

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.

Moment of Silence: A moment of silence was observed for Mr. Gene Ovak, a lifelong resident, former City employee and Walnut Beach concession stand operator, who passed away.

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

PRESENTATION

Mrs. Lattimer moved, Mr. Trisket seconded to divert from the regular order of business to allow the President to present RESOLUTION NO. 2012-128 to Ashtabula Area City Schools Superintendent Mr. Joseph Donatone; motion CARRIED. The resolution reads as follows:

RESOLUTION NO. 2012-128

**A RESOLUTION SUPPORTING THE PASSAGE OF AN EMERGENCY OPERATING LEVY FOR THE
ASHTABULA AREA CITY SCHOOL DISTRICT**

WHEREAS, it is the firm conviction of the Ashtabula City Council that a strong educational program is essential to this or any community, and is the gateway to economic growth and increased quality of life; and,

WHEREAS, the Ashtabula Area City School (AACS) District, which encompasses the City of Ashtabula, Plymouth Township and portions of Saybrook and Ashtabula Townships, bears the burden of educating approximately 4,000 children in such area, which children will go on to become the foundation of our future; and,

WHEREAS, school districts are heavily dependent upon property tax revenues and State support for their operations, and have limited revenue-raising options; and,

WHEREAS, in the opinion of many the State of Ohio has abdicated its responsibility to provide a thorough and efficient system of public schools as mandated by the Ohio Constitution, leaving it up to struggling communities such as Ashtabula to shoulder a larger share of the burden of educating their young people in order to prepare them to create a better future for us all; and,

WHEREAS, the State of Ohio has cut \$1.7 million in state funding to AACS students just in the last 2 years; and,

WHEREAS, in the last 5 years the Board of Education has cut more than \$4 million from its operating budget and has eliminated more than 100 positions, including 69 teaching positions, 6 support staff positions, 7 administrative positions and 21 coaching positions; and,

WHEREAS, in 2012 the Board is being forced to reduce another 47 positions, including 30 teachers, 15 support staff employees and 2 administrators, and even though all AACS employees agreed to work 1 day without pay during the 2011-12 school year, contribute to their health care premiums and have not received a base salary increase in at least 3 years, the District is still facing a probable budget deficit of nearly \$3 million by the 2012-2013 school year; and

WHEREAS, this City Council believes that the citizens of this City and this District are well known for their self-reliance and strength in the face of adversity, and will not allow their children's futures to be compromised by the gross neglect of duty of the central State government; and

WHEREAS, the 6.8-mil emergency tax levy proposed on the current March 6th primary ballot will provide desperately-needed support for critical educational services that directly and substantially affect all the citizens of the City of Ashtabula; and,

WHEREAS, the cost of this 6.8-mil levy to a homeowner in the City of Ashtabula with a home valued at \$50,000 would be approximately \$104 per year, or less than \$9 per month, while securing the benefits of an educated population to a City that must compete in an increasingly global economy that demands advanced education and skills and leaves behind communities that do not make the necessary investment in the education of its young people;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Ashtabula, Ohio, as follows:

SECTION 1. That the City Council of the City of Ashtabula, Ohio, hereby expresses its strong support for the mission of the Ashtabula Area City School District to educate the young people of the City and the District.

SECTION 2. That the City Council of the City of Ashtabula, Ohio, hereby expresses its condemnation of the failure of the State of Ohio to adequately fund and support a thorough and efficient system of public schools, and of the State's indifference to the constitutional right of the children of this State and this City to have access to such an educational system.

SECTION 3. That the City Council of the City of Ashtabula, Ohio, hereby urges its citizens to rise to this challenge and demonstrate again their strength and self-reliance by agreeing to shoulder a portion of the educational burden that the State government has deliberately neglected, and to vote to approve the proposed 6.8-mil emergency operating levy requested by the Board of Education of the Ashtabula Area City School District in the August 7, 2012, primary election.

Mr. Donatone thanked Council; announced who from the school system was present with him; reported on what cutbacks have taken place and will be absolutely necessary if the emergency levy fails; and encouraged the electorate to vote YES tomorrow. The President thanked Mr. Donatone and the others for the work they are doing to keep our educational system strong.

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

Mrs. Stranman moved, Mrs. Lattimer seconded to revert to the regular order of business; motion CARRIED.

Executive Session: The President entertained a motion to convene an Executive Session to discuss Pending and Threatened litigation. Mr. Trisket moved, Mrs. Stranman seconded. On the roll call to convene an executive session for the stated purpose: Mr. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

Ashtabula City Council Regular Meeting
Monday, August 6, 2012

Reconvene: At 7:45 p.m., the President announced Council reconvened the public portion of the meeting. The following legislation was requested:

Mr. Trisquet moved, Mrs. Lattimer seconded to repeal Codified Ordinance Section 1154.14(a) related to temporary signs; motion CARRIED.

Mr. Trisquet moved, Mrs. Lattimer seconded to enact new Codified Ordinance Section 1154.14(a) related to temporary signs; motion CARRIED.

Mr. Trisquet moved, Mrs. Lattimer seconded to repeal Codified Ordinance Section 1154.14(g) related to temporary signs; motion CARRIED.

Mr. Trisquet moved, Mrs. Lattimer seconded to enact new Codified Ordinance Section 1154.14(g) related to temporary signs, and requested the legislation be read when presented for a vote later in the meeting; motion CARRIED.

READING AND DISPOSAL OF MEETING MINUTES - None

CITY MANAGER'S REPORT

Legislation Requests

The Manager requested ORDINANCE NO. 2012-123, AN ORDINANCE AUTHORIZING THE CITY MANAGER TO PARTICIPATE IN OHIO DEPARTMENT OF TRANSPORTATION CONTRACTS FOR THE PURCHASE OF MACHINERY, MATERIALS, SUPPLIES OR OTHER ARTICLES WHICH THE OHIO DEPARTMENT OF TRANSPORTATION HAS ENTERED INTO PURSUANT TO SECTION 5513.01 (B) OF THE OHIO REVISED CODE. Mrs. Lattimer moved, Mrs. Stranman seconded to approve the Manager's request; motion CARRIED.

The Manager requested an ordinance to execute Change Order No. 2 with Ronyak Paving, Inc., of P.O. Box 567, Burton, Ohio 44021 for the purpose of providing additional streets to be paved and additional materials in the amount not to exceed \$143,306.20. Funding for this expenditure will be taken from Account Number 412-200-5554, entitled Street Materials. Mrs. Lattimer moved, Mrs. Stranman seconded to approve the Manager's request. The Ward 4 Councilor commended the Manager for locating additional paving funds; and asked that he explain the change orders after the next request is made. The motion CARRIED.

Ashtabula City Council Regular Meeting
Monday, August 6, 2012

The Manager requested an ordinance to execute Change Order No. 3 with Ronyak Paving, Inc., of P.O. Box 567, Burton, Ohio 44021 for the purpose of extending the due date on the project by 30 days (to September 17, 2012). This change has no monetary value. Mrs. Lattimer moved, Mrs. Stranman seconded, to approve the Manager's request.

The President said it was hoped that a local firm would be awarded the paving contract; however the requirement is that the job be awarded to the lowest bid. He said it was further thought that Ronyak would be able to do some work with a local company on the project but that is no longer the case. The motion CARRIED.

The Manager explained that Change Order No. 2 includes the addition of fortified fiber on West 29th Street to make the asphalt stronger and last longer, due to the heavy truck and bus traffic it will received. Also added to the project are the following streets: Saybula Drive, Brown Drive, Meadowlane Drive, and Pleasantview (from Carpenter Road to West 16th Street). A few manhole and catch basin raisers were also included. The Manager reported Ronyak used the fortified fiber in Painesville and has been pleased.

Paving Budget: The President reported that the original \$400,000 paving budget was increased; therefore crack sealing may now be scheduled.

The Manager requested an ordinance to enter into an agreement with Lampion Companies of 6882 Ridge Road, Wadsworth, OH 44281 for the purpose of providing School Zone Speed Limit Signs on West 29th Street in the amount not to exceed \$12,672.00. Funding for this expenditure will be taken from Account Number 412-200-5554, entitled Street Materials. There will be a partial payback on this project as the cost will be split equally between the City of Ashtabula, Saybrook Township, and Ashtabula Area City Schools. Mrs. Lattimer moved, Mrs. Stranman seconded to approve the Manager's request. The President asked for clarification that the City's portion would be one-third of \$12,672.00. The Manager replied yes and that the City will be reimbursed by the other two entities.

Garbage Pickup: The Manager apologized for the delay in garbage pickup these last few weeks, which was due to employees being off on Family Medical Leave (this is a federal Act), sick leave, or vacation. Because the Sanitation Department is already understaffed absences create backlogs. The City will hire temporary employees to get through the summer. Also reported was that a Sanitation Department employee resigned, and the position will be filled soon.

QUESTIONS AND/OR COMMENTS FOR THE MANAGER

Playground Equipment for East 49th Street Park: The Ward 4 Councilor reported a resident has asked what will happen to the playground equipment that will be removed from Lakeside Intermediate School. The Manager reported the equipment has been offered to the City. The Parks & Recreation Board (P&R) will decide where it will go. The Councilor said she would refer inquiries to the P&R Board. The Ward 3 Councilor reported having made, for a while now, a request for playground equipment for West 38th Street. The Clerk of Council asked that inquiries be forwarded to her and she will in turn give them to the P&R Board.

CITY SOLICITOR'S REPORT

Redistricting: The Solicitor reported his office has meet with the Ashtabula County Board of Elections, two alternatives have been finalized, and maps will be presented to the Community/Economic Development/Parks & Recreation Committee for review and consideration on how to redistrict wards. He reiterated that Council is obligated to use the recent US Census data (2010) to redraw ward boundaries, if necessary, to keep the five wards in balance with equal populations. Rough proposal were presented to Council a few weeks ago. They were asked to, and have, refined them so they can go to Committee within the next two weeks.

QUESTIONS AND/OR COMMENTS FOR THE CITY SOLICITOR - None

CITY AUDITOR'S REPORT

The month end books have not been closed; therefore there are no financials to report.

Legislation Requests

The Auditor formally asked for ORDINANCE 2012-121, AN ORDINANCE REPEALING ORDINANCE NO. 2012-117 RELATED TO P.E.R.S. PICKUP PAYMENTS IN ORDER TO ENACT AN AMENDED VERSION INCORPORATING NEW LANGUAGE REQUESTED BY THE OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM. Mrs. Lattimer moved, Mrs. Stranman seconded to grant the Auditor's request: motion CARRIED.

The Auditor formally asked for ORDINANCE 2012-122, AN ORDINANCE AMENDING THE AMOUNT THAT THE CITY OF ASHTABULA, OHIO WILL PICKUP OF THE STATUTORILY REQUIRED CONTRIBUTION OT THE OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM FOR THE EMPLOYEES OF THE CITY OF ASHTABULA, OHIO, PURSUANT TO INTERNAL REVENUE CODE SECTION 414(h)(2). Mrs. Lattimer moved, Mrs. Stranman seconded to grant the Auditor's request: motion CARRIED.

Ashtabula City Council Regular Meeting
Monday, August 6, 2012

The Auditor reported OPERS asked that the language in Ordinance 2012-117 be changed to that found in 2012-122.

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 August 1 meeting, noted it was a good meeting, that most members of Council were present, and lasted two hours. The August 1 reported was presented as follows:

Ward Redistricting: The Solicitor commented earlier in this meeting. The Committee will continue the discussion in their next meeting.

Dog/Cat Household Limit: The topic was briefly discussed. The majority decided to leave the legislation as in, (2 dogs/2 cats/or one of each).

Downtown Activities: The Ashtabula Downtown Development Association's (ADDA) Multicultural Festival took place July 28 and 29. It was a good event, and attendance was up from last year.

Harbor Activities: Wine and Walleye is scheduled for the last weekend in August.

Parks & Recreation: Roxene Trebuchon's letter of resignation was provided by Mr. Tucker. She expressed her hope that P&R funding continues; this Committee Chair concurs. The P&R Board will meet Tuesday, August 14, at 6:00 p.m., at the West 58th Street Park.

Maintaining Open Community with ED Groups: The Chair believes the Committee is doing well in the area.

Ashtabula County ED Committee Goals: The Chair received a July 31 email from Brian Diehl reporting they are working on the County's website, they continue to revise the County's permitting process, their workforce development efforts, and the County branding efforts. They would like feedback from county organizations. The Committee did not discuss in-depth; however, this Chair may forward the email to the ADDA and LBCA (Lift Bridge Community Association) for suggestions. Because persons from the county and city serve on the same organizations her hope is that it results in good representation and feedback.

Ashtabula City Council Regular Meeting
Monday, August 6, 2012

Committee Goals and Role: The Chair reported the discussion resulted in agreeing that the City needs to maintain a good relationship with Growth Partnership (GP). The City has not been an official GP member for two years, but should be. The Chair moved, Mr. Trisquet seconded to reestablish its membership and include the payment of membership fees for the Growth Partnership in the 2013 budget. The Ward 4 Councilor recalled the Manager asking that the City reconsider its membership for this year.

The Manager said because of the short amount of time there was to get a balanced 2012 budget once the new administration and Council were seated, there was just not enough time to work the membership payment into this year's budget. The motion CARRIED.

Urban Meyer: The Committee discussed recognizing Mr. Meyer to install "Home of Urban Meyer" signs at the main entrances to into the City. The Chair moved, Mr. Pugliese seconded to put "Home of Urban Meyer" signs at the major entrances to the City, using the colors of scarlet and grey, the size and design to be determined by the Manager and the Traffic Division; motion CARRIED.

Crime Free Multi-Housing: Starting this program in the City of Ashtabula was discussed in Community Development prior to the December 1, 2011 merging of the Community and Economic Development Committees. It was removed when it was determined that it was something the Manager could work on until Council's involvement was needed. The request was made to reinstate it as a committee topic, and a meeting will be scheduled so the purpose of the Painesville, Ohio Police Department may meet with Council at an upcoming committee meeting or work session. 2010 is when Painesville first spoke to a committee of Council. The Chair offered to share her information with whoever requests it.

Murals: Mr. Raab is hoping to begin painting the mural at Smith Field in the next week or so. Donations were slow coming; he has been securing last minute donations, and is waiting for painting weather.

Meeting: The Committee's next meeting will be September 5, at 6:00 p.m., to wrap up the redistricting issue.

Questions/Comments for Committee

Multi-Cultural Festival (MCF): The Clerk of Council reported she was very pleased with this year's festival. It was bigger and better, all members of Council and some of the Administration attended and lent their financial support by purchasing 50/50 raffle tickets, and Councilor Lattimer won the raffle. A lot of hard work went into the festival's planning.

Ashtabula City Council Regular Meeting
Monday, August 6, 2012

She heard from so many people from within and outside of town that this is something they would like to see happen regularly. Dog Days used to be downtown, but prior to the MCF there was nothing downtown for several years. This brought lots of people downtown; and vendors were pleased. There are things to work through to make the festival better, and the hope is that with each year it will be better. The entertainment was phenomenal; it was “cultural”; the parade was larger than last year and perhaps it will be an hour long at some point. The Clerk said “kudos to ADDA, Marty Cephas, Lynda Annick, Rick Coblitz, and all the committee, the City Manager (who worked with her during her crisis mode), Gale Urbano, Kelly Prine, John Getce, and Oscar Ocasio who spent 32 hours weeding the former Carlisle store parking lot so when visitors came that eyesore is not what they would see or remember; the streets were sweep; the parking deck was cleaned; the Star Beacon was on board; festival flyers were printed in Spanish with the assistance of Roberto at El Puente Restaurant on Route 20; there was a Zumba flashmob – the first flashmob in the City; and a wedding was hosted in Council Chambers on Festival Saturday. IT WAS WONDERFUL! The Ward 4 Councilor thanked the Clerk for her part.

Finance and Personnel - (Mr. Ducro, IV/Mrs. Lattimer): The Chair reported the Committee will meet on Friday, August 10 to discuss personnel and amended budget matters.

Public Works / Utilities / Schools – (Mr. August Pugliese/Mrs. Lattimer): the Chair reported the Committee will meet on Tuesday, August 14, at 8:00 a.m. to discuss Aqua Ohio’s waterline replacement requirements would include the use of copper rather than plastic pipes. The Committee would like to find out if there is anything they can do to eliminate the high replacement cost that will be realized if copper is required.

Safety Forces – (Mr. Balog/Mr. Trisket): The Chair reported there was no August meeting; there was nothing to report; and that the Committee is scheduled to meet September 21, at 8:00 a.m.

Swimming Pools: The Clerk asked the Public Works/Utilities/Schools Committee Chair if credit for filling swimming pools will be discussed. The Chair said at the last meeting he reported nothing would be done. The Ward 5 Councilor remembered looking into purchasing deduction meters to be able to credit the first pool fill of the year. The City would purchase them for residents to obtain. The Chair agreed to discuss it, and suggested the purchases be made at Water Pollution, if the City ends up going with meters.

Work Session– (Mr. Ducro IV, Chair) The Chair said, “We would seriously like to consider enacting the Crime Free Multi- Housing Program currently enacted in Painesville.

The Ward 5 Councilor suggested the meeting be scheduled after the Manager makes contact with Painesville. The Vice President asked that the Planning and Community Development Department Director, Officer William Felt (Broken Windows program), and Ashtabula Metropolitan Housing Authority Director Jim Noyse, be at the meeting.

PUBLIC (LEGISLATION) PORTION – None

LEGISLATION READING

ORDINANCE NO. 2012-120 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE CONNEAUT TELEPHONE COMPANY FOR ON-SITE TECHNICAL SERVICES FOR A PERIOD OF ONE (1) YEAR COMMENCING JULY 1, 2012, was presented. Mrs. Lattimer moved, Mrs. Stranman seconded to waive the reading of the ordinance; motion CARRIED. Mrs. Lattimer moved, Mrs. Stranman seconded to amend the ordinance by interlineation for the purpose of correcting the account number to read 101-224-5430 entitled IT Services Professional Services; motion CARRIED. Mrs. Lattimer moved, Mrs. Stranman seconded to suspend the Charter requirement of two readings. On the roll call to suspend the Charter requirement of two readings: Mr. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. McClure, Mr. Ducro voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mr. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

ORDINANCE NO. 2012-121 AN ORDINANCE REPEALING ORDINANCE NO. 2012-117 RELATED TO P.E.R.S. PICKUP PAYMENTS IN ORDER TO ENACT AN AMENDED VERSION INCORPORATING NEW LANGUAGE REQUESTED BY THE OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM, was presented. Mrs. Lattimer moved, Mrs. Stranman seconded to waive the reading of the ordinance; motion CARRIED. Mrs. Lattimer moved, Mrs. Stranman seconded to suspend the Charter requirement of two readings. On the roll call to suspend the Charter requirement of two readings: Mr. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. McClure, Mr. Ducro voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mr. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

ORDINANCE NO. 2012-122 AN ORDINANCE AMENDING THE AMOUNT THAT THE CITY OF ASHTABULA, OHIO WILL PICK UP OF THE STATUTORILY REQUIRED CONTRIBUTION TO THE OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM FOR THE EMPLOYEES OF THE CITY OF ASHTABULA, OHIO, PURSUANT TO INTERNAL REVENUE CODE SECTION 414(h)(2) , was presented. Mrs. Lattimer moved, Mrs. Stranman seconded to waive the reading of the ordinance; motion CARRIED.

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

ORDINANCE NO. 2012-123 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO PARTICIPATE IN OHIO DEPARTMENT OF TRANSPORTATION CONTRACTS FOR THE PURCHASE OF MACHINERY, MATERIALS, SUPPLIES OR OTHER ARTICLES WHICH THE OHIO DEPARTMENT OF TRANSPORTATION HAS ENTERED INTO PURSUANT TO SECTION 5513.01 (B) OF THE OHIO REVISED CODE, was presented. Mrs. Lattimer moved, Mrs. Stranman seconded to waive the reading of the ordinance; motion CARRIED. Mrs. Lattimer moved, Mrs. Stranman seconded to suspend the Charter requirement of two readings. On the roll call to suspend the Charter requirement of two readings: Mr. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. McClure, Mr. Ducro voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mr. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

ORDINANCE NO. 2012-124 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MIAMI VALLEY INTERNATIONAL TRUCKS, INC., AND/OR LAKE TRUCK SALES AND SERVICE, INC., FOR THE LEASE/PURCHASE OF TWO (2) 2012 INTERNATIONAL TRUCKS THROUGH THE STATE OF OHIO PURCHASING PROGRAM, 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. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. McClure, Mr. Ducro voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mr. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

ORDINANCE NO. 2012-125 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROJECT AGREEMENT WITH THE OHIO PUBLIC WORKS COMMISSION TO PROVIDE FINANCIAL ASSISTANCE FOR REHABILITATION OF THE WEST AVENUE BRIDGE, 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. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. McClure, Mr. Ducro voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mr. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

Ashtabula City Council Regular Meeting
Monday, August 6, 2012

ORDINANCE NO. 2012-126 AN ORDINANCE REPEALING CODIFIED ORDINANCE SECTION 505.14 ENTITLED PIT BULL TERRIERS OR OTHER VICIOUS DOGS, FOR THE PURPOSE OF PERMITTING PIT BULL TERRIERS IN THE CITY OF ASHTABULA UNDER CERTAIN CONDITIONS, was presented. Mrs. Lattimer moved, Mrs. Stranman seconded to waive the reading of the ordinance. The Ward 4 Councilor said she believes this legislation is “great”, and that she fully supports the City’s support of the Animal Protective League. She has difficulty with residents who currently own a pit bull or pit bull breed being able to continue to own the animal inside the City. She is also thankful the vicious dog definition has been clarified. The Ward 3 Councilor instructed her colleagues how to vote for their desired outcome. Her intention was pure in that there have been times where the vote outcome was not representative of the desired outcome of a member due to confusion, misunderstanding, etc., and the vote had to be retaken. The President said he has a problem with the City telling anyone what type of dog they may or may not own. The motion **CARRIED**. Mrs. Lattimer moved, Mrs. Stranman seconded to waive the Charter requirement of two readings. Discussion on whether to waive the Charter requirement of two readings took place because there was a question of whether the public comment time was sufficient. The Ward 5 Councilor believes emails he received tell him the public is well versed on the issue. On the roll call to waive the Charter requirement of two readings: Mr. Pugliese (nay), Mrs. Lattimer (yes), Mr. Balog (yes), Mr. Trisket (yes), Mrs. Stranman (yes), Mr. McClure (nay), Mr. Ducro (nay). The motion **FAILED** by a 4-3 vote, and the ordinance was placed on its first reading.

The President said his nay vote was not because he believes pit bulls should be allowed or disallowed, but because he believes time and attention should be given to it, to ensure the APL, the citizenry, and City officials clearly understand. The Ward 2 Councilor reported this issue has been discussed for a few months, and believes the Safety Forces Committee Chair has done a great job on it, but that he was asked if it could have been put to a vote of the people. The Solicitor responded that any vote could be subject to an initiative or referendum in accordance with the City’s Charter. Council can determine to submit an ordinance to a vote of the people; failing this a successful petition drive could place it before the electorate. The Ward 2 councilor believes that Council should have placed it on the ballot to hear what the residents have to say. The Ward 3 Councilor agreed that this issue (as have other issues) been discussed for a while. She said it has been discussed on Council floor, in the newspaper, and in committee meetings open to the public. The Councilor said if everything is put to a vote of the people then a City Council is not needed. She said the State of Ohio repealed breed specific legislation without putting it to a vote of the people.

ORDINANCE NO. 2012-127 AN ORDINANCE ENACTING NEW CODIFIED ORDINANCE SECTION 505.14 ENTITLED VICIOUS DOGS; PIT BULL TERRIERS. The Clerk announced this ordinance would be removed in light of the vote outcome of Ordinance 2012-126. The Solicitor suggested this ordinance also be read twice. Mr. Trisket moved, Mrs. Stranman seconded the Solicitor’s suggestion. The motion was not enacted in order to permit the Clerk to properly present the legislation.

The legislation title was presented. Mrs. Lattimer moved, Mrs. Stranman seconded to waive the reading of the ordinance; motion **FAILED**. On the roll call to waive the Charter of two readings: Mr. Pugliese (nay), Mrs. Lattimer (nay), Mr. Balog (nay), Mr. Trisket (nay), Mrs. Stranman (yes), Mr. McClure (nay), Mr. Ducro (nay). The motion **FAILED** by a 1 to 6 vote. The Clerk read the ordinance as follows, after which it was placed on its first reading:

ORDINANCE NO. 2012-127

**AN ORDINANCE ENACTING NEW CODIFIED ORDINANCE SECTION 505.14 ENTITLED
VICIOUS DOGS; PIT BULL TERRIERS**

WHEREAS, the daily operations of the City of Ashtabula and the Office of the City Manager require the enactment of this legislation; and,

WHEREAS, City Council has determined to amend and qualify the existing prohibition against owning Pit Bull Terriers in the City of Ashtabula under certain conditions;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Ashtabula, Ohio:

SECTION 1. That Codified Ordinance Section 505.14, entitled Vicious Dogs; Pit Bull Terriers, a complete copy of which is attached hereto, shall be, and the same is hereby, enacted;

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning and related to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its Committees that resulted in such formal action were in meetings open to the public in compliance with the requirements of Section 10 of the Municipal Charter of the City of Ashtabula, Ohio, and of Section 121.22 of the Revised Code of Ohio.

SECTION 3. For the reasons stated in the preamble, this ordinance, if approved by the votes of five (5) or more members of Council, shall take effect immediately, otherwise 30 days thereafter.

505.14 VICIOUS DOGS; PIT BULL TERRIERS

(a) Definitions. As used herein:

(1) "Vicious" dog, as the term is used in this section means:

(A) Any dog with a propensity, tendency or disposition, to attack, to cause injury or to otherwise endanger the safety of human beings or other domestic animals; or

(B) Any dog which attacks a human being or another domestic animal one or more times without provocation.

Ashtabula City Council Regular Meeting
Monday, August 6, 2012

(2) "Pit Bull Terrier", as used herein, means any American Pit Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contains as an element of its breeding the breed of American Pit Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier and is identifiable as such under the breed standards accepted by either the American Kennel Club (AKC), the American Dog Breeder's Association (ADBA), the National Kennel Club (NKC) or the United Kennel Club (UKC).

(b) Except as otherwise provided in this section, no person shall own, keep or harbor a vicious dog or a Pit Bull Terrier within the corporate limits of the City.

(c) A Pit Bull Terrier as defined herein may be owned, kept or harbored within the corporate limits of the City of Ashtabula if the animal meets all of the following qualifications:

(1) It was adopted or obtained from the Ashtabula County Animal Protective League (APL), and has been determined by that organization to be neither people-aggressive or animal-aggressive;

(2) It has had an APL microchip implanted, and it displays an APL tag on its collar;

(3) It is current with respect to rabies vaccinations and has been spayed or neutered, and the owner or keeper has documentation to establish same; and

(4) It has a current dog tag or license issued by the Ashtabula County Auditor.

(d) Whoever violates any provision of this section is guilty of misdemeanor of the third degree on a first offense and a misdemeanor of the first degree on any subsequent offense. In addition, any person found guilty of violating any provision of this section shall pay all expenses, including shelter, food, veterinary expenses for identification or certification of the breed of the animal or boarding and veterinary expenses necessitated by the seizure of any dog for the protection of the public, and such other expenses as may be required for the elimination of any such dog. Each day that such violation continues shall be considered a separate violation.

(e) Immediately following a conviction of any violation of this Section, the Court shall hold a hearing to determine whether or not the animal involved should, in the interests of public safety, be euthanized. There shall be a presumption in favor of euthanizing the animal if there is substantial credible evidence that the animal has been involved in a prior attack or attacks on a person or another domestic animal.

ORDINANCE NO. 2012-129 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE LAMPION COMPANIES FOR LABOR AND MATERIALS FOR THE INSTALLATION OF FLASHING SCHOOL ZONE SIGNALS, 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. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. McClure, Mr. Ducro voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mr. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

ORDINANCE NO. 2012-130 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO APPROVE CHANGE ORDERS NO. 2 AND NO. 3 TO CONTRACT WITH RONYAK PAVING, INC. FOR THE 2012 GENERAL STREET RESURFACING PROJECT, 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. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. McClure, Mr. Ducro voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mr. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

ORDINANCE NO. 2012-131 AN ORDINANCE REPEALING CODIFIED ORDINANCE SECTION 1154.05(g) RELATED TO SIGN PERMITS, 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. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. McClure, Mr. Ducro voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mr. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

ORDINANCE NO. 2012-132 AN ORDINANCE ENACTING CODIFIED ORDINANCE SECTION 1154.05(g) RELATED TO SIGN PERMITS, was presented. Mrs. Lattimer moved, Mrs. Stranman seconded to waive the reading of the ordinance. The President asked for a roll call vote to ensure no confusion with the Ward 5 Councilor's request to have the legislation read. On the roll call to waive the reading of the ordinance: Mr. Pugliese (yea), Mrs. Lattimer (nay), Mr. Balog (nay), Mr. Trisket (nay), Mrs. Stranman (nay), Mr. McClure (nay), Mr. Ducro (nay). The motion **FAILED** by a 1-6 vote; the Clerk read the legislation as follows:

ORDINANCE NO. 2012-132

AN ORDINANCE ENACTING CODIFIED ORDINANCE SECTION 1154.05(g) RELATED TO SIGN PERMITS

WHEREAS, the daily operations of the City of Ashtabula and the Office of the City Manager require the enactment of this legislation; and,

WHEREAS, City Council has determined to amend and qualify the existing regulations governing political signs in the City of Ashtabula;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Ashtabula, Ohio:

SECTION 1. That Codified Ordinance Section 1154.05(g), a complete copy of which is attached hereto, shall be, and the same is hereby, enacted;

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning and related to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its Committees that resulted in such formal action were in meetings open to the public in compliance with the requirements of Section 10 of the Municipal Charter of the City of Ashtabula, Ohio, and of Section 121.22 of the Revised Code of Ohio.

SECTION 3. For the reasons stated in the preamble, this ordinance, if approved by the votes of five (5) or more members of Council, shall take effect immediately, otherwise 30 days thereafter.

EXHIBIT A – 1154.05(g), PROPOSED LANGUAGE

(g) Permit Exemptions. The permit provisions of this section shall not apply to the following signs:

- (1) Real estate signs as regulated in Section 1154.14(c);
- (2) Nameplates, limited to the name and address of the resident, for one- and two-family dwellings provided that no such sign exceeds one square foot in area and that no more than two such signs are displayed per residence;
- (3) Memorial signs or tablets, names of buildings and dates of erection, provided that such signs do not exceed two square feet in area;
- (4) Traffic or other municipal signs, legal notices, railroad crossing signs, danger and such temporary, emergency or nonadvertising signs as may be approved by Council; and
- (5) Seasonal signs/special displays. Special decorative displays used for holidays, public demonstrations or promotion of civic welfare or charitable purposes, when authorized by the municipal authorities, on which there is no commercial advertising, provided the City is held harmless for any damage resulting therefrom as provided in Section 1154.23 et seq.
- (6) Political signs as defined and regulated in Section 1154.14(a).

Mrs. Lattimer moved, Mrs. Stranman seconded to waive the Charter requirement of two readings. The Solicitor reported this legislation exempts from the general requirement that a sign be erected only with a sign permit. In other words political/campaign signs would not be subject to the requirement of a sign permit. On the roll call to waive the Charter requirement of two readings: Mr. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. McClure, Mr. Ducro voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mr. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

Ashtabula City Council Regular Meeting
Monday, August 6, 2012

ORDINANCE NO. 2012-133 A ORDINANCE REPEALING CODIFIED ORDINANCE SECTION 1154.14(a) RELATED TO TEMPORARY SIGNS, 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. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. McClure, Mr. Ducro voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mr. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

ORDINANCE NO. 2012-134 AN ORDINANCE ENACTING CODIFIED ORDINANCE SECTION 1154.14(a) RELATED TO TEMPORARY SIGNS, was presented and read its entirety in honor of the Ward 5 Councilor's request when he made a motion earlier in this meeting to have the ordinance added to this evening's agenda.

**ORDINANCE NO. 2012-134
AN ORDINANCE ENACTING CODIFIED ORDINANCE SECTION 1154.14(a) RELATED TO
TEMPORARY SIGNS**

WHEREAS, the daily operations of the City of Ashtabula and the Office of the City Manager require the enactment of this legislation; and,

WHEREAS, City Council has determined to amend and qualify the existing regulations governing political signs in the City of Ashtabula;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Ashtabula, Ohio:

SECTION 1. That Codified Ordinance Section 1154.14(a), a complete copy of which is attached hereto, shall be, and the same is hereby, enacted;

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning and related to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its Committees that resulted in such formal action were in meetings open to the public in compliance with the requirements of Section 10 of the Municipal Charter of the City of Ashtabula, Ohio, and of Section 121.22 of the Revised Code of Ohio.

SECTION 3. For the reasons stated in the preamble, this ordinance, if approved by the votes of five (5) or more members of Council, shall take effect immediately, otherwise 30 days thereafter.

EXHIBIT A – 1154.14(a) – PROPOSED LANGUAGE

(a) Political Signs. A political sign shall be deemed to be any sign defined as a political sign in Section 1154.03(a)(17) and/or any sign concerning any candidate, political party, issue, levy, referendum or other matter whatsoever eligible to be voted upon in any general, primary, or special election; or any sign advocating any type of political action or promulgating any political view or views. Political signs placed in residential districts shall be non-illuminated and have a maximum area of sixteen square feet per face and a maximum height of four feet. Political signs shall not be placed upon street signs, utility poles, within treelawns or within the dedicated right-of-way of any public street in the City of Ashtabula. Political signs shall not be placed in such a fashion as to create a significant obstruction of a driver's view of approaching traffic at intersections. 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. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. McClure, Mr. Ducro voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mr. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

UNFINISHED BUSINESS

Multi-Cultural Festival (MCF): The President commended City employees and the MCF Committee on a successful event; said he thought it to be very enjoyable; and looks forward to it growing. The Ward 4 and 5 Councilors commented on the "delicious" cuisine.

Walnut Beach Buoys: The Vice President asked for an update on replacing the buoys. The Manager reported he is looking into an ODNR grant to purchase 6 buoys. He found out a coast guard permit is required detailing the latitude and longitude of the buoy's suggested locations; therefore the process is taking longer than expected.

Temporary Sanitation Workers: The President reported receiving several concerns with the delay in weekly garbage pickup, and asked when the temporary help will be hired. The Manager announced the posting will be in Friday's newspaper and the application time has been shortened due to the need.

NEW BUSINESS

Nuisance Homes: The President asked the Manager to outline the policy for citizens and what Council can do to assist citizens with the problem of neighborhood nuisance homes. He reported receiving calls regarding drugs, prostitution, and vile living circumstances at various properties.

The Manager said the most important thing anyone may do is call the Broken Windows Program hotline (992.7126), Police Department Non-Emergency number (992.7172), or the Department of Planning and Community Development (992.7118), and let them know the location(s) and what is taking place. He said it unfortunately takes time. A violation has to be served on the current homeowner and a prescribed time has to be given to rectify the violation. If compliance is not adhered to, they are then forwarded to the Solicitor's office to take through the judicial process.

Take care of the Children: The Ward 2 Councilor believes there are cases in the City of resident's not being able to maintain their property, for various reasons, money being one. However, there is not a reason in the world why "you should let your grass grow, have garbage in the front yard, garbage in the backyard, garbage on the porch, furniture on the porch, garbage cans – couches out on the lawn (and expect the City)of Ashtabula to pick them up. We don't do that. There are certain rules and regulations we need to apply." The Councilor voiced concerned that children, while "maybe not being neglected, need to be addressed in a more serious manner. I've seen some children throughout this City, in different areas in Ashtabula that definitely need a bath. There's no reason for not being clean. We can all afford soap. I know times are tough. We need to take care of the young people in this City. And, I see more and more of it every day. I see people walking up and down the street because they can't afford an automobile. I see children in buggies being pushed in the hot sun because they can't afford an automobile (and urged the person pushing the buggy to shield the young one from the sun). But we need to be concerned about everyone in Ashtabula, but definitely we need to be concerned about the young children in this City."

The President commented on reports of people breaking bottles on sidewalks in front of their home and leaving it for people to traverse. He commented on the tenant's responsibility and the danger this type activity poses.

MISCELLANEOUS BUSINESS

Events

Ridgeview Terrace: The President announced he attended the Ashtabula Township's senior housing facilities 10 year anniversary celebration. He said it was beautiful, commended Pastor NeRoy Carter for making the living facility possible, and said it is well supported by the community.

Chestnut Area Neighborhood Party: The President commended Peter's Episcopal Church for hosting the party; and said they are very involved in their neighborhood. He said they are trying to begin a Neighborhood Watch Program, and trying to engage the citizens in the area to improve their surroundings. Citizens in attendance voiced their desire for City leadership to be involved, to let the citizens know they are concerned, and wanted to be given direction on how to improve their neighborhood. The President said even in the areas tagged as not so desirable have good, concerned, and frustrated citizens who desire to do more. He would like the City to be able to give them the resources they need.

Chestnut Area Neighborhood Watch (NHW): The President announced a meeting to discuss the NHW program is scheduled for Thursday, 7:00 p.m., at St. Peter's Church. He encouraged the resident's in the area and Council to attend to find out what they can do to change the landscape of the neighborhood.

PUBLIC'S GENERAL PORTION

Ms. Alice Cook, West 14th Street: reported her street between Lake Road and Ohio Avenue is quickly becoming impassible. The hole in the road nearer to Ohio Avenue is a good foot wide and soon will be a foot deep. There are multiple other holes, therefore she avoids it and travels up to Pennsylvania. Occasionally a patrol vehicle "flies through there and they're going to have a wreck". She said she spoke with the City Manager about the water that accumulates at her corner. It is at least 40 feet of water that sits for a days, which in turn helps the mosquito population. She said it is a very busy street, listed as being in Ward 2 on the paving list, but paving has not yet begun. (The Ward 3 Councilor reported the area is technically in Wards 2 and 3).

Ms. Bertha Stapleton, 118 Grove Drive: told how she was offended that the property she owns, (currently occupied by her daughter), is on the trash (Nuisance Abatement) certification list that was printed in the newspaper. She said she keeps her properties neat and was appalled to see it on the list. Ms. Stapleton was told the Ohio Revised Code determines the language the City has to use; and that the list represents unpaid trash bills. The President was asked her to remain after the meeting so he and the City Auditor could speak with her.

Mr. Dennis Degennaro, 1716 West 5th Street: reported he goes to Walnut Beach a lot and commented on the absolute cruelty being perpetrated on seagulls by children and adults alike. He said a State of New York Wildlife Rehab specialist introduced herself to him two weeks ago and told him she witnessed adult males throwing rocks at seagulls for a couple of hours. She took one injured seagull with her to see if she could rehabilitate it.

Ashtabula City Council Regular Meeting
Monday, August 6, 2012

The men throwing the rocks told Mr. Degennaro they were trying to impress high school girls. He said this type activity does not happen at Mentor Headlines. He thanked the YMCA lifeguard supervisor, Rose, who instructed her employees to call the police when they see this activity happening. He thanked Police Chief Robert Stell who told him that if officers are not responding they will respond at the beach, when notified.

The President said the behavior Mr. Degennaro witnessed is inexcusable; hopes if perpetrators are caught they will be fully prosecuted; and would be interested to know if Mentor has legislation prohibiting the behavior of cruelty to animals.

The Ward 5 Councilor reported the Division of Wildlife would love to be involved in animal cruelty cases.

The Vice President suggested federal fines for animal cruelty might be stiffer than they are at the local level.

Adjournment: Mr. Pugliese moved, Mr. Trisket seconded to adjourn the meeting at 9:24 p.m.

DATE APPROVED: **October 15, 2012**

ATTESTED BY: _____

J.P. Ducro IV
President of Council

ATTESTED BY: _____

LaVette E. Hennigan, MMC
Clerk of Council