

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. Christopher J. McClure (Vice President)
Mr. J.P. Ducro IV (President)

Member(s) Absent: Mr. Richard F. Balog (Ward 1)
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 1 and 5 Councilors from the meeting; motion CARRIED.

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

PRESENTATIONS: None

EXECUTIVE SESSION: None

CONSENT AGENDA: The Consent Agenda is a means whereby City Council is able to more efficiently conduct business. The Consent Agenda consists of three sections:

1. Formally placing legislation before the Council;
2. Disposing of Routine Public Hearing, Special Meeting and Regular Meeting Minutes; and
3. Formally Voting on Legislation.

Each item in each section will be individually read into the record, and brief discussion or comment may take place. The Consent Agenda will be dispensed of by one motion and one roll call vote for each section. If a member of the Council, Administration or public requests in-depth discussion on any Consent Agenda item, that item will be removed from the Consent Agenda and considered under the Regular Agenda.

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CONSENT AGENDA

MEETING MINUTES DISPOSAL - None

PUBLIC DISCUSSION (Consent Agenda Legislation Only) - None

FORMAL LEGISLATION REQUESTS - None

The Clerk presented the following **LEGISLATION READING:**

ORDINANCE NO. 2012-186 AN ORDINANCE AMENDING THE TRAFFIC CONTROL MAP FOR THE PURPOSE OF INSTALLING FOUR-WAY STOP SIGNS AT THE INTERSECTION OF WEST 58TH STREET AND ADAMS AVENUE. (1ST READING)

ORDINANCE NO. 2012-183 AN ORDINANCE ENACTING CODIFIED ORDINANCE SECTION 505.22, ENTITLED TETHERING OF DOGS.

ORDINANCE NO. 2012-184 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MORTON SALT, INC., FOR PURCHASE OF TREATED ROCK SALT.

ORDINANCE NO. 2012-185 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO DISPOSE OF OBSOLETE FIRE EQUIPMENT.

Mrs. Lattimer moved, Mrs. Stranman seconded to waive the reading of the Consent Agenda Legislation Reading; motion CARRIED. Mrs. Lattimer moved, Mrs. Stranman seconded to place Ordinance 2012-186 on its first reading and waive the Charter requirement of two readings on the remaining ones. On the roll call to waive the Charter requirement of two readings: Mrs. Stranman, Mr. Pugliese, Mrs. Lattimer, Mr. McClure, Mr. Ducro voted yea; motion CARRIED. On the roll call to adopt the ordinances: Mrs. Stranman, Mr. Pugliese, Mrs. Lattimer, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

(END OF CONSENT AGENDA)

REGULAR AGENDA

READING AND DISPOSAL OF MEETING MINUTES: None

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CITY MANAGER'S REPORT

Economic Development Revolving Loan Fund Waiver

The City Manager requested an ordinance for authorization to submit a waiver (request) for City Economic Development Revolving Loan funds to the Ohio Development Services Agency in the amount of \$125,000.00 for improvement and engineering costs to upgrade the Walnut Beach Concession Stand. Overruns are compensated for. Mrs. Lattimer moved, Mrs. Stranman seconded to grant the Manager's request; motion CARRIED.

Ashtabula County Public Transit Services Operation Center

The City Manager requested an ordinance to enter into a one year agreement with the Ashtabula County Commissioners for the purpose of providing a lease agreement for the transit facility to provide city/county wide transportation services for 2013. Mrs. Lattimer moved, Mrs. Stranman seconded to grant the Manager's request; motion CARRIED.

Ashtabula County Public Transit Services

The City Manager requested an ordinance to enter into a one year agreement with the Ashtabula County Commissioners for the purpose of providing a transit service for city/county wide transportation for 2013, in the amount not to exceed \$30,000.00. Funding for this expenditure will be taken from Account Number 101-140-5803. Mrs. Lattimer moved, Mrs. Stranman seconded to grant the Manager's request; motion CARRIED.

Surplus Vehicles/Equipment

The City Manager requested an ordinance to place out to bid City surplus vehicles and/or equipment. The vehicles/equipment consist of the following: Two (2) 2000, one (1) 2002, and one (1) 2006 Crown Victoria's, one (1) 1996 Ford Ranger, one (1) 2004 Chevy Impala, one (1) 1999 Dodge 1-ton truck, one (1) 1995 John Deere Brush Hog, one (1) 1973 John Deere Loader, one (1) JLG Electric ladder man lift, one (1) 1996 Mack Garbage Truck, one (1) Hudson Brothers Equipment Trailer, one (1) Medium Duty Snow Blade, one (1) 10 ft. Schmidt Loader Blade, one (1) 1999 Chevy Blazer. The Manager outlined the bidding process as handled by Public Works Department. Mrs. Lattimer moved, Mrs. Stranman seconded to grant the Manager's request; motion CARRIED.

Architectural & Restoration Review Board

The Manager announced the reappointment of Mr. Michael DeFina to the Architectural & Restoration Review Board, with a term expiration of February 2, 2015.

Garbage Pickup

The week of Thanksgiving, garbage will not be picked up on Thursday, November 22, and will be delayed one day beginning Friday.

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Leaf Pickup

Leaf pickup this week is in Ward 2 through 5, and is free the month of November. The President reminded citizens leaves should not be raked into the street because they can plug the storm drains and create lots of problems.

CITY SOLICITOR'S REPORT

Redistricting: The Solicitor will forward the legislation to redistrict wards in accordance with the 2010 U.S. Census to the Clerk of Council to submit to Council for review and consideration. He suggested two readings take place (12/3 and 12/17) with a redistricting effective date of January 1, 2013. Council concurred.

QUESTIONS AND/OR COMMENTS FOR THE CITY SOLICITOR - None

CITY AUDITOR'S REPORT

Deputy Auditor Position: There was one internal candidate apply to fill the position to be vacated by a 2013 retirement. The candidate was offered the position, however the candidate respectfully declined the position. The Auditor said part of her Department's restructuring is for the purpose of saving money. Therefore in lieu of hiring a full-time Deputy Auditor a Part-Time Finance Clerk will be hired. This will save the Department \$60,000 annually. The position was posted internally today. Payroll legislation will be needed to enact the new position. The Ward 2 Councilor asked if the creation of the Part-Time Finance Clerk received Local 1197 Union's approval. She responded yes. The position will be posted in the newspaper this weekend, with a resume submission deadline of November 30. The Part-Time Clerical (scaled) position has already been placed in the payroll ordinance. The Part-Time Finance Clerk was not because Local 1197 Youngstown had not given their approval.

Legislation Request: Mrs. Lattimer moved, Mrs. Stranman seconded to grant the Auditor's request for legislation repealing the current payroll ordinance and enacting a new one that will include the new Part-Time Finance Clerk position; motion CARRIED.

QUESTIONS AND/OR COMMENTS FOR THE CITY AUDITOR

Budget: The President reported a budget hearing will be scheduled in the near future and a report will be provided at the next meeting.

CITY COUNCIL COMMITTEE REPORT

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

The Chair reported on the Committee's November 14 meeting, as follows:

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My Neighborhood Group (NMG): Roger Smith, a MNG representative, said they meet at St. Peter's Episcopal Church located across the street from South Park, and focuses on the area between the church and West 58th Street. He reported on some of their activities, and announced their next meeting is scheduled for Monday, November 26, at 7:00 p.m., at the church. Seven business persons have been invited and he hopes the City Manager and Council will attend.

Proposed Vacant Property Registry Program: The program is based on the City of Painesville's program, but more recently Conneaut put it in place to encourage property owners of vacant commercial and residential buildings to rent, sale, or if appropriate, demolish their property. The Program requires owners to register their property, pay a fee, with exemptions for properties under construction, damaged by fire or weather, the owner plans to repair or demolish, those listed for sale by owner or realtor, and those that have passed an exterior inspection granted by the Director of Planning & Community Development. After reviewing the proposal and suggesting some clarification of the last exemption paragraph and correction of a few typographical errors, the Committee voted to accept the proposal and remove it from Committee to be presented to the full Council. The Chair moved, Mrs. Lattimer seconded to have legislation drafted to enact the Vacant Property Registry Program. The Ward 4 Councilor asked if a fee has to be paid by owners actively seeking tenants. The Chair said the Program will address those properties which have been sitting vacant, abandoned, dormant, falling apart, etc. The City Manager said because the City of Conneaut recently enacted the Program they have no results for us to review. However, conversations he has had at conferences with the City of Painesville tell him the Program helped them clean up some properties, has put focus on some landlords to become code compliant, and is working well. The motion CARRIED.

Temporary Stores Legislation: The Chair reported the City of Ashtabula repealed its temporary stores legislation some years ago in order to accommodate a farmer's market in the Harbor. Having no temporary stores legislation has resulted in various stands popping up throughout the City, thus resulting in complaints regarding competition from permanent, legitimate businesses. The proposed legislation is similar to that which was repealed, with the addition of specific language regarding farmer's markets, and designating no fee for a permit to operate June through November, for street fairs and festivals lasting one to three days in which permanent businesses participate, and allowing the Manager to waive the fee for non-food related vendors participating in the street fairs and festivals. Vendors will still have to registry with the City's Health Department. For others a permit and payment of a \$250.00 fee will be required, the approval of a proposed location to curtail direct competition with existing permanent businesses. The Committee voted to accept the proposal and present it to the full Council, with legislation scheduled for a vote this evening. The Chair moved, Mr. McClure seconded to formally request Ordinance No. 2012-187 AN ORDINANCE ENACTING CHAPTER 759 OF THE CODIFIED ORDINANCES OF THE CITY OF ASHTABULA, OHIO, ENTITLED TEMPORARY STORES.

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The Vice President said he favors the request, said noted the previous legislation was repealed during his first term on Council, that the new legislation protects merchants, is forward progress, and it is good to need it. The motion CARRIED.

Parks & Recreation Board

Members: The Board accepted the resignations of Mr. John Keenan, Chair and Mrs. Roxene Trebuchon, Vice Chair, and approved the appointments of Mr. Earl Tucker, new Chair and Richard Quaranta, new Vice Chair.

Codified Ordinance 174.05 Meetings, Rules, Records, Quorum

The Board asked that the designation of four members to constitute a quorum be changed to three members due to the difficulty of securing a quorum. The Committee approved the change, along with the place and time of the meeting to allow more flexibility. The Chair moved, Mr. Pugliese seconded, to amend Codified Ordinance 174.05 to remove the language that says “at the Ashtabula Municipal Building at 7:00 p.m.”, in the first sentence; and change “4 members shall constitute a quorum” to 3 members. The Ward 4 Councilor said three seems to be a small number making decisions. She also thought they had just updated their attendance rules to encourage attendance and be able to replace members if they are unable to attend. She said she very much appreciates their service. The Manager responded Planning Commission’s attendance policy was just updated. The President said he understands the Councilor’s concerns; that the Committee has struggled with conducting business for presentation to Council due to the lack of a quorum. The Chair said the Board has two vacancies; that the dais, from time-to-time, does not make appointments in a timely manner and realizes it is sometimes hard to get volunteers. The Ward 4 Councilor suggested the language be that “a quorum is a majority of current members”. Mr. Tucker said they present have five members, and one works out of town and has a hard time getting to the meetings which is why the Board felt it necessary to reduce the quorum to three in order to conduct business. The meeting time has been changed to accommodate the membership’s attendance. The Clerk of Council suggested the Ward 4 Councilor’s suggestion is the best because the quorum will be addressed with the number of members at any given time and will not require legislation amendment. The Vice President commented that the vitality of the Board is necessary; and asked if the City can open the Board’s membership up to Ashtabula Township Park Commission and County Park Board members. He said because the City’s green space is going to have to be maintained, and is not at present, we could use their assistance. He said the green spaces are a valuable asset for economic development and tourism, therefore a more concentrated, countywide effort is needed. Mr. Tucker reported attending today’s Coastal Management meeting where discussion took place about funding projects. The problem Ashtabula County faces is having several different entities independent of one another. The County oversees the Metroparks but really do not have control over Ashtabula, Conneaut, and Geneva City Parks, township parks or the two State parks in the county. He noted Ashtabula and Saybrook Township Parks get funding from the City and County.

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And, the City gets funding from nowhere, and there is no dedicated park funding, which is why the parks went by the wayside for so many years. Mr. Tucker said he would like to see a county-wide concerted effort, but it takes getting all the boys into the sandbox at the same time. The Chair amended her motion, Mr. Pugliese seconded to read “from 4 members to a majority of the current roster of members”. The President voiced his favor for the amendment; the motion CARRIED.

P&R Board Updates

The Chair reported the Committee and the Clerk of Council received a report of items the Board has worked on and things they would like to do. They voted to purchase a swing and trash receptacle for Highland Beach (Walnut Boulevard); a new fountain head and refurbishment of the Cornelius Park fountain; Point Park, Walnut Beach, Smith Field and West 58th Street bike racks; repair fencing and mulch at Nappi Field (West 11th Street); and an extensive plan to revitalize West 58th Street Park (which the Committee placed on hold in order to review what the Ward 2 Councilor believes is an existing plan located in Planning & Community Development Department, and because of budget constraints.

City Website Redesign

The Manager told the Committee he continues to work on getting the City’s website redesigned; and the update is slated to take place in the near future.

JEDDS

The Manager told the Committee he is close to having JEDDS ready for Council approval, for new businesses in Ashtabula Township and St. John School in Saybrook Township.

Meeting: The Committee will not need to meet in December; the next meeting will be announced.

QUESTIONS/COMMENTS FOR THE COMMITTEE

P&R Board: The President asked if five members are currently on the roster; the Chair responded yes. The President suggested a posting to see if there is anyone interested in serving. The Committee Chair reported the two current vacancies are Manager appointments. The President suggested all Council appointed vacancies be announced, and asked the Manager if he wanted his vacancies included. The Manager declined. The Committee Chair suggested a onetime press release would be good because it opens it up to persons who are not directly connected to those in government. The President said it will be discussed and a decision may be made at the next council meeting. The Clerk of Council reported that a few years ago Council decided to post their Boards & Commissions vacancy notices in the newspaper; that there are vacancies in Council appointments; that a form to be completed by the prospective volunteer may be found on the City’s website; and asked how she should proceed. The Clerk was given permission to proceed with the newspaper notice.

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The Ward 4 Councilor made suggestions of how the website should be designed in relationship to Boards & Commission positions.

West 58th Street Park: The Vice President said there is an extensive plan for the Park; that some of plans were initiated five years ago when Millennium employees worked at the property; said there is drainage tile on site; one of the fields drains very well; the site probably needs attention and cleaning; the site was set up for a soccer field; and some infrastructure is available.

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

The Chair reported on the Committee's Friday, November 16 meeting, as follows:

Finances: The Auditor told the Committee the City is still within its projected budget; local revenue funds are up because they were conservatively budgeted; and next year local revenue funds will be down again, therefore it is critical to continue to budget conservatively.

Staff: The Auditor received Local 1197 AFSME Union's approval of the job description and positioning for a Finance Clerk.

External Auditor Report: A thorough report was received for the 2011 City audit.

Income Tax: The current tax will expire December 31, 2013; discussed putting the renewal on the May 7, 2013 Primary Ballot with no changes to the current language; told citizens the income tax is the operating capital for all City departments, the tax has been in effect for a long time; and if not it fails to be renewed the City would not be able to operate. The Chair entertained a motion to have legislation prepared to move forward with placing the renewal before the electorate in May 2013. Mrs. Stranman moved, Mr. Pugliese seconded to approve the Committee's request, motion CARRIED.

Combining of Auditor and Treasurer Departments: The Committee discussed combining the departments into a single Finance Department; many other municipalities are doing so to streamline their operations; it is a more contemporary way cities are doing business; should equate to a department cost savings; Auditor Pinkert, Deputy Auditor Karen Jury, and City Treasurer Lori Mackey are in agreement; it will continue to be discussed; should it happen a Charter Change (Section 9) would be required to be placed before the electorate at an upcoming election; is being looked into; and all effected positions are Council appointments.

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Proposed Indigent Burial Policy: The proposed policy and the need for such was discussed; a letter will be sent to local community funeral directors and cemetery officials asking for their input and invite them to a meeting to discuss the proposed policy, and hopefully finalize a policy in order to have something formal on the books to care for our indigent population when they pass away.

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

Meetings: The Chair reported no meeting took place this month; and unless a need arises no meeting will be held in December.

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

The President presented the following report from the Committee’s Thursday, November 8, meeting, which he attended:

Fire Department

Storm Sandy did not bring much activity; received about 20 storm related calls; budget for remaining 2012 looks good; equipment certifications are good; briefly discussed regionalization and mutual aid (there are limited resources around Ashtabula; while there are mutual aid agreements, AFD is usually the first to respond to fires in Ashtabula Township because we still have the largest, active department with 21 men on the line, a chief, and a fire inspector).

Police Department

2012 budget is tight but okay; overtime is short some due to the unexpected K-9 lawsuit; efforts continues on getting 700mhz digital radio system; narrow banding is unfunded mandate from federal government for current radios that diminishes range and cost \$6,200, but will not affect new (MARCS) dispatch clients. New dispatching services to outlining areas and dispatchers working out as expected, no big issues. Staffing is at 27 officers (2 for schools for nine months paid by schools), 28 full time employees, and one 2013 retirement expected. The Police Chief provided details on how the staffing levels have decreased.

Proposed Tethering Legislation: After discussion with Irene Fiala (APL representative) and Mr Franklin, the Committee voted to move forward with presenting, to the full council 'Tethering' legislation for consideration. It would include tethering animals inside a residence and the removal of “outside of a domestic residence” from the last line of 505.22(a), which will be a new section. The enacting legislation was passed this evening under the Consent Agenda.

QUESTIONS AND/OR COMMENTS FOR COMMITTEE

The Ward 4 Councilor asked for clarification regarding how many patrolmen are on the road, and what the previous staffing levels were. The Chief reported, “There are 27 full time police officers, including him and the office staff; 2 of the 27 are school officers 9 months out of the year. Fifteen years ago staffing was up to about 42, and has been at a steady decline.

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In the last five years the Department is probably down 5 or 6 full-time employees. The Department is also down 2 full time dispatchers and probably 3 to 4 full time officers.” The Ward 4 Councilor commented on the attempt to balance the 2013 budget and could not help but think about how much revenue has been lost by not having the Traffic Camera Program, and how much it would help the Police Department and the City’s overall budget by not taking from law abiding taxpayers but from motorist who violate the law.

Work Session – No Report

FORMAL LEGISLATION REQUESTS - None

PUBLIC (LEGISLATION) PORTION - None

LEGISLATION READING

ORDINANCE NO. 2012-187 AN ORDINANCE ENACTING CHAPTER 759 OF THE CODIFIED ORDINANCES OF THE CITY OF ASHTABULA, OHIO, ENTITLED TEMPORARY STORES, was presented. Mrs. Stranman moved, Mrs. Lattimer 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 Solicitor reported in the preliminary discussion regarding the legislation there was comment regarding the competitive disadvantage temporary stores place upon our permanent merchants. He desired to point out that there is some very significant public health, safety, comfort, and convenience issues connected with the legislation – in as much as, in the event that you buy a defective or dangerous product from said vendor who is here today and gone tomorrow, nothing is known of the vendor, it creates no accountability and no source of compensation. This legislation eliminates some of those issues by requiring temporary stores vendors to register with the City Manager, pay a fee, and denote a contact person and address, and hopefully addressing the public safety will be protected by such requirements. On the roll call to waive the Charter requirement of two readings: Mrs. Stranman, Mr. Pugliese, Mrs. Lattimer, Mr. McClure, Mr. Ducro voted yea; motion CARRIED. On the roll call to adopt the ordinances: Mrs. Stranman, Mr. Pugliese, Mr. McClure, Mrs. Lattimer, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

UNFINISHED BUSINESS - None

NEW BUSINESS - None

MISCELLANEOUS BUSINESS

The President thanked Mr. & Mrs. Deneen, Mrs. Flack, and Pastor Wright for regularly attending the Regular Council Meeting, thus showing an interest in the City. He expressed his appreciation for their attendance, and desired that more would do so.

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GENERAL PUBLIC PORTION

Mr. Doug Monroe, 5650 Woodman Avenue, Lot 28: reported he went to the Sanitation Department to purchase leaf bags; they had none; asked when they were going to replenish their stock; and Public Services Superintendent Dominic Iarocci told him the City Manager instructed him on where citizens are able to purchase bags that the City will no longer provide them. He said he liked purchasing them from Sanitation because they are less expensive and he can purchase the 25 cents sticker required to be placed on the bag at the same time.

Mr. Monroe reported motorists are not going up to the point in the street that activates the traffic light at the intersection of West Avenue/Lake Avenue/Carpenter Road (travelling north). He suggested a “stop here at red to activate light” sign be erected.

Mr. Monroe thanked the City Manager for the junk removed that was at the City’s West Avenue facility (formerly Ohio Department of Transportation facility).

Mr. Monroe reported landlords/owners should be also be blamed for bringing drug activity into the City by renting to person who may become or are already into drugs, not just the drug dealers.

The City Manager confirmed the City ran out of leaf bags, that he instructed the Public Services Superintendent not to reorder them, and asked the Superintendent to provide a report of the cost to the City to purchase leaf bags verses the revenue being realized because he believes there is “an imbalance there”, and believes business is being taken away from merchants, and said he purchases his at Busy Beaver and believes they are almost the same price.

Comments

The President reminded the viewing audience that “We Believe in Ashtabula”.

Adjournment: Mr. Pugliese moved, Mrs. Stranman seconded to adjourn the meeting at 8:03 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