: The President reported receiving a request for increased police patrol at the Gulfview/Lakeview Towers area due to concerns with vagrancy and prostitution; which activities have been reported in the past.

DePascale Building (Corner of West 58th Street): The President reported speaking with the City Manager about this building; appreciated the Manager having Public Services Superintendent Dominic Iarocci and Code Enforcer John Artuso walk through the site. Nothing was found. The President said he hopes the building will be secured; and thanked the Manager for getting the grass mowed in the area.

West Avenue Road Patch: The Ward 5 Councilor reported the road patch work performed by either Ohio American Water Company (OAWC) or Aqua Ohio (who recently purchased OAWC), located on West Avenue patch by the former TOPS grocery store, that was approved as being “good enough” is getting worse and is no longer “good enough”. The Manager reported there are “a few more” water company patches throughout the City “in case anybody hasn’t noticed”. The President asked if there has been more discussion on the inspection of road patches by the City; and asked if the City is going to return to the policy of charging for time City employees spend inspecting road cuts. The Manager said his research has determined that the City has not charged for road cut inspections since Mr. Joe Perry was an inspector in the Engineering Department (*about 8 years*); and said he was not aware of the policy. He reported Planning & Community Development Director Luciana Ratermann is researching to see if there is legislation requiring a charge; and he hopes to report the findings to the Public Works/Utilities/Schools Committee at their next meeting.

Trash Can/Bag Limit: The President asked if legislation was located outlining the number of trash cans/bags permitted to be placed on treelawns. The Clerk will locate the codified ordinance for the President.

AIM Property Status: The Vice President asked for a status report. The Solicitor reported the Department of Health asked City officials not to release some of the findings, just yet, because the status is preliminary. He said a small amount of radioactive material was found, isolated, placed in a container, and is secured on the property to be removed by the appropriate authorities shortly. The court appointed receiver, who is trying to liquidate the company’s assets to pay the bank, has filed a motion with the court for permission to sell certain assets, free and clear of liens. The City shared this information with the OEPA, the Department of Health, and the Attorney General’s office. The party who placed the bid for this aspect of the operation which consisted of some specialized machinery and containers is a person, who until about 2 years ago, was associated with the business. The City asked the State to review the request and determine if they want to present some environmental claims as part of the lawsuit.

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Trash Can/Bag Limit: The Clerk of Council reported Codified Ordinance Section 951.03(b)(e), permits a “combined limit” of seven (7) high density bags, and three (3) thirty-two gallon containers. The section was last updated in 2006. The Ward 3 Councilor suggested there was a more recent change that ended up not being enacted. The President said he knows firsthand that trash cans larger than 32 gallons are being placed on the treelawns for garbage pickup.

CITY SOLICITOR’S REPORT

Ward Redistricting: The Solicitor reported his office continues to work on this issue, and will continue to do so in conjunction with Council’s Community/Economic Development/Parks & Recreation Committee.

QUESTIONS AND/OR COMMENTS FOR THE CITY SOLICITOR

Ward Redistricting: The President thanked Mr. Michael Hamper, the Solicitor’s office free summer intern, for providing an update on the redistricting project at this evening’s Pre-Council meeting. He said the City is fortunate to have him for the summer.

CITY AUDITOR’S REPORT

2013 Tax Budget: The Auditor reported the preliminary 2013 Tax Budget was submitted to all departments for review. A public hearing to present the Tax Budget is scheduled for Monday, July 2, at 5:30 p.m.

QUESTIONS AND/OR COMMENTS FOR THE CITY AUDITOR - None

CITY COUNCIL COMMITTEE REPORT

Community / Economic Development / Parks & Recreation (Mrs. Stranman/Mr. McClure):
The Chair reported the following:

Meeting: The next Committee meeting is scheduled for Wednesday, August 1, at 6:00 p.m. Wards 3, 4, and 5 redistricting will be discussed.

Events

Beach Glass: July 23 and 24, 10:00 a.m. to 5:00 p.m.

Dog Park: Smith Field Dog Park grand opening, Sunday, June 24, Noon to 4:00 p.m.

Bands-on-the-Beach: Sunday, June 24, 4:00 p.m. to 6:00 p.m.

Public Hearing re: Lift Bridge Community Association (LBCA) Grant: Monday, June 25, 5:00 p.m.

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Finance and Personnel - (Mr. Ducro, IV/Mrs. Lattimer): The Chair reported the Committee's June meeting was cancelled. Their next meeting is scheduled for Friday, July 13, at 8:00 a.m., at the Municipal Building.

Public Works / Utilities / Schools – (Mr. August Pugliese/Mrs. Lattimer): The Chair reported:

Safe Routes to Schools Grant: For the last 8 to 10 months a committee consisting of Ashtabula Area City Schools Board members and Superintendent Joseph Donatone, and Smolen Engineering's Kevin Grippi have been meeting in hopes of securing a \$750,000 grant for the repair and/or replacement of sidewalks in a one mile radius of the new elementary school campus on Wade Avenue. Last week Mr. Grippi reported the prospect of securing the grant is good. Mr. Pugliese moved, Mrs. Lattimer seconded an ordinance authorizing the City Manager to enter into a memorandum of understanding with the Ohio Department of Transportation (ODOT), for the Safe Routes to Schools Program; motion CARRIED.

Meeting: The Committee's next meeting will take place on Tuesday, July 10, at 8:00 a.m.

Safety Forces – (Mr. Balog/Mr. Trisket): The Chair reported the Committee will meet on June 8, and discussed the following:

Vicious Dog / Pit Bull Legislation: The following compromise legislation verbiage was discussed in an effort to permit pit bull inside the City, "Inside the City of Ashtabula pit bulls may be permitted only if adopted or purchased from APL or prescreened through the APL. They must be spade/neutered and have all their shots, be micro chipped, and have APL tags that ensure the entire requirement has been met." The Police Chief and Committee believe this is "doable and gives us the best of both worlds. The APL also appears to be happy and was sent a copy of the proposed language.

Humane Agents: In June, Judge Charles Hague was sent an email informing him that Council supports the appointment of APL Human Agents countywide, to conduct investigations. The Committee determined the City's Animal Control Officer (ACO) is sufficient for conducting investigations inside the City.

Number of Dogs/Cats: The topic was broached, the Committee determined it was not a topic for them to consider, and did not know why it was on their agenda.

Outdoor Wood Burning Furnaces: The furnaces make a lot of spoke. The Solicitor drafted proposed legislation that would altogether ban the furnaces from being permitted inside the City. Mr. Balog moved, Mr. Trisket seconded to have an ordinance prepared and codified at Section 1501.18 that bans outdoor combustion wood burning furnaces.

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The President said he was at the meeting; is not familiar with the furnaces; has seen pictures of the furnace in operation and can see it being a “terrible problem within the City – a horrible nuisance to other citizens; and believes it to be logical not to permit them. He commended the Committee Chair for his work and research. The motion CARRIED.

Meth Lab Cleanup: The Solicitor was praised for proposing a simplistic ordinance to declare meth labs a public nuisance. The tools are in place to allow the City Manager to order the Fire and Police Chiefs to pursue manpower expense reimbursement stemming from meth lab cleanups. Mr. Balog moved, Mr. Trisket seconded to draft an ordinance to enact Codified Ordinance Section 521.092 to declare meth labs as public nuisances; motion CARRIED.

Police Department Radios: Police Chief Stell continues to have problems getting his radio license renewed in order to convert from an analog to a digital radio system. The delay is due to Canada not “weighing in yet”. It was suggested to the Police Chief that he contact a senator or congressman to help move the process along. The Chair does not know if this has been done, but will email his congressional contact this evening.

Broken Windows Program (Chestnut Street area): The Police Chief reported successes with the program. The Chair agreed there have been successes, and said he is active through St. Peter’s Episcopal Church.

Questions and/or Comments for Committee

Pit Bulls: The Ward 3 Councilor said she was happy to hear compromise was reached regarding pit bulls.

Dog/Cat Household Limits: The Ward 3 Councilor reported the discussion regarding the number of dogs and cat permitted in a household may have come about from her response to an email. At present 2 dogs or 2 cats, (*or one of each*) is the limit. In 2011 the Public Works Committee discussed the limits. No report came from the committee because the previous Animal Control Officer (ACO) told the committee there should be no change, even though he admitted the limit was not being enforced. The Chair does not believe the limit can be enforced. She believes there is enough to enforce, (e.g., vicious dogs, loose animals, and other animal concerns), instead of looking for citizens in violation of the dog and cat per household limit. She suggested the limits be raised or the restriction be removed from the books. The Ward 5 Councilor reported the law is complaint driven, as are many ordinances. The Manager concurs that the law is complaint driven. He said citations are issued, residents are told they have to remediate the problem, and the tough part is the follow up due to personnel. The Manager also believes the resident will have a difficult choice deciding which animal to remove. The Ward 3 Councilor believes the current limit to be restrictive.

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The Ward 4 Councilor suggested this issue be discussed in CD/ED/P&R Committee. The Ward 5 Councilor said while the topic did not make it out of committee, it was discussed in committee last year and most years prior to 2011, (as was the number of trash cans/bags), and does not believe the law to be restrictive given the average size of a City lot. He said, "If you want to have a kennel move to the country". The Ward 3 Councilor asked the Clerk of Council to conduct a survey of other communities dog/cat household limits. The Solicitor assured the Ward 3 Councilor that when he gets an "over the limit" complaint, and he is clear there is a violation, he includes the citation to what he files with the court, and does not ignore it, knows it is on the books and "wink and nod" at it.

Pit Bulls: The Ward 1 Councilor said, "I want to make it clear that the intent of the committee (Safety Forces) is it's only pit bulls approved, shall we say certified through the APL. So, if you go to Youngstown and buy a pit bull you're going to have to bring it to our APL and have it checked to see if it's aggressive, and met all these requirements." The President said he assumes the APL provides the service at a fee. The Ward 1 Councilor said that's up to them.

Safety Forces Meeting: The Committee will meet again on Friday, September 21, at 8:00 a.m.

Dog/Cat Limits: The President reported receiving an email complaint today regarding an eastside home which allegedly has 3 large dogs, a small dog, an unknown number of puppies, a cat, and a rabbit. The Vice President said too many dogs can create health violations, especially if you're unable to properly take care of them. If too many children are in one home the Department of Health will check to see if they are in a "fit" environment. He believes two issues are being discussed: dog/cat limits and nuisances.

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

PUBLIC (LEGISLATION) PORTION

The President announced that the payroll ordinance legislation the Manager requested earlier in the meeting resulted from this evening's executive session.

LEGISLATION READING

ORDINANCE NO. 2012-103 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH RONYAK BROTHERS PAVING FOR THE PURPOSE OF PROVIDING MATERIAL & SERVICES FOR PAVING CITY STREETS, 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.

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The Ward 2 Councilor asked when the project will commence. The Manager said in a couple of weeks. He has met with Ronyak regarding an ongoing water problem at Nathan Avenue, as well as the possibility of adding a product that will help the Wade Avenue area hold up better to the bus and truck traffic it will experience. The Vice President asked if there is a "drop dead" completion clause in the contract so paving will not take place in November and/or December. The Manager said he did not believe so, but knows we are next on Ronyak's list of projects. The President said there will be an extra cost to use the "test" additive on Wade Avenue. If it goes well the product will be used in the future. The Manager reported that because we are part of the company's test market we will receive the product at a reduced rate. The Manager said because street paving bids came in about \$130,000 less than estimated, two streets might be added to the list. The change order will be presented to Council, along with the crack sealing estimates. The Ward 5 Councilor asked if the extremely steep incline will be removed from Nathan. The Manager said grading along the side of the road will take place. However, to take care of the incline storm drains need to be installed. He is looking at running the storm drain system down the east side, and running them directly underneath the road in two spots, to the west side. He said, "That drop off - I don't believe they're going to take it all out but it's going to be graduated more than what it is now. Nathan is a topcoat; it's not a grind either. So, it will be built up a little bit but it won't be removed, as I believe you think it would be."

On the roll call to waive the Charter requirement of two readings: Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. Pugliese, Mrs. Lattimer, Mr. McClure, Mr. Ducro voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. Pugliese, Mrs. Lattimer, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

ORDINANCE NO. 2012-104 AN ORDINANCE APPROVING AND ADOPTING PAY RATES AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR CURRENT ADMINISTRATIVE AND NON-UNION PERSONNEL EMPLOYED BY 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. On the roll call to waive the Charter requirement of two readings: Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. Pugliese, Mrs. Lattimer, Mr. McClure, Mr. Ducro voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. Pugliese, Mrs. Lattimer, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

ORDINANCE NO. 2012-105 AN ORDINANCE REPEALING, IN ITS ENTIRETY, PAYROLL ORDINANCE NO. 2012-102, PASSED ON JUNE 4, 2012, FOR THE PURPOSE OF ADOPTING PAY RATES AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR CERTAIN ADMINISTRATIVE AND OTHER NON-BARGAINING UNIT POSITIONS IN THE CITY OF ASHTABULA, OHIO, was presented.

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

ORDINANCE NO. 2012-106 AN ORDINANCE AUTHORIZING COMPENSATION, SALARIES AND WAGES TO ALL EMPLOYEES OF THE CITY OF ASHTABULA, OHIO, 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 President asked what the difference is between 2012-104 and 2012-106. The Clerk of Council reported several years ago it was decided that repealing an ordinance in its entirety was better than amending section(s). By doing so only one ordinance pertaining to a subject is on the book and not a series of amendments in separate ordinance. The Solicitor added that the Ohio Revised Code recommends that a payroll ordinance be passed in order not to have to meet every two weeks to authorize the payroll; and that having a payroll ordinance is considered to be an on-going resolution.

On the roll call to waive the Charter requirement of two readings: Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. Pugliese, Mrs. Lattimer, Mr. McClure, Mr. Ducro voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. Pugliese, Mrs. Lattimer, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

UNFINISHED BUSINESS - None

NEW BUSINESS – None

MISCELLANEOUS BUSINESS - None

PUBLIC'S GENERAL PORTION

Mr. Gerald Cox (Blind & Hearing Impaired resident): said he was told there were going to be 17 audible traffic signals installed during the installation of new traffic signalization through a grant, but that they are no longer included in the project. He said audible signals are needed on Woodman Avenue, West Avenue (at Route 20), and at Center Street where it intersects Park Avenue.

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He said “No Right Turn on Red” signs and walk lights are also needed. He said these traffic devices will assist the blind, hearing impaired, and users of wheelchairs and walkers, and persons who are unable to walk fast. He said he has been waiting five years for the audible lights and now has been told it will be another two years.

The Manager asked which intersections are the no right turns on red signs for. Mr. Cox replied, West Avenue & West Prospect intersection. The Manager said he would have the Police Chief look at it. He then told Mr. Cox the Traffic Signalization project is in the design phase; there are 10 or 12 intersections involved; audible signals are not a requirement for the program; however the engineer working on the project is looking into the possibility of placing audible signals “at those” locations; the cost for which the City would have to bare; and Council’s approval for spending funds on audible equipment is required. He also told Mr. Cox the Ohio Department of Transportation (ODOT) sets the grant timeframes.

The Ward 4 Councilor asked if ODOT’s fiscal year begins in June. If so, the project would begin June 2013. The Manager said he did not know, but was told the construction phase would begin in 2014. The President asked how much audible signals cost. The Ward 4 Councilor replied, \$5,000 per intersection.

Mr. Cox said he is still losing his hearing, therefore needs audible signals.

The Ward 3 Councilor said she sent the Manager an email from Mr. Wolfgang, another visually impaired resident, regarding no right turn on red signs. She said Messrs. Wolfgang and Cox share some of the same concerns. T

The Ward 4 Councilor reported no turn on red signs were placed on the south side of Prospect Road (east), because it is the intersection Mr. Cox uses the most. She believes motorists do not pay attention to signs, no matter how large they are. She also said Mr. Cox has been hit while trying to cross the road.

The Manager said state law prohibits vehicular traffic in a crosswalk when pedestrians are therein. He asked that motorists be extremely careful with summer and tourist season upon us.

The Vice President said he finds it hard to believe audible equipment is not standard on new traffic signals; especially with the American’s Disability Act mandated safety constraints. And that there are no grants or aids available for hearing and seeing impaired.

The Manager said most likely what will happen is the project will be completed and then ODOT will make it a mandate.

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The Ward 2 Councilor said there might be something on the books that requires audible signalization, because not too long ago handicap ramps had to be installed at all intersections where improvements or new construction took place.

The Manager said people have asked why the handicapped ramps were put in. He tells them they are required with or without sidewalks. He said by 2014 there might be a new mandate; the project scope might change; and suggests audibles be looked into for some of the intersections now.

The President said wanting, needing, and being able to install the audibles is driven by fund availability. The Ward 4 Councilor recalled speaking with Executive Assistant to the Manager Brenda Sanders about the signalization track, prior to the grant cycle.

Adjournment: Mr. Pugliese moved, Mrs. Lattimer seconded to adjourn the meeting at 8:43 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