

Council met in a **REGULAR MEETING**. The President of Council called the meeting to order at 7:00 p.m., the Ward 4 Councilor offered the opening prayer, and the Pledge of Allegiance was cited.

Members Present: Mrs. Ann I. Stranman (Ward 3)
Mr. August A. Pugliese (Ward 2)
Mrs. Julie A. Lattimer (Ward 4)
Mr. Richard F. Balog (Ward 1)
Mr. 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's from the meeting due to the passing of a family member; motion CARRIED.

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

READING AND DISPOSAL OF MEETING MINUTES

The minutes of the July 2 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 approve the minutes. There being no corrections, the minutes were approved as presented.

The minutes of the July 16 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 approve the minutes. There being no corrections, the minutes were approved as presented.

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The minutes of the July 2 Public Hearing 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 approve the minutes. There being no corrections, the minutes were approved as presented.

CITY MANAGER'S REPORT

Chemical Feed Building Project

The City Manager requested an ordinance to execute Change Order No. 1 with Union Industrial Contractors of P.O. Box 1718, Ashtabula, OH 44004 in the amount not to exceed \$3,542.39. This Change Order is needed for the purpose of additional electrical and plumbing equipment. Funding for this expenditure will be taken from Account Number 503-150-5500, entitle Capital Purchases. Mrs. Lattimer moved, Mrs. Stranman seconded to grant the Manager's request; motion CARRIED.

Dispatching Agreements

The City Manager requested an ordinance to enter into agreements with the villages of Andover, Jefferson, Orwell, and Roaming Shores for the purpose of providing Police dispatching services. Mrs. Lattimer moved, Mrs. Stranman seconded to grant the Manager's request. The Ward 4 Councilor said she was excited for these agreements. The Manager reported Police Chief Stell put the package together; and that he, the Solicitor and the Chief met with the mayors and police chiefs from the various communities. He reported the details of the agreements are in this evening's Council packet and asked the Chief to expound on the program. The Police Chief thanked the Manager, Auditor and Solicitor for their assistance in putting the package together in a short period of time. He said the City was approached not to long ago by the villages; and they are looking forward to working with us as much as we are with them. He is hopeful the agreements will bring the one and only laid-off employee (dispatcher) back to work; and augment staffing levels with part-time personnel. The program will give dispatch their much needed help, get police officers off the dispatch desk ("hopefully"), and possibly get assistance in the jail. The President said he believes the program is an opportunity for the City to develop a closer and strong working relationship with some of the county law enforcement. He thanked the Chief and Manager for putting the package together, said the opportunity came up previously however was not able to materialize, and hopefully the program may be sustained for a long time.

Halloween Trick or Treat

The City Manager announced Halloween Trick-or-Treat in the City will be observed on Wednesday, October 31, from 5:00 p.m. to 7:00 p.m.

Tire Amnesty Day

The Manager announced 400 tires were disposed of at the Transfer Station on the first Tire Amnesty Day. Due to remaining grant funds the next tire amnesty day is scheduled for Saturday, November 3, from 8:00 a.m. to 2:00 p.m. The number of tires permitted to be disposed of for free has increased to 10.

QUESTIONS AND/OR COMMENTS FOR THE MANAGER

Tires: The Vice President asked when the grant ends. The Manager replied, "I believe we have 12 months to fulfill the grant". The Vice President asked if the Tire Amnesty Program will continue until the grant is exhausted. The Manager replied yes. The Vice President asked if tires from illegal dump sites are allowed to be disposed of with these grant dollars. The Manager replied yes, from vacant homes, etc., but did not believe tires may be removed from properties such as the former Ashtabula Iron & Metal (A.I.M.). However there are large sums of money through the Ohio Department of Natural Resources (ODNR) and the Ohio Environmental Protection Agency (OEPA) for cleanup of A.I.M. type sites. If the City is not able to find out who is responsible for the site, or if the responsible parties are located but they are not willing to clean it up, or if the OEPA does not make them clean it up, then the City will have to take steps to secure funding in order to have the site cleaned up. The tire grant pays for the removal, storage, and disposal of tires; but does not pay for staffing while administrating the grant.

CITY SOLICITOR'S REPORT

Harbor Lake Enterprises, LLC dba "The L.A. Cafe": The Solicitor recalled that last fall Council instructed him to file objections to this entity's liquor permit. The basis for the objection was an obsessive number of police calls, events of violence, and a general perception that management was uncooperative therefore making the problem worse. The objections were filed with the Department of Commerce Division of Liquor Control. The objections were heard in June or July 2012, at which he, the Ward Councilor 2, and some concerned local merchants did appear. The proprietor and his attorney were met with, at which time assurances were received that some changes would be made and some offers to resolve other concerns, which did not directly impinge upon the liquor permit (they were concerns the City had). The concerns were shared with Council, and Council authorized the preparation of documents to "memorialize it". Unfortunately it has taken all these months since then to get the document prepared, get it to the "other side", and then the "other side" had it for quite some period of time. It has been signed and returned. In fairness to the owner of the premises, he has implemented many of the changes we asked for – in particular the Solicitor congratulated him for installing a very comprehensive video surveillance system in the bar and on the patio – and for making it available to Ashtabula law enforcement when problems have been reported. Such cooperation has lead to the conviction of at least one person on some very serious weapons charges.

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He spoke with the owner a few weeks ago, and the owner assured him he had implemented a “ban system” where when he had repeat problems with people who caused trouble they were permanently banned from the site. The owner believes this is having a positive effect on the way he conducts his business. The Solicitor said, “I don’t think it’s perfect. I don’t think we’ll see a cessation of all calls to that location, at least not in the near future. But, it appears that we have some steps in the right direction.

And, since we do have the written agreement signed, and since the man has implemented most of the changes, I am asking that Council consider – or that Council follow through and pass a resolution withdrawing objections to the renewal of that liquor permit; and thereby concluding the issue that was raised last year.” Mrs. Lattimer moved, Mrs. Stranman seconded to grant the Solicitor’s request for A RESOLUTION WITHDRAWING OBJECTIONS TO THE RENEWAL OF OHIO LIQUOR PERMIT NO. 3592619 TO HARBOR LAKE ENTERPRISES, LLC, DBA “THE L.A. CAFÉ”. The Ward 4 Councilor reported every October Council has the right to object to any liquor permit renewals. The Councilor asked why Council still had to withdraw the objection this year since Council’s objection of this particular permit renewal was made last year. The Solicitor explained it was unusual for the proceeding for an objection in one year to carry over to the following year. The motion CARRIED.

QUESTIONS AND/OR COMMENTS FOR THE CITY SOLICITOR - None

CITY AUDITOR’S REPORT

September 2012: The Auditor reported September’s books are still being closed; therefore no financial report is available this evening.

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:

Smith Field Mural: The Chair reported the Chamber of Commerce has agreed to assist the City with hosting a ribbon cutting at the newly created murals on Wednesday, October 10, at Noon.

Meeting: The Chair reported the Committee will not meet this month; and upcoming meeting dates will be determined at a later since there are no pressing issues pending.

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

The Chair reported:

Meeting: The Committee is scheduled to meet on Friday, October 12, at 8:00 a.m.

2013 Budget: 2013 budget talks with Council will begin soon.

Auditor's Department Reorganization: As reorganization occurs reports will be provided.

Public Works / Utilities / Schools – (Mr. August Pugliese/Mrs. Lattimer)

The Chair reported:

Meeting: The Committee is scheduled to meet on Tuesday, October 9, at 8:00 a.m. Mr. Dave Dillon, External Affairs Manager with FirstEnergy (FE), will present on how FE prepares for storm outages.

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

The Chair reported:

Meeting: The Committee is scheduled to meet on Friday, October 19, at 8:00 a.m., to which the public is invited. The meeting topics will be: The Fire Department's request to dispose of obsolete equipment, and an update on their EMS billing and cost benefit analysis; and an update on the Police Department's radio license and K9 units.

Questions/Comments for Committee

Tethering: The President reported receiving a request from Doc Irene Fiala to add to the Safety Forces agenda discussion on tethering (leaving dogs tied up for a period of time while unattended). The Chair replied, "It's a start".

Work Session – No Report

PUBLIC (LEGISLATION) PORTION - None

LEGISLATION READING

ORDINANCE NO. 2012-152 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES, DIVISION OF WATERCRAFT, FOR FINANCIAL ASSISTANCE IN THE PURCHASE OF BUOYS FOR THE WALNUT BEACH SWIMMING AREA, 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: Mrs. Stranman, Mr. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

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

ORDINANCE NO. 2012-153 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BUILDING TECHNICIANS FOR THE PURPOSE OF THE REPLACEMENT OF A ROOF AT THE CITY'S PUBLIC WORKS BUILDING, 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: Mrs. Stranman, Mr. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. McClure, Mr. Ducro voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mrs. Stranman, Mr. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

ORDINANCE NO. 2012-154 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH NOTTER ELECTRIC COMPANY, INC., FOR THE PURPOSE OF INSTALLATION OF AN ELECTRIC GATE AT THE CITY'S WASTE WATER TREATMENT PLANT, 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 reported the gate will provide safety and security. On the roll call to waive the Charter requirement of two readings: Mrs. Stranman, Mr. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. McClure, Mr. Ducro voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mrs. Stranman, Mr. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

ORDINANCE NO. 2012-155 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH HAVE, INC., FOR THE PURPOSE OF INSTALLING A DUCTLESS AIR CONDITIONING UNIT AT THE ASHTABULA CITY POLICE DIVISION DISPATCH CENTER, 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 Vice President asked if the system will be sufficient with an increase in staff.

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The Manager reported the system is needed for equipment heat reduction, and that the possibility of adding staff was discussed prior to making the decision to present this ordinance to Council for a vote. On the roll call to waive the Charter requirement of two readings: Mrs. Stranman, Mr. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. McClure, Mr. Ducro voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mrs. Stranman, Mr. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

ORDINANCE NO. 2012-156 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS WITH THE VILLAGES OF ANDOVER, JEFFERSON, ORWELL AND ROAMING SHORES TO PROVIDE POLICE DISPATCHING SERVICES, 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 Ward 4 Councilor thanked the Manager, Solicitor, Auditor, and Police Chief for their work on this contract. On the roll call to waive the Charter requirement of two readings: Mrs. Stranman, Mr. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. McClure, Mr. Ducro voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mrs. Stranman, Mr. Pugliese, Mrs. Lattimer, Mr. Balog, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

RESOLUTION NO. 2012-157 A RESOLUTION WITHDRAWING OBJECTIONS TO THE RENEWAL OF OHIO LIQUOR PERMIT NO. 3592619 TO HARBOR LAKE ENTERPRISES, LLC, DBA "THE L.A. CAFÉ", was presented. Mrs. Lattimer moved, Mrs. Stranman seconded to waive the reading of the resolution; motion CARRIED. Mrs. Lattimer moved, Mrs. Stranman seconded to adopt the resolution; motion CARRIED.

UNFINISHED BUSINESS - None

NEW BUSINESS

Construction: The Manager reported there is a lot of construction around town (e.g., razing of Ashtabula High School on West 44th Street), the demolition of a former restaurant which will become a new Dollar General store on Lake Avenue, the Illuminating Company's replacement of 490 poles, Lake Avenue Sidewalk Replacement Project, and Aqua OH's updating/maintaining of their water system). He asked motorists and pedestrians to take note of the areas, the workers and be careful in and around them.

Lake Avenue Water Break: At the request of the President, the Manager explained that the break was due to a valve break. When attempting to repair the break Aqua went as far up the road as possible only to incur another valve break.

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The breaks were not repaired immediately because Lake City Plating is on the system and does about a million gallons a week, so Aqua wanted to coordinate their shut down with the water replacement. Hopefully it will be repaired by October 2.

Telephone Pole Replacement: The Manager reported the City will realize revenue from The Illuminating Company's 490 pole replacement, at a rate of \$50.00 per pole.

Lake Avenue & West 32nd Street/Traffic Signals/Traffic Signalization Project: The Vice President asked if signage could be erected informing motorists the light is in full operation again. The Manager said there is a sign on the north and south ends of Lake Avenue, as motorists approach the intersection. He said the intersection is a part of the upcoming Traffic Signalization Project, and that discussion has taken place about how to make motorists better informed of what is ahead. The Ward 2 Councilor suggested the Traffic Department adjust the timers for when the flashers come on at this intersection to accommodate for it getting darker soon. The President reported the intersection is on a one lane road but that there are two traffic lights for it. The Manager responded, "Wait til you see what they designed in the new one". The President cited Main Avenue & West 44th Street as another example of too many lights, and was frustrated the City has no say in the number of traffic signals we pay for and ultimately have to maintain, which can financially "hamstring" the City. The Manager said the Traffic Signalization Project is an 80/20 match; therefore we are receiving project funding. The President replied, "But, why be wasteful", to which the Manager totally agreed. He said Traffic Foreman Gale Urbano has been at all the meetings with management and the consultant and has provided invaluable traffic signalization history. He said the City still should fight (for the third time) to have the traffic signal at Benefit Avenue and Route 20 included in the project. It had to be placed on flashing last week and is piece-milled together at this time; the intersection's controller is on its last go round. The Manager said it would be difficult for the City to pay for the cost to redo the intersection if it ends up not being included in the project.

Consent Agendas: Enacting a consent agenda at regular council meetings will be discussed once the Solicitor has reviewed the information the Clerk of Council provided to him.

MISCELLANEOUS BUSINESS - None

PUBLIC'S GENERAL PORTION – None

COMMENTS

Lake Avenue/West Avenue/Carpenter Road: The Ward 2 Councilor asked if the new light pattern at this intersection can be changed. The Manager said the City still has not accepted the bridge, therefore no traffic pattern changes may occur. The Ward 2 Councilor said he believes the pattern is working pretty well right now.

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The only problem is when travelling north there is a large yellow center stripped area which needs to be removed because it makes traffic back up, and noted that motorists are going over it anyway. The President said is another area where there are excess traffic lights (3 traffic lights for two lanes of traffic). The Manager said, "I still like the traffic light in the tree". The Ward 4 Councilor reported the purpose for the yellow stripped area is so emergency vehicles have a clear view; therefore motorist should not stop inside of it. The Ward 1 Councilor (and former Ashtabula City Fire Chief) reported if the light, which is actuated by sound and sirens, is working properly; the intersection should be cleared in time enough for emergency vehicles to have a clear path.

Adjournment: Mrs. Lattimer moved, Mrs. Stranman seconded to adjourn the meeting at 7:48 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