

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

**Members Present:** Mr. Richard F. Balog (Ward 1)  
Mr. James M. Trisket (Ward 5)  
Mrs. Ann I. Stranman (Ward 3)  
Mr. August A. Pugliese (Ward 2)  
Mr. Christopher J. McClure (Vice President)  
Mr. J.P. Ducro IV (President)

**Member(s) Absent:** Mrs. Julie A. Lattimer (Ward 4)

**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. Stranman moved, Mr. Trisket seconded to excuse the Ward 4 Councilor from the meeting; motion CARRIED.

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

**New Procedure:** The President announced this evening begins the enactment of the Consent Agenda, which also calls for the enactment of a few changes, and asked that everyone bear with Council through the learning process. He provided the following definition:

**CONSENT AGENDA:** The Consent Agenda is a means whereby City Council is able to more efficiently conduct business. The Consent Agenda consists of Formal Legislation Requests and the Disposal of Routine Public Hearing, Special Meeting and Regular Meeting Minutes and Legislation Readings (votes). Each item will be individually read into the record; however no discussion will take place. The Consent Agenda will be dispensed of by one motion and one roll call vote. If a member of City Council, City Administration or the public requests discussion on any Consent Agenda item, that item will be removed from the Consent Agenda and considered under the Regular Order of Business.

**Suspend Council Rule 14 "Order of Business"**

Mr. Trisket moved, Mrs. Stranman seconded to suspend Council Rule 14 for the purpose of proceeding with tonight's agenda as presented. On the roll call to suspend Rule 14: Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. Pugliese, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

Ashtabula City Council Regular Meeting  
Monday, November 5, 2012

**PRESENTATIONS** – None

**EXECUTIVE SESSION**

The President asked for a motion to convene an Executive Session at the end of tonight's Regular meeting to discuss Personnel (Employment/Compensation). Mr. Pugliese moved, Mrs. Stranman seconded to grant the President's request. On the roll call to convene an Executive Session as stated in the President's request: Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. Pugliese, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

**CONSENT AGENDA**

The Clerk announced that because of the specifics surrounding disposing of meeting minutes verses votes on matters pertaining to legislation, she has determined that two votes will be required; one for the meeting minutes and one for legislation.

The Clerk presented the following **MEETING MINUTES DISPOSAL** – (Public Hearings/Special & Regular Meetings)

1. September 4, 2012 Regular Meeting
2. September 17, 2012 Regular Meeting
3. October 1, 2012 Regular Meeting
4. October 15, 2012 Public Hearing  
Mr. Trisket moved, Mrs. Stranman seconded to approve the Consent Agenda Meeting Minutes as presented; motion CARRIED.

**PUBLIC DISCUSSION (CONSENT AGENDA ONLY)** – None

The Clerk presented the following **FORMAL LEGISLATION REQUESTS:** (Legislation that formally needs to be requested prior to Council's vote to enact)

1. RESOLUTION NO. 2012-169 A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

Ashtabula City Council Regular Meeting  
Monday, November 5, 2012

2. ORDINANCE NO. 2012-170 AN ORDINANCE REPEALING ORDINANCE NO. 2012-122 RELATED TO PERS PICKUP PAYMENTS IN ORDER TO CLARIFY LANGUAGE RELATED TO ELECTED OFFICIALS.
3. ORDINANCE NO. 2012-171 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).
5. ORDINANCE NO. 2012-173 AN ORDINANCE APPROPRIATING \$10,000 FROM PUBLIC WORKS FUND 205, FOR STORM DAMAGE CLEAN-UP.
6. ORDINANCE NO. 2012-174 AN ORDINANCE APPROPRIATING \$10,000 FROM LAW LIBRARY FUND 834, FOR ONE HALF OF THE STATE PATROL FINES.

*(The Clerk announced Ordinance Nos. 2012-175 & 2012-176 will be removed from this evening's agenda as a result of this afternoon's public hearing on said ordinances.)*

7. ORDINANCE NO. 2012-175 AN ORDINANCE CHANGING THE ZONING OF REAL PROPERTY LOCATED BETWEEN LAKE AVENUE AND MICHIGAN AVENUE BETWEEN WEST 9<sup>TH</sup> AND WEST 10<sup>TH</sup> STREETS, KNOWN AS AUDITOR'S PERMANENT PARCEL NO. 68-404-00-021-00 FROM R-2 SINGLE FAMILY RESIDENTIAL DISTRICT AND C-1 GENERAL COMMERCIAL DISTRICT TO C-1 GENERAL COMMERCIAL DISTRICT AND AMENDING THE ZONING DISTRICT MAP ESTABLISHED BY CODIFIED ORDINANCE SECTION 1115.02.

**Removed from Agenda**

8. ORDINANCE NO. 2012-176 AN ORDINANCE CHANGING THE ZONING OF REAL PROPERTY LOCATED BETWEEN LAKE AVENUE AND MICHIGAN AVENUE BETWEEN WEST 9<sup>TH</sup> AND WEST 10<sup>TH</sup> STREETS, KNOWN AS AUDITOR'S PERMANENT PARCEL NO. 68-404-00-021-00 FROM R-2 SINGLE FAMILY RESIDENTIAL DISTRICT AND C-1 GENERAL COMMERCIAL DISTRICT TO C-2 CENTRAL BUSINESS DISTRICT AND AMENDING THE ZONING DISTRICT MAP ESTABLISHED BY CODIFIED ORDINANCE SECTION 1115.02. **Removed from Agenda**

10. ORDINANCE NO. 2012-178 AN ORDINANCE APPROPRIATING \$30,000 FROM SANITATION FUND 225 FOR SANITATION EXPENSES.

Mr. Trisket moved, Mr. Pugliese seconded to approve the Consent Agenda Formal Legislation Requests; motion CARRIED.

Ashtabula City Council Regular Meeting  
Monday, November 5, 2012

The Clerk presented the following **LEGISLATION READING** (vote to place on 1<sup>st</sup> or 2<sup>nd</sup> reading or enact):

**RESOLUTION NO. 2012-169 A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.**

**ORDINANCE NO. 2012-170 AN ORDINANCE REPEALING ORDINANCE NO. 2012-122 RELATED TO PERS PICKUP PAYMENTS IN ORDER TO CLARIFY LANGUAGE RELATED TO ELECTED OFFICIALS.**

**ORDINANCE NO. 2012-171 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).**

**ORDINANCE NO. 2012-172 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF DEVELOPMENT, OFFICE OF HOUSING AND COMMUNITY PARTNERSHIPS AND TO EXECUTE DOCUMENTATION FOR THE FORMULA 2012 COMMUNITY DEVELOPMENT BLOCK GRANT.**

**ORDINANCE NO. 2012-173 AN ORDINANCE APPROPRIATING \$10,000 FROM PUBLIC WORKS FUND 205, FOR STORM DAMAGE CLEAN-UP.**

**ORDINANCE NO. 2012-174 AN ORDINANCE APPROPRIATING \$10,000 FROM LAW LIBRARY 834 FUND 205, FOR ONE HALF OF THE STATE PATROL FINES.**

**ORDINANCE NO. 2012-177 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO APPROVE CHANGE ORDER NO. 2 TO CONTRACT WITH UNION INDUSTRIAL CONTRACTORS FOR THE WASTE WATER TREATMENT CHEMICAL FEED BUILDING REPAIR & IMPROVEMENT PROJECT.**

**ORDINANCE NO. 2012-178 AN ORDINANCE APPROPRIATING \$30,000 FROM SANITATION FUND 225 FOR SANITATION EXPENSES.**

Mrs. Stranman moved, Mr. Trisket seconded to waive the reading of the Consent Agenda Legislation Reading; motion CARRIED. Mrs. Stranman moved, Mr. Pugliese seconded to waive the Charter requirement of two readings. On the roll call to waive the Charter requirement of two readings: Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. Pugliese, Mr. McClure, Mr. Ducro voted yea; motion CARRIED. On the roll call to adopt the ordinances: Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. Pugliese, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

**(END OF CONSENT AGENDA)**

**Comments/Questions**

The Vice President said he likes the Consent Agenda; that it is going to be faster; and said to the dais that everyone has a responsibility to familiar themselves with the consent and regular agenda before consenting to a vote. He said the Manager’s Report does a nice job in detailing what he is asking for, but that Council will have to be attentive in that vetting process and really know what is being asked. He said “consent means you’ve done your homework”. The Clerk of Council said she will know which items are appropriate for the Consent Agenda; and items she is doubtful of will be placed on the Regular agenda for consideration.

**Storm Damage Reimbursement:** The Ward 2 Councilor asked the Manager if the City will be reimbursed for the storm damage activity in Ordinance 2012-173 (above). The Manager replied no, and the number is an arbitrary number he came up with; but wanted to be on the safe side.

**Consent Agenda:** The Manager said a board he sat on allowed brief discussion during the adoption phase of the consent agenda reading; and suggested Council consider the same. The Clerk concurred. She said she set the criteria strictly according to Robert’s Rules of Order (RROO), but that Council may set their own rules. However in the absence of a Council rule, RROO would be what governs. The President said he sees the importance of allowing some discussion, albeit brief. The Clerk said she would adjust the agenda outline accordingly; noting that the Pre-Council meeting would be the place to discuss what should be removed from the Consent Agenda and placed on the Regular Agenda. The Clerk announced that while there appeared to be a lot of items disposed of, it represents about two-thirds of the agenda that would have been taken care of at various increments throughout the meeting.

**REGULAR BUSINESS AGENDA**

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

**CITY MANAGER’S REPORT**

**Treated Rock Salt Agreement – Morton Salt**

The City Manager requested an ordinance to enter into an agreement with Morton Salt, Inc. of 123 N. Wacker Drive, Chicago, IL 60606-1743 as sole bidder for the Treated Rock Salt bid in the amount not to exceed \$37.00 per dump, \$40.00 per piler, and 37.00 per pick up for a period of one year. Funding for this expenditure will be taken from account number 205-156-5425, entitled Road Salt. Mrs. Stranman moved, Mr. Trisket seconded to grant the Manager’s request; motion CARRIED.

Ashtabula City Council Regular Meeting  
Monday, November 5, 2012

### **Lake Avenue Sidewalk Project**

The City Manager requested an ordinance to execute Change Order #1 with Severino Construction of 937 West 52<sup>nd</sup> St., Ashtabula, OH 44004 for the purpose of providing additional project work to utilize remaining funds from the grant. Funding for this expenditure will be taken from account number 290-180-5411, entitled Administration, CDBG. Mr. Pugliese moved, Mrs. Stranman seconded to grant the Manager's request. The Manager reported the funds allotted was more than the bid awarded for the west side of Lake Avenue. The remaining funds will be used on the east side of Lake Avenue, from Route 20, starting at the good portions of sidewalks by the YMCA to the blue flea market building. Included in the project is also the removal of four trees located in the sidewalks. The extra total is \$35,822.70 to do the east side of the road. The motion CARRIED.

### **Ashtabula City Port Authority**

The City Manager requested the reappointment of Mr. Ronald Kister to the Ashtabula City Port Authority effective immediately with a term to expire on October 22, 2016. Mr. Pugliese moved, Mr. Trisquet seconded to grant the Manager's request; motion CARRIED.

### **Trash Holiday Pickup**

Trash pickup will remain on schedule the week of November 11.

### **2<sup>nd</sup> Tire Amnesty Day**

The 2<sup>nd</sup> Tire Amnesty Day held Saturday, November 3, was more successful than the first. 1100 tires were received. Even on the day the Star Beacon mistakenly reported tires would be taken (and no one was there), 300 tires were received. About 2,000 have been received in total. Half of the \$10,000 funding has been expended. Therefore more funds are available to expend in the spring of 2013.

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

#### **Sidewalk Replacement on East Side of Lake Avenue**

The Ward 2 Councilor reported the sidewalk is gone on the north side of the blue building on Lake Avenue, and asked if the sidewalk replacement may be extended to go to the first house past the blue building. The Manager explained how the funds were allocated and will see "if they want to rework the project". The Ward 2 Councilor said it would be ashamed not to get that section done while there.

#### **Driveway Cut**

The Ward 5 Councilor reported residents have had to put gravel in their driveway ever since a driveway cut was made several years ago due to the installation of storm tile underneath the area of their driveway. He said the most that has been done to restore the resident's driveway to its condition prior to the tile installation is gravel. The Manager asked for the address.

Ashtabula City Council Regular Meeting  
Monday, November 5, 2012

**CITY SOLICITOR'S REPORT** - None

**QUESTIONS AND/OR COMMENTS FOR THE CITY SOLICITOR** - None

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

#### **Legislation Requests**

The City Auditor requested ORDINANCE NO. 2012-180 AN ORDINANCE REPEALING, IN ITS ENTIRETY, PAYROLL ORDINANCE NO. 2012-151, PASSED ON SEPTEMBER 17, 2012, FOR THE PURPOSE OF ADOPTING PAY RATES (RETROACTIVE TO OCTOBER 25, 2012), AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR CORRECTIONS OFFICERS/DISPATCHERS IN THE POLICE DIVISION. Mr. Balog moved, Mr. McClure seconded to grant the Auditor's request. The President asked if the compensation is changing or just the position descriptions. The Auditor reported it changes the compensation for the part-time dispatchers to allow leeway for the new hires. Police Chief Robert Stell reported he and the City Manager discussed the rate of pay dispatchers should received in light of the new dispatch services the City will provide other municipalities. He said the last budget saw a 10% decrease in dispatcher salaries and put the rate of pay below what was being asked to be paid at this time. The rate will be \$10.50 per hour up to \$14.50 per hour as posted in the newspaper with the job opening. The Manager also believes the last dispatch compensation was done by grades, thus automatically guaranteeing increases bases on length of service. The new payroll ordinance will be "strictly based on merit". The President asked if the \$10.50 to \$14.50 range will be based on experience coming into the position. The Police Chief responded yes. The motion CARRIED.

The City Auditor requested ORDINANCE NO. 2012-181 AN ORDINANCE AUTHORIZING COMPENSATION, SALARIES, AND WAGES TO ALL EMPLOYEES OF THE CITY OF THE ASHTABULA, OHIO. Mrs. Stranman moved, Mr. Trisket seconded to grant the Auditor's request. This ordinance will reflect the new dispatcher's pay scale. The motion CARRIED.

**QUESTIONS AND/OR COMMENTS FOR THE CITY AUDITOR** - None

### **CITY COUNCIL COMMITTEE REPORT**

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

**ADDA Events:** The Chair announced the Ashtabula Downtown Development (ADDA) Holiday events are scheduled for Friday, November 16, beginning with activities in Lance Corporal Kevin M. Cornelius Park at 5:00 p.m., and the parade at 7:00 p.m. on Main Avenue.

**Meeting:** The Committee will meet again on Wednesday, November 14, at 6:00 p.m.

Ashtabula City Council Regular Meeting  
Monday, November 5, 2012

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

The Chair announced the Committee is scheduled to meet on Friday, November 16, at 8:00 a.m., which is a week earlier to accommodate the Auditor Department's month end activities.

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

The Chair reported on the Committee's October meeting as follows:

**4-way Stop at West 58<sup>th</sup> Street and Adams Avenue**

The Committee approved citizen's request and the Police Department's recommendation to erect a 4-way stop sign at West 58<sup>th</sup> Street and Adams Avenue, and presented it to the full Council for consideration. Mr. Trisket moved, Mr. McClure seconded to approve the Committee recommendation. The Vice President reported he grew up by this intersection, remembers there being other traffic control devices at one time, and supports the change. The motion CARRIED.

**Resolution Request:** The Chair requested Council present Mr. Joseph Donatone, retiring Ashtabula Area City Schools Superintendent, with a resolution. Mr. Trisket moved, Mr. Balog seconded the request; motion CARRIED.

**Meeting:** The Chair reported the Committee will not meet this month.

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

The Chair reported on the Committee October 17 meeting, as follows:

**Fire Department**

**Equipment:** The Committee granted Fire Chief Ronald Pristera's request to dispose of obsolete equipment; declare the Fire Safety House trailer and a rescue trailer obsolete.

**EMS Services:** The Chief provided an update on the Department's Emergency Medical Service (EMS) operation. The City works with Community Care Ambulance Network (CCAN) as the primary EMS provider for the City. The Ashtabula Fire Department picks up the secondary calls. It has been a good deal for the City; is an added cost of \$25,000 to the City; but the income, to date, is \$95,000; thus a return of \$75,000 has gone into the City's General Fund. No added manpower was needed. Estimated revenue of \$170,000 is expected in 2013, while maintaining the \$25,000 cost – thus making it a good return.

**CCAN Open House:** CCAN would like to host an open house for Council and the Administration. The Clerk of Council will follow up to secure the date and time.



Ashtabula City Council Regular Meeting  
Monday, November 5, 2012

### **Police Department**

**Dispatching Contract:** The Chief reported dispatching services provided by the City to outlining communities went live November 1, and that legislation passed this evening to pay the new part-time dispatchers. The City dispatches 14,000 calls of their own; the new service will add 4,700 calls per year. The hope is to get patrolmen off the dispatch desk and onto the street. The Chair believes this to be a good deal for the City.

**Radio License:** The Department has experience on-going problems with securing the license and is hoped to be secured from the Federal Communications Commission (FCC) in a few weeks. If not we might have to call our congressman for assistance, since the attempt to get the license has been going on for several months.

**K9 Unit:** Three units were reestablished. K9 Kero is ill and will have to be removed from service at some point. The cost to replace a K9 is about \$10,000. The hope is to get some of the cost through donations and the Law Enforcement Trust Fund. This will be a continuing agenda item.

**Proposed Tethering Legislation:** Irene Fiala, APL representative, thanked the Committee and Council for passing breed specific legislation (BSL) a meeting or two ago. The Solicitor is working to provide the Committee with a proposed tethering ordinance for the Committee's review on Friday, November 8.

### **Legislation Request:**

The Committee Chair requested a motion to declare the fire safety house and rescue trailer obsolete. Mr. Trisket moved, Mr. McClure seconded to approve the Committee's request. The Clerk asked if legislation is required. The Solicitor responded, yes, that in order to lawfully dispose of any equipment, Council has to first determine it is not needed for current operations, and authorizing the proper administrator permission to dispose of it by public bid or scraping. The Committee Chair reported there is some value to the pieces; however the Fire Chief deems them obsolete, and would like to replace the fire safety house with a different educational tool that is easier to transport. The rescue trailer is being declared obsolete by way of the purchase of a used rescue truck. The Clerk reported the motion did not ask that legislation be drafted. The Solicitor asked that Council treat the request as such. The motion CARRIED.

### **Work Session**

**Crime Free Multi-Housing Program:** The President reported the Clerk of Council provided him and the Vice President with a packet regarding the Crime Free Multi-Housing Program. The Vice President encouraged his colleagues to peruse it; that the "spirit of it is very accurate and very in tuned with our area, and has some success rate to it".

Ashtabula City Council Regular Meeting  
Monday, November 5, 2012

He suggested Council and the Administration get through the budget process; homework on the Program should be done; a work session should be scheduled; and the Police Chief's involvement secured. He said, "I think it's pretty exciting what it has done in Painesville and other communities." The Clerk asked which member of Council needs a copy of the December 10, 2001 copy. The Wards 2 and 5 Councilors requested copies.

The Ward 5 Councilor said a multiple unit property owner is very pleased the City is looking into this Program because it makes life extremely smooth for landlords. The Manager asked that the Councilor stay in touch with the landlord in order to get their perspective during the upcoming sessions.

**FORMAL LEGISLATION REQUESTS – None**

**PUBLIC (LEGISLATION) PORTION – None**

**LEGISLATION READING**

**ORDINANCE NO. 2012-179 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO CHANGE ORDER NO. 1 WITH SEVERINO CONSTRUCTION FOR THE PURPOSE OF PROVIDING ADDITIONAL MATERIAL AND SERVICES FOR THE REPLACEMENT OF CITY SIDEWALKS ON A PORTION OF LAKE AVENUE**, was presented. Mrs. Stranman moved, Mr. Trisket seconded to waive the reading of the ordinance; motion CARRIED. Mrs. Stranman moved, Mr. Trisket seconded to waive the Charter requirement of two readings. On the roll call to waive the Charter requirement of two readings: Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. Pugliese, Mr. McClure, Mr. Ducro voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. Pugliese, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

**ORDINANCE NO. 2012-180 AN ORDINANCE REPEALING, IN ITS ENTIRETY, PAYROLL ORDINANCE NO. 2012-151, PASSED ON SEPTEMBER 17, 2012, FOR THE PURPOSE OF ADOPTING PAY RATES (RETROACTIVE TO OCTOBER 25, 2012), AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR CORRECTIONS OFFICERS/DISPATCHERS IN THE POLICE DIVISION**, was presented. Mrs. Stranman moved, Mr. Trisket seconded to waive the reading of the ordinance; motion CARRIED. Mrs. Stranman moved, Mr. Trisket seconded to waive the Charter requirement of two readings. On the roll call to waive the Charter requirement of two readings: Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. Pugliese, Mr. McClure, Mr. Ducro voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. Pugliese, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

Ashtabula City Council Regular Meeting  
Monday, November 5, 2012

**ORDINANCE NO. 2012-181 AN ORDINANCE AUTHORIZING COMPENSATION, SALARIES, AND WAGES TO ALL EMPLOYEES OF THE CITY OF THE ASHTABULA, OHIO**, was presented. Mrs. Stranman moved, Mr. Trisket seconded to waive the reading of the ordinance; motion CARRIED. Mrs. Stranman moved, Mr. Trisket seconded to waive the Charter requirement of two readings. On the roll call to waive the Charter requirement of two readings: Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. Pugliese, Mr. McClure, Mr. Ducro voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. Pugliese, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

The President asked if the above legislation could have been placed on the Consent Agenda. The Clerk responded yes, had details regarding them been brought forth prior to this evening, thus eliminating the need for discussion. However, earlier in this meeting Council decided to allow brief discussion on Consent Agenda items, and the above ordinances will be placed on the Consent Agenda going forward.

#### **UNFINISHED BUSINESS**

The Clerk of Council reported that at a recent Parliamentary Procedure session she learned that "Unfinished Business" refers to matters that appeared on a previous agenda, (in this case a Regular Meeting agenda), but were not addressed. Therefore the agenda was "unfinished" due to particular items versus "unfinished" in relationship to the discussion, and may be taken up at the next meeting of the same type, or another appropriate meeting.

#### **NEW BUSINESS**

The Clerk of Council reported that at a recent Parliamentarian session she learned that "New Business" is business that is "new" to an agenda, not new in nature.

**Items Removed from Consent Agenda:** The President reported a public hearing took place at 5:30 p.m. this afternoon, to discuss a request for rezoning of the Washington Elementary School block from R-2 & C-1 to C-2. Because the remaining strip of Lake Avenue is C-1 Council reached a consensus during this evening's Pre-Council meeting that they would prefer all the area is rezoned C-1 and possibly look at modifying the C-1 zoning to include C-2 allowable uses. The decision to remove Ordinance Nos. 2012-175 and 2012-176 from this evening's agenda in no way is a rejection of the request. Council would prefer not to encourage spot zoning, and therefore would like to have the Planning Commission review the request and look at the full Lake Avenue area to determine how to proceed.

Ashtabula City Council Regular Meeting  
Monday, November 5, 2012

**Amend Council Rule 14 & Minor Clerical Changes:** The President entertained a motion to amend their Rules to accept the new agenda format and adopt minor clerical changes. Mr. Trisket moved, Mr. Pugliese seconded. On the roll call to Amend Council Rules: Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. Pugliese, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

**Special Meeting:** The President announced Council will meet in a Special Meeting on Monday, November 12, at 6:00 p.m., in the Municipal Building 2<sup>nd</sup> Floor conference room, to convene an Executive Session to discuss Personnel (Employment/Compensation).

### **MISCELLANEOUS BUSINESS**

**Edgewood Warriors:** The Ward 2 Councilor congratulated the Warriors football team, Coach Dominic Iarocci, and his staff for doing a fine job this year.

**Urban Meyer Signs:** The Ward 2 Councilor spoke with the City Manager this evening to see if the Home of Urban Meyer signs Council voted to have placed at the entrances to the City can be erected soon. The President said Council will look forward to a report at the next Council meeting.

**Free Veteran's Day Dinner:** The Vice President announced the Elks Club will host a dinner on Sunday, free to all veterans, and believes their DD2-14 is required. He also believes Applebee's will serve a free meal to veterans on Monday. The President added that non-veterans may also enjoy the Elks dinner at a nominal fee.

**Form and Correctness:** The Clerk announced she neglected to have the Solicitor sign this evening's legislation as to form and correctness prior to presenting the legislation. The Solicitor reported he had the opportunity to review the legislation before the meeting commenced and confirmed to Council he approved it as to form.

### **GENERAL PUBLIC PORTION**

**Ms. Karen Flack, 1927 West 6<sup>th</sup> Street:** reported soon after Manager Timonere took office she spoke with Planning & Community Development (P&CD) Director Luciana Ratermann on December 11, 2011, regarding lists of concerns pertaining to the former Housing Department (now part of the P&CD Department). She said she let time pass and began calling August 2012 (and spoke with her) to find out the status of the home inspections, a list of which she reports Ms. Ratermann made during their December 11 meeting. She said some of the properties are too close to her residence, and most are in her residential area. She then spoke with the Director on September 5, 18, 19, and 20 to obtain a status update, and has not spoken with her since. Ms. Flack said when Mr. Jason Strong was Housing & Community Development Director many of the same properties in question were cited for non-compliance. She reported that on September 20 Director Ratermann told her, "I'm too busy to check on your paperwork".

Ashtabula City Council Regular Meeting  
Monday, November 5, 2012

Ms. Flack asked what must she do to receive assistance; noting that she has been told the same thing over the last 10 years when there were more employees than there are now in the Department. She noted it has been reported that the new Department has equipment to make it easier to find out the status of a property.

The Manager reported Ms. Flack knows that many of the houses she has turned in have been cited; and that one of the property owners borrowed money from her parents to paint her house. The other two houses of main concern located on West 6<sup>th</sup> Street have gone to court, the outcome of which he did not know. He said to say that nothing has been done with what she has turned in is not true. He said the staff may not be able to gather reports to meet Ms. Flack's standards, but that a lot has been done with what she has turned in.

Ms. Flack said she has not been provided with the information to let her know what has been done, and asked from where does she get the answers. The President said, "We will certainly do our best to get them for you".

**Ms. Elkie Wellman, 132 Grove Drive:** reported receiving an email from Housing Inspector, Vince Iarocci today regarding 153, 149, and 143 Grove Drive, letting her know the properties went to court on September 6, and have since been turned into the Solicitor. She spoke with Karen from Howard Hanna today and they pulled the sign from 149 because they do not want to continue to be associated with the property in its present condition. She asked how the matter proceeds given they have been turned over the Solicitor. She said the properties are ruining the neighborhood and is right on the way to Chestnut Cemetery visited by out-of-towners. She said Karen told her 149 is going up for Sheriff sale; and that if the City condemns it prior to the sale, the purchaser would be responsible for razing it. She asked what can be done to get the process moving (realizing it takes time to go through channels), and asked "what is the answer here".

The City Solicitor said, "I'm not sure I know what the answer is. In my experience this is a unique circumstance where real estate has loss so much value that people are finding it economically desirable to walk away from it. When people make the decision to leave real estate behind, those who live and work in the community have to deal with the results of such, which creates a hardship on all of us. Unfortunately the law has not caught up with that circumstance because it is so new. Laws pertaining to property maintenance, maintenance, condition, and the right of government or a community to insist on good property maintenance are all measures which seem to have, as their underlying assumption, that there is something of value to be preserved. Measures are taken to deprive the owner use of the property, at which time the owner would do what it takes for that not to happen. However, in our case a number of people are just saying board it up, put a lean on it, I don't want it, I'm not going to do anything with it, and away they go.

Ashtabula City Council Regular Meeting  
Monday, November 5, 2012

He said he filed criminal charges against the owners on all but one of the Grove Drive properties (one of the titled owners is deceased and he is unable to find that an executor had been appointed." Ms. Wellman said she has owner information. The Solicitor said, "The charges are 4<sup>th</sup> degree misdemeanors, carry the possibility of a fine or a short term in jail. We will see if, perhaps, threatening these people with loss of cash or liberty will motivate them to do something with their homes." He said he has not given up even though he realizes there is no tool in the law that provides a quick solution. If they do not respond, and the property owners and lending agencies are unwilling to do anything, and the City deems them to be nuisances the constitution requires government to go through a process before being able to demolish them because of their nuisance status.

The Manager said he believes there are 4 properties on Grove Drive the City has been going after. He believes the City has told the County Auditor not to transfer the property without the City's permission. He said limited NSP (Neighborhood Stabilization Program) grant funding remains for demolition activity; and that Moving Ohio Forward funding is upcoming. He said there are hundreds of houses in the City that need attention. The unfortunate truth is that code enforcement has not been "kept up with over the years. When we had the real estate crisis, everything took place so fast that it just got out of control. Moving Ohio Forward funding will address properties from three years ago; and it's hard to know which ones will come down and which ones will have to wait. The Manager said there could be a \$16,000 per house investment in order to take care of a blighted structure. The Vice President rhetorically asked how come cities such as Flint, MI are razing citywide blocks – thus turning urban blight into dirt and farmland. The President reiterated that the blighted problem is citywide. He reported receiving calls from several persons in different areas, noting Ms. Flack and Ms. Wellman are here this evening because of the problem; he has had calls regarding Station Avenue, off West Avenue, Fern Avenue neighborhoods, and if all of them were razed there would only be farmland remaining. The Vice President said that is exactly what Flint did and homeowners were fine with their home being one of the few in an area. The President said it would be "a great thing to investigate and see how to make it possible". He said the condition of our housing stock is something he regularly receives calls regarding, is something he is concerned about, has had discussions with the Manager about the possibility of moving forward in the same manner in which the former East 6<sup>th</sup> Street Café was razed, believes there is hope there, it will take time and funds, but believes administratively the City is in the position to move forward in doing so. He said when he visited the P&CD he saw two file boxes full of files on properties. The City will not get enough money to deal with them all. The Vice President said the Flint area was a very dense urban area; therefore what they did might not work here.

Ashtabula City Council Regular Meeting  
Monday, November 5, 2012

The President assured Ms. Wellman her concerns have been heard. He said working with the Solicitor, the P&CD Department, and at the twice a month department head meetings continuing to discuss how departments may better work together, a difference should be made.

Ms. Flack asked if the Judge has the ability to impose fines on property owners who ignore citations. The Solicitor said the housing violation complaints he files are criminal in nature, and are associated with a fine or jail time upon conviction. But imposing fines and collecting are often two different things. At the end of the day the criminal justice system depends upon the threat of loss of liberty – the threat of jail. Right now if you are convicted of a non-violent misdemeanor you will wait weeks or months to serve a jail sentence because with non-violent offenses comes no imminent threat, they are not top priority on the jail list because incarceration space is limited.

**Adjournment:** Mr. Pugliese moved, Mr. Trisket seconded to adjourn the meeting at 8:45 p.m.

DATE APPROVED: **December 17, 2012**

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

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

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

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