

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.

Thank you: The President thanked Mr. Richard Quaranta for covering camera duty in Mr. Earl Tucker's absence.

Members Present:

Mr. Richard F. Balog (Ward 1)
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: **Mr. James M. Trisket** (Ward 5)

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: Mrs. Lattimer moved, Mr. Pugliese seconded to excuse the Ward 5 Councilor from the meeting; motion CARRIED.

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

READING AND DISPOSAL OF MEETING MINUTES

The minutes of the **May 7 Regular Meeting** were presented. Mrs. Lattimer moved, Mrs. Stranman seconded that the reading of the minutes be waived; motion CARRIED. Mrs. Lattimer moved, Mrs. Stranman seconded to adopt the minutes; motion CARRIED.

The minutes of the **May 21 Regular Meeting** were presented. Mrs. Lattimer moved, Mrs. Stranman seconded that the reading of the minutes be waived; motion CARRIED. Mrs. Lattimer moved, Mrs. Stranman seconded to adopt the minutes; motion CARRIED.

The minutes of the **June 4 Regular Meeting** were presented. Mrs. Lattimer moved, Mrs. Stranman seconded that the reading of the minutes be waived; motion CARRIED. Mrs. Lattimer moved, Mrs. Stranman seconded to adopt the minutes; motion CARRIED.

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The minutes of the **June 18 Regular Meeting** were presented. Mrs. Lattimer moved, Mrs. Stranman seconded that the reading of the minutes be waived; motion CARRIED. Mrs. Lattimer moved, Mrs. Stranman seconded to adopt the minutes; motion CARRIED.

CITY MANAGER'S REPORT

Housing Appeals Board

The City Manager requested the reappointment of Ms. Debra Blair to the Housing Appeals Board effective immediately, with a term to expire on April 1, 2015. Mrs. Lattimer moved, Mrs. Stranman seconded to grant the Manager's request; motion CARRIED.

Repeal Ordinance 2011-118

The City Manager requested the repeal of Ordinance 2011-118. This was a request to hire services for traffic sign inventory; however the service is not required at this time, and therefore the company was not hired. Mrs. Lattimer moved, Mrs. Stranman seconded to grant the Manager's request; motion CARRIED.

Repeal Ordinance 2011-82

The City Manager requested the repeal of Ordinance 2011-82. This was a request to hire services for utility review; however the service is not required at this time, and therefore the company was not hired. Mrs. Lattimer moved, Mrs. Stranman seconded to grant the Manager's request; motion CARRIED. The President suggested this service be revisited as soon as possible in order to save dollars. The Manager concurred, and said that he would.

Tire Amnesty Program

The City Manager reminded residents the Program allowing tires to be disposed of is scheduled for Saturday, September 15, from 8:00 a.m. to 2:00 p.m. Proof of residency (identification or utility bill baring their City address) will be required to be allowed to dispose of up to 4 passenger tires at the Transfer Station free of charge. The disposals of more than 4 tires will costs \$3.00 without rims; \$5.00 with rims.

2012 Paving Program

The City Manager reported the Program is complete. Ronyak Brothers began on Friday and finished on Friday. The process of selecting 2013 roads will begin soon.

Drug Raid

The City Manager thanked our Police Department for their participation in the county drug raid that recently took place; specifically the meth raid which took place last week. He applauded Police Chief Stell and officers who are always willing to help other law enforcement agencies; and said he knows they will continue.

QUESTIONS AND/OR COMMENTS FOR THE MANAGER

Paving: The President asked if Ronyak Brothers has been used for past paving programs. He believes they seemed to be “exceptionally better” and worked quickly. The Manager said he believes they have. He said Ronyak owns their own milling machines, allowing them to grind, whereas others firms have to contract grinding out and then have to wait before they can pave. He said they come in with all the necessary equipment, do the work, and are gone in a timely fashion. The Manager reported Engineering Technician Bill Jepson was on site daily to ensure they were “laying down enough, and grinding enough”. They worked Monday through Thursday from 7:00 a.m. until 9:30 p.m., and half a day Friday. The President said the quality of paving performed in the City has always been good, but that this firm’s timeliness was noticeable.

The Ward 4 Councilor asked if the new material “fills” different. The Manager replied no, but hopes to notice the different in the fortified product that used in certain areas (e.g. Wade Avenue) as it wears.

Tires: The Ward 2 Councilor asked if truck tires may be disposed of. The Manager responded no. The Ward 4 Councilor thanked Planning & Community Development Department Project Coordinator, Mary Church, for finding the grant.

Chemical Feed Building Project: The Ward 4 Councilor asked for an update on the Project. The Manager reported the Project is close to completion, with a scheduled completion date of September 15. He has attended the bi-weekly construction update meetings and things are going extremely smooth. The painting is done; the new fans are in; there is some minor work to be performed, such as the installation of eye wash stations and showers in case there is exposure to chemicals; they upgraded the gas line pressure coming into the new furnaces/HVAC system that is being installed; and there were some issues with leaks which have been tightened up. He reported the general contract, Union Industrial Contractors (UIC), has been pleased with all the subs and the cooperation they’ve been getting. It’s going well.”

Drug Raid: The Clerk of Council asked the Manager if he read the Star Beacon news articles involving the raid he mentioned in his report this evening that the Ashtabula City Police Department was involved. The Manager replied, “I did not”. The Clerk said she did not either; and was thankful he mentioned it because she could not believe they were not involved, as one would surmise from reading the newspaper. She reported the Star Beacon articles spanned two days, were large, and never a mentioned of the Ashtabula City Police Department was found. The President said clearly they were involved because they were on the news.

CITY SOLICITOR'S REPORT

Shooting: The Solicitor said in response to a question posed in this evening's Pre-Council meeting he is able to say that, "As to the shooting that was reported in today's newspaper, the alleged shooter is in custody. The matter is still under investigation, however."

QUESTIONS AND/OR COMMENTS FOR THE CITY SOLICITOR

Redistricting: The President reported that at the next Council meeting it is possible redistricting will be presented and possibly adopted. The Solicitor reported his department's intention is to have the legislation in time for the second meeting this month. The President asked when the changes would take effect. The Solicitor replied December 31 or January 1, in order to have a clear dividing line for voting and registration purposes. The President concurred.

The Ward 4 Councilor asked how voters affected by the change will be notified. The Solicitor said he does not know if the Board of Elections (BoE) has anything planned. He said anyone registered to vote remains registered to vote. They do not have to register because they have been redistricted. The worst case scenario would be someone would show up at the incorrect polling place on Election Day and be redirected to the proper polling place. He said the BoE is doing what they can to reduce the number of precincts; therefore we might not be the only entity making changes and notifying voters. The Ward 4 Councilor asked the Clerk to inquiry with the BoE.

Municipal Court Amnesty Day #2: The President asked for stats from the recent day. The Solicitor did not recall, and thought he might have reported the numbers at a previous meeting. The Clerk reported the stats previously received were from the first Amnesty Day.

CITY AUDITOR'S REPORT

2011 Audit: The Auditor reported the 2011 Audit is complete; the Comprehensive Annual Financial Report (CAFR) has been sent to GFOA (Government Finance Officers Association), and has been submitted to the State; and the independent auditor will schedule a meeting to provide the full Council with an overview and analysis.

QUESTIONS AND/OR COMMENTS FOR THE CITY AUDITOR

CAFR: The Ward 4 Councilor reported the CAFR is written well so anyone is able to understand it.

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CITY COUNCIL COMMITTEE REPORT

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

Meeting: The Chair reported the Committee will meet tomorrow at 6:00 p.m., and reported the following:

Announcements

Wine & Walleye Festival: The Festival was last weekend; the Chair visited on Saturday; it appeared to be well attended; and her the car show (1st year) was well attended.

Beatitude House: The most recent newsletter had a notice about the new Ashtabula location. All 10 apartments are filled. The resident mothers are from 21 to 42 years of age; children are 3 months to 15 years old; and the first birth is due in 2 months.

Smith Field Mural: There has been progress on the mural painting. The first mural is almost completed; the second one has been started. Parks & Recreation Board member Richard Quaranta reports there is talk about having a ribbon cutting once both murals are complete.

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

The Chair reported the Committee has not met since the last Council meeting; and the next meeting is scheduled for Friday, September 14, at 8:00 a.m. Topics to be discussed will be Auditor's Department personnel and the possible enactment of a City Indigent Burial policy.

Public Works / Utilities / Schools – (Mr. August Pugliese/Mrs. Lattimer): The Chair reported the Committee will meet on Tuesday, September 11, at 8:00 a.m.

QUESTIONS FOR THE COMMITTEE

Safe Routes to Schools (SRTS): The President asked what the next step in the grant process is. The Chair reported Mr. Kevin Grippi has announced the grant was awarded; now the engineer will be hired to implement the program. The City will be contacted to find out "what areas we would need to go to". The estimated time of completion of the installation of sidewalks in the Elementary School Campus area is 2013. The Manager reported the project's engineering firm, Trans Systems, of Columbus, OH, contacted the City so the program can move forward.

School Opening: The President reported speaking with Ashtabula Area City Schools Superintendent Joseph Donatone who said the last two buildings to open on the campus of five elementary buildings went; especially given students were bused to the new facility that had previously been at other locations.

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Even with the road being paved the second day of school there were little complications, and nothing negative reported in the newspaper.

Safety Forces – (Mr. Balog/Mr. Trisket)

The Chair reported because there are no agenda items at this time, the Committee is tentatively scheduled to meet on Friday, September 21, at 8:00 a.m.

Work Session: The President announced a work session will be scheduled once Painesville Crime Free Multi-Housing Officer and the Manager settle on a date.

FORMAL LEGISLATION REQUEST

The City Manager requested Ordinance NO. 2012-139 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A COMMUNITY REINVESTMENT AREA TAX INCENTIVE AGREEMENT WITH LAKE CITY PLATING COMPANY, INC., FOR THE PURPOSE OF TAX ABATEMENT AT 75% FOR 10 YEARS FOR THE CONSTRUCTION OF ADDITIONAL WAREHOUSE SPACE IN THE CITY. Mrs. Lattimer moved, Mrs. Stranman seconded to grant the Manager's request. The Manager reported Lake City Plating (LCP) has performed a few renovations and updates to their buildings on the east side of Lake Avenue. This is the first time they have applied for tax abatement, after meeting with them and laying out their options. This is the first time the Ashtabula Area City Schools Board unanimously agreed to anything over the 50% level. Percentages under 50% do not require their approval in order for the abatement to be granted, per the Ohio Revised Code. Growth Partnership of Ashtabula County assisted LCP with their project. The Ward 4 Councilor said it is exciting to see this type of growth. The President said it is exciting to see businesses utilizing the tax abatement tool; and hopes it will be an incentive for others to expand knowing they, too, have the opportunity to request the same. The Solicitor reported there is generally a misconception about how tax abatements work. He said there is no reduction in the taxes collected at this time. The abatement only applies to the additional value that LCP is adding to its property by constructing the warehouse space. Existing revenues will continue to be collected. The Vice President reported the tax abatement is predicated on job creation. The President reported 9 new jobs are scheduled to be created. The motion CARRIED.

PUBLIC (LEGISLATION) PORTION - None

LEGISLATION READING

ORDINANCE NO. 2012-139 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A COMMUNITY REINVESTMENT AREA TAX INCENTIVE AGREEMENT WITH LAKE CITY PLATING COMPANY, INC., FOR THE PURPOSE OF TAX ABATEMENT AT 75% FOR 10 YEARS FOR THE CONSTRUCTION OF ADDITIONAL WAREHOUSE SPACE IN THE CITY, 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, Mrs. Stranman, Mr. Pugliese, Mrs. Lattimer, Mr. McClure, Mr. Ducro voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mr. Balog, Mrs. Stranman, Mr. Pugliese, Mrs. Lattimer, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

ORDINANCE NO. 2012-140 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTACT WITH DALIN TRUCK & AUTO FOR THE PURPOSE OF TRUCK REPAIRS, 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, Mrs. Stranman, Mr. Pugliese, Mrs. Lattimer, Mr. McClure, Mr. Ducro voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mr. Balog, Mrs. Stranman, Mr. Pugliese, Mrs. Lattimer, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

ORDINANCE NO. 2012-141, AN ORDINANCE REPEALING CODIFIED ORDINANCE SECTION 165.05 RELATED TO PLANNING COMMISSION MEETINGS, RULES, RECORDS, ATTENDANCE AND QUORUM, 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. Mrs. Lattimer moved, Mr. McClure seconded to dispose of this ordinance and Ordinance No. 2012-142 via consent agenda. After discussion the motion was withdrawn. On the roll call to waive the Charter requirement of two readings: Mr. Balog, Mrs. Stranman, Mr. Pugliese, Mrs. Lattimer, Mr. McClure, Mr. Ducro voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mr. Balog, Mrs. Stranman, Mr. Pugliese, Mrs. Lattimer, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

ORDINANCE NO. 2012-142 AN ORDINANCE ENACTING NEW CODIFIED ORDINANCE SECTION 165.05 RELATED TO PLANNING COMMISSION MEETINGS, RULES, RECORDS, ATTENDANCE AND QUORUM, 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, Mrs. Stranman, Mr. Pugliese, Mrs. Lattimer, Mr. McClure, Mr. Ducro voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mr. Balog, Mrs. Stranman, Mr. Pugliese, Mrs. Lattimer, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

ORDINANCE NO. 2012-143 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION (OPWC) STATE CAPITAL IMPROVEMENT AND LOCAL TRANSPORTATION IMPROVEMENTS PROGRAMS TO EXECUTE AGREEMENTS AS REQUIRED, 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 Manager announced this funding is for the West Harbor Sewer Improvements; televising and cleaning the sewer that runs down West 9th Street; then going back to Walnut Boulevard – heading east until funding is depleted. Total project cost is \$495,700. Funding is required to be set aside in 2013. The City’s portion is \$247,850. \$100,000 of the State’s half is a loan the City must repay over 20 years at zero percent; and \$147,850 of it is a grant. The Vice President asked the Manager when an update would be provided on how far the funding will take the project. The Manager said it will be hard to tell because as televising begins the findings could reveal such things as a major sewer clasp which would then have to be addressed, as would all findings. The President asked if the identified area was chosen because it is known to be one of the worst, or and has not been addressed in a long time, or “heavily/densely constructed with sewers” or all of the above. The Manager responded, “It’s all of the above, Mr. President. And also when we submitted this application we had to go back and look for problems that were reported to us from backed up sewers. So we sent in all the insurance claims for individual housing within that area. There were several. But that’s that whole Arlington Street, and all those roads there that habitually have problems. Also Saybrook Township – their feet comes in through that West 9th Tributary, so it all kind of comes to a head there before it gets to the Harbor. So, it’s a major area where we have some issues there that need to be addressed.” It was identified before the sitting Council and Administration were elected in November 2011, but was the first opportunity to go after this Ohio Public Works Commission (OPWC) grant specifically for this type of work. The Vice President said he does not believe the project will go far; the Manager concurred. On the roll call to waive the Charter requirement of two readings: Mr. Balog, Mrs. Stranman, Mr. Pugliese, Mrs. Lattimer, Mr. McClure, Mr. Ducro voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mr. Balog, Mrs. Stranman, Mr. Pugliese, Mrs. Lattimer, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

UNFINISHED BUSINESS

West 32nd Street (off Lake Avenue) Railroad Overpass/Bridge: The President announced that in response to Mr. Dennis DeGennaro’s concern regarding what he believes to be a deteriorating, unsafe condition, and unsightliness of the structure, he contacted Tom Partridge at the County Engineer’s office to request the structure be inspected. Mr. Partridge’s report, in summary, stated, “I visited the bridge August 22, at which time a train went overhead while I was standing underneath. There were no signs of excessive movement or strains caused by the load at that time.

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The nature of the inspection was to see if there were parts in the structure which appeared to be an immediate threat to motorists or pedestrians.” And, he didn’t see anything that seemed to be an immediate threat. The President said the report will be kept on file. The inspection of this overpass/bridge will be added to it the City’s annual inspections in order to have a second opinion. A request will be sent to the railroad asking for something in writing as to the structural safety, security, and stability of the bridge.

NEW BUSINESS

Sanitation and Public Works Departments: The Manager thanked these departments for going “above and beyond” their duties to assist with our summer festivals (MultiCultural, Beach Glass, and Wine and Walleye).

Bathhouse: The Manager reported the Walnut Beach bathhouse is officially closed for the season. Project Coordinator Mary Church reported to the Manager that “we hope to still have some work started by the end of the year; or next spring to have it totally done”. The environmental reviews have to be done; and work with the engineering company to come up with the design for the renovations. The process has been much longer because Revolving Loan Funds are being used. The hope is that when the beach opens in 2013 the renovations will be completed.

Holiday Garbage Pickup Schedule: The Manager reported pickup is one day behind schedule.

Temporary Sanitation Help: A full-time employee has resigned, whose position has been filled; and one temporary employee is working. It has helped with the backlog, although he is beginning to question whether it was a manpower issue, because of the amount of callouts that have occurred since the hires, and given that the routes are still getting done. He is concerned there could be another issue in Sanitation, which is being “exacerbated by this now”.

MISCELLANEOUS BUSINESS

Chestnut Avenue Patching: The President complimented Public Works for the patching performed on Chestnut Avenue in front of the former Chestnut Elementary School. Several of the residents had been concerned about the pavement coming away from the brick underneath the road, thus causing water to pool in the area. He said it really looks nice and hopes it will hold. If not, hopefully we will be able to address it prior to it becoming a concern. He said the residents were pleased to have their concern addressed.

Freedom Walk Event: The President reported that in commemoration of the 11th anniversary of 9/11, a freedom walk will take place in the City. It is nationally sponsored by Veterans and Family Memorial Care.

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The walk route will begin at Zaback/Ducro Funeral Home (500 West Prospect Road), pass the VFW on Main Avenue, stop at the Ashtabula City Fire Department for prayer (on display will be a piece of the New York Twin Towers which collapsed in the 9/11/2001 terrorist attack), stop at the Police Department for comments, then pass the Veteran's Memorial Park (Main Avenue); and return to the funeral home for refreshments. The event honors our safety forces, honors and shows respect to those who lost their lives in the attack, and the public servants that defend and protect; and the community and worldwide veterans protecting us (many of whom are deployed because of the 9/11 events). Similar events will be held throughout many communities nationwide. Our event will begin with a short program at the funeral home at 4:00 p.m.; with the walk beginning between 4:30 p.m. and 4:45 p.m. He encouraged participation. A press release will appear in the newspaper later in the week. The Ward 4 Councilor said she appreciated the scheduled time for it should allow the working public to attend.

PUBLIC'S GENERAL PORTION

Ms. Karen Flack, 1827 West 6th Street: said every week she calls in the same house number because furniture is placed on their treelawn which cannot be picked up by the crews when picking up regular weekly garbage items. She asked if there is a way to get the problem addressed that will cause violators to adhere to the ordinance without her having to call it in weekly.

The City Manager said, "I'm sure we're charging them for going to pick that up; citing them for doing that. It is a problem not only for the address you tell us about but other places in the City. We just ask that the landlords try to keep track of this; and that other citizens trying to keep track of it, please call it in. We'll do our best to get there and get it picked up. We will be citing people for that – we should be citing people for that and charging them for having to make those additional trips."

Ms. Flack said she knows the landlord is trying to do her best to address the problem but it is not working; therefore asked for a copy of the records showing the times the City picks up the extras at this location, and the amount they have cost the City for doing so.

The Manager said he can see if Sanitation has that information available.

Ms. Flack asked if the department is required to keep records of special pickups.

The Manager said he can find out from Sanitation.

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Ms. Flack reiterated that she would like a copy of the records; noting she did not know what she would do with it and that she does not know what else may be done. She said some people place non-weekly pick up items on the treelawn by accident, and some every now and then. However her neighbor does it monthly.

The Solicitor said this, too, is something he has noticed and is concerned that people are under the misconception that the City offers free junk hauling. We pick up refuse and bill residents served by our refuse hauling service. But, "You just can't throw out an old mattress, a broken chest-of-drawers, a bunch of automobile tires, and expect that that's included in your monthly sanitation bill. Those are additional items. And, ultimately the system will catch up with you and you will be billed significantly more than you would if you called the Sanitation Department. And if you don't have the ability to take the item there, arrangements usually can be made to pick it up at a very reasonable charge. But if you just put it on the treelawn and wait for someone to pick it up, as I say, the system will catch up with you, and you will be billed a significantly higher amount. And, if that amount is not paid it will appear on the tax duplicate. Now if you're renting you may not think that's a problem. But when your landlord sees that bill on his tax duplicate you will find you and your landlord do have a problem. So, I strongly recommend that if you are moving or if you have a large amount of large refuse that you need to take care of, that you contact our Sanitation Department well in advance and make the arrangements that you need to make."

The President thanked the Solicitor and Ms. Flack.

Alice Cook, 1742 West 14th Street: thanked the City Manager and Council for selecting Ronyak Brothers for this year's paving program. She said they did an excellent job on West 14th Street; so much so that some people think it is the local speedway. She said the Manager told her if the speed limit is not posted the speed is 25mph. She said she will complain if it continues; noting speeders usually are at 80mph by the time they get to Ohio Avenue.

Adjournment: Mrs. Lattimer moved, Mrs. Stranman seconded to adjourn the meeting at 8:04 p.m.

DATE APPROVED: **November 5, 2012**

ATTESTED BY: _____

J.P. Ducro IV
President of Council

ATTESTED BY: _____

LaVette E. Hennigan, MMC
Clerk of Council