

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. Julie A. Lattimer (Ward 4)
Mr. Richard Balog (Ward 1)
Mrs. Ann I. Stranman (Ward 3)
Mr. August A. Pugliese (Ward 2)
Mr. J.P. Ducro, IV (President)

Member(s) Absent: Mr. James M. Trisket (Ward 5)
Mr. Christopher J. McClure (Vice President)

Officer(s) Present: City Manager James M. Timonere, City Solicitor Michael Franklin
Acting City Auditor Karen S. Jury, Clerk of Council LaVette E. Hennigan

Officer(s) Absent: None

Excused Absence: Mrs. Lattimer moved, Mr. Pugliese seconded to excuse the Ward 5 Councilor and the Vice President due to work obligations; motion CARRIED.

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

PRESENTATIONS: The President entertained a motion to remove all resolutions from this evening's agenda. Mrs. Lattimer moved, Mrs. Stranman seconded. The President announced the resolutions are being removed to give the public the opportunity to comment, and to allow time for Council to consider the comments prior to voting. He stated that in the future once a resolution is requested he would like to give time for public comment prior to the vote; except in the case of an anniversary or celebration which are time sensitive. The motion CARRIED.

READING AND DISPOSAL OF MEETING MINUTES

The minutes of the November 21 Regular Meeting were presented. Mrs. Lattimer moved, Mrs. Stranman seconded that the reading of the minutes be waived; motion CARRIED. There being no corrections, the minutes were approved as presented.

The minutes of the December 21 Organizational Meeting were presented. Mrs. Lattimer moved, Mrs. Stranman seconded that the reading of the minutes be waived; motion CARRIED. There being no corrections, the minutes were approved as presented.

Ashtabula City Council Regular Meeting
Tuesday, January 3, 2012

The minutes of the **December 12 Work Session** were presented. Mrs. Lattimer moved, Mrs. Stranman seconded that the reading of the minutes be waived; motion CARRIED. There being no corrections, the minutes were approved as presented.

The minutes of the **December 12 Special Meeting** were presented. Mrs. Lattimer moved, Mrs. Stranman seconded that the reading of the minutes be waived; motion CARRIED. There being no corrections, the minutes were approved as presented.

CITY MANAGER'S REPORT

2011 Community Housing Improvement Program (CHIP)

The City Manager requested an ordinance to enter into an agreement with the Ohio Department of Development of 77 South High Street, P.O. Box 1001, Columbus, OH 43216-1001 for the Community Development Block Grant (CDBG), FY 2011 Community Housing Improvement Program (CHIP) in the amount not to exceed \$222,800.00. Mrs. Lattimer moved, Mrs. Stranman seconded to approve the Manager's request; motion CARRIED.

2011 Community Housing Improvement Program (CHIP) Administrative and Technical Implementation Services

The City Manager requested an ordinance to enter into an agreement with Bleckman & Associates Inc. of 1715 Summchase Road, NE, North Canton, OH 44721 in the amount as indicated in the 2011 CHIP application. The Manager reported the agreement covers administration and technical services. He reported the amount is ambiguous because it will be based on applications received and if they qualify. The Manager will periodically provide an activity progress report. The Ward 3 Councilor asked that every opportunity to inform the public of the availability of these funds be taken advantage of. The Manager said he was told historically there is never a lack of applicants. This year the target area will be Lake Avenue from Route 20 to just before the West 32nd Street underpass. He said CDBG funds will be used for sidewalks improvements along this corridor. "So, we're leveraging some of the CDBG funds in order to do the CHIP program rather than taking it from the Revolving Loan Fund". The Ward 4 Councilor said it would be nice to have periodic write ups informing the public of this activity's progress. Mrs. Lattimer moved, Mrs. Stranman seconded to approve the Manager's request; motion CARRIED.

ACS State & Local Solutions, Inc

The City Manager requested an ordinance to authorize him to give a Notice of Intent to terminate the contract between the City of Ashtabula and ACS State & Local Solutions, Inc. (Photo Traffic Enforcement Program). Mrs. Lattimer moved, Mrs. Stranman seconded to approve the Manager's request; motion CARRIED.

Executive Session

The City Manager requested an executive session at the end of the regular meeting to discuss pending and threatening litigation.

Salting/Snow Plowing

The City Manager apologized for the late call out of salt and plow crews yesterday. He made it clear that employees did not failed, but the call out procedure did. He reported the first shift is from 7:00 a.m. to 3:00 p.m., a third shift from 11:00 p.m. to 7:00 p.m., and a gap between 3:00 p.m. to 11:00 p.m. He is looking at having the third shift get an early start; thanked the community for their patience, and apologized for the disruption.

QUESTIONS AND/OR COMMENTS FOR THE MANAGER

The Ward 4 Councilor asked if third shift is a standard shift. The Manager replied, no, it begins in December and runs through March. When they are not plowing they are tending to other projects. The shift begins Thursday night. The Ward 3 Councilor said the minimum call out is 4 hours, at time and a half. The Manager confirmed this to be true, and said they will work the full 4 hours. The Ward 2 Councilor said while crews got a slow start yesterday, once Public Service Superintendent (PSS) Dominic Iarocci was informed, he called all persons available, and commended them for doing a good job.

CITY SOLICITOR'S REPORT - None

QUESTIONS AND/OR COMMENTS FOR THE CITY SOLICITOR – None

ACTING CITY AUDITOR'S (ACA) REPORT - None

QUESTIONS AND/OR COMMENTS FOR THE ACTING CITY AUDITOR

The President asked for an update on the sewer/trash billing. The Acting Auditor reported account numbers beginning in 5 are normally billed in the odd months; bills for these accounts will be received this week or the first part of next week; fifteen hundred bills were mailed out today; and the rest of the 500s will be billed this week. The 600 will be billed next week. End of the year vacations, coupled with a short staff caused another billing delay, but the department is working hard to catch up. The President announced that during today's Pre-Council the Acting Auditor provided a detailed account of the billing status. He said the department is working hard on many projects and asked the citizenry to remember that just because a bill has not been received, one has been incurred, and try to budget for what is going to be due. The Acting Auditor announced citizens may make the payment as they have budgeted, and it would be applied to their account.

CITY COUNCIL COMMITTEE REPORT

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

Meeting: Chair Stranman reported the committee will meet tomorrow at 6:00 p.m., and will be the first meeting of the combined committees.

Proposed Volunteer Mural Committee: The Chair reported Mr. Christopher Raab will speak to the committee about forming a Mural Committee. He has contacted the City of Geneva regarding their “private entity” mural community, of which their assistant city manager is a member. He proposes the Ashtabula committee to be private, and would like Council’s support through a resolution. Mr. Raab has been recognized by the Ashtabula Arts Center and had work displayed at the Rock N Roll Hall of Fame; is very talented; is seeking to do murals and get youth involved in the painting process, will work with youth who are sentenced to community service due to vandalism, and hopes they will gain community pride. She said he has great ideas.

Reader’s Digest Contest: As of 12:00 Noon today we were No. 23 with 86,500 votes. We dropped from 18th place to the top 25. Dropping out of 18th place caused us to be ineligible for one of the top prizes – this can change. She said if 100 people vote 100 times a day that amounts to 10,000 votes a day. With our population being over 19,000, coupled with county assistance, there is no reason we cannot rise again and get significant funding for a community project. We received \$1,000 last time, which was a “token” check for RD coming to town. It went to Ashtabula Downtown Development Association (ADDA), who will use it for downtown permanent improvements. No prize will go into the City’s General Fund or for any payroll obligations. The prize has to go towards community or economic development projects. She encouraged voters to submit their ideas. She said a town with less than 1000 residents is in the top 3, and sees no reason we cannot beat them.

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

The President announced the committee is scheduled to meet the 2nd Friday of each month at 8:00 a.m. The next meeting is scheduled for Friday, January 13, at 8:00 a.m., and invited the public to attend.

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

The Chair announced the committee will meet on Tuesday, January 10, at 8:00 a.m., in the 2nd floor conference room.

Ashtabula City Council Regular Meeting
Tuesday, January 3, 2012

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

The Chair reported the committee is scheduled to meet the 3rd Friday of each month. The next meeting is Friday, January 20, at 8:00 a.m. The Community Care Ambulance director is scheduled to attend to discuss licensing non-emergency ambulance services.

Work Session– (Mr. Ducro, IV, Chair)

The President said now the budget process has been worked through, it is time to finalize the discussion on a permanent City Auditor position. He said the City owes “so very much to Mrs. Jury and all the work she’s done as Acting Auditor”. A decision on how to handle the permanent appointment needs to take place. A work session is scheduled for Monday, January 9, at 6:00 p.m., to review the process.

FORMAL LEGISLATION REQUEST – None

PUBLIC (LEGISLATION) PORTION

Mr. John Ginnard, 4619 Main Avenue: objected to the Resolution of Commendation for former City Manager Anthony J. Cantagallo. He reported his reasons to be because “I felt Mr. Cantagallo was nothing but a deterrent to the City. His attitude, as well as the way that he has insulted Ashtabula citizen’s time-and-time again. I feel that this Council needs to remove this and the resolution not the issue.”

Mr. Mark Leatherman, 900 West 48th Street, Apartment Up: reported several people did not listen to the citizens during the protest again the Photo Traffic Enforcement Program. Petitions were secured, signatures were obtained, it was placed on the ballot and the vote “was a thousand over the opposite, of course, of keeping the camera”. He said citizens are speaking against the proposed resolution for former City Manager Cantagallo. The citizens believe they have been sold short in some of the former Manager’s interviews and published word. He suggested if Council wants to present the resolution, that they do so on behalf of Council not “all of the citizens, for it is not all the citizens that agree upon this”.

Mr. Leatherman thanked Manager Timonere for leading by example in taking care of a problem when the problem was noticed. As a point of order, the President gently reminded Mr. Leatherman that this portion of the meeting is to allow the public to comment on the legislation agenda for the evening; that the general portion comes later.

On the topic of the resolution objection, the President stated the following personal opinion as President of Council, noting he respects the opinion of all present in the room, “I very much wanted to hear the opinions of the public on that particular issue because I know it has been an important issue to discuss.

I know it's been an issue that people have some very strong opinions on. And, I certainly want to make sure that, whether my opinion agrees or disagrees with yours or anyone's in this room, it's still a matter of personal opinion. I wanted this meeting to have the opportunity for people to share their opinions, one way or another, on the topic. I certainly respect the statements that you've made. I mainly wanted to have the opportunity for the statements to be heard to give us the opportunity to consider them and think on them until our next regular council meeting. So, I appreciate you being here. I received several calls personally – a couple from the citizens that spoke. I appreciate those calls, as well. We'll certainly take your statements into consideration. That's why it's important that you come to Council to share them."

Mrs. Beverly Deneen, 5021 Crystal Avenue: "I firmly believe that withholding the resolution would be a reflection on the present Council. I would view it as being vindictive and bad manners. Regardless of whether everyone thinks he deserves it, or not, I think the resolution should be included."

LEGISLATION READING

ORDINANCE NO. 2012-05 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO GIVE A NOTICE OF INTENT TO TERMINATE THE CONTRACT BETWEEN THE CITY OF ASHTABULA AND ACS STATE & LOCAL SOLUTIONS, INC., was presented. Mrs. Lattimer moved, Mrs. Stranman seconded, to waive the reading of the ordinance; motion CARRIED. Mrs. Stranman moved, Mrs. Lattimer seconded to waive the Charter requirement of two readings. The Ward 4 Councilor asked the Manager to explain the ordinance. The Manager reported this to be the company who installed the Photo Traffic Enforcement Program equipment. Per the contract, notice of contract termination has to be given. While the contract states the company has 60 days to remove the equipment he believes they will begin sooner. The cameras have not been operating since December 1, 2011, after the company watched the November 8 General Election results. He said some motorists received tickets prior to the cameras being taken out of commission, and collections continue; albeit they have decreased from the time when the cameras were actively photographing motorists breaking the law in the area of the equipment. On the roll call to waive the Charter requirement of two readings: Mrs. Lattimer, Mr. Balog, Mrs. Stranman, Mr. Pugliese, Mr. Ducro voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mrs. Lattimer, Mr. Balog, Mrs. Stranman, Mr. Pugliese, Mr. Ducro voted yea; motion CARRIED.

UNFINISHED BUSINESS

Estimated Board of Election Costs: The Ward 4 Councilor asked if the costs estimate Council received during pre-council meeting was general information or to be discussed at this meeting. The President reported the Clerk of Council obtained a comparison from the Board of Elections for the estimated cost for items to be placed on the primary vs. general election ballots. The cost for our March 6 primary election issues is estimated at \$871. The estimated cost for our regular election issues is \$4,462.14. He said this information was obtained in order to determine whether to place the 50% tax reduction and recall issues on the primary or general election ballots.

West 51st Street Tree: The Ward 4 Councilor reported this tree continues to be a concern. It was previously thought that when a house was razed using grant funds, the tree would be included. However, the tree was not covered under the grant; and the tree is slowly falling apart and landing on different properties. The Code Enforcers have cited "someone", however the status is unknown. She said she mentions this at this meeting, as promised, and wanted the concerned citizen to know she is working on it, and will be "getting it to the Solicitor if we need to".

NEW BUSINESS - None

MISCELLANEOUS BUSINESS

Next Regular Meeting: The President announced the next televised regular council meeting will take place on Tuesday, January 17, due to the observance of Dr. Martin Luther King's, Jr. Day on Monday, January 16.

PUBLIC'S GENERAL PORTION

Mr. John Ginnard, 4619 Main Avenue: asked that the posts be cut off the sidewalk when removing the Photo Traffic Enforcement Program equipment. He gave the site in front of Nassief's as an example. The Manager said he will have our inspectors ensure the work is performed properly. Mr. Ginnard asked if the contract with TimeWarner, as it relates the program, also has to be cancelled. The Manager said all Program expenses were incurred by ACS; noting there was no expense to the City for the project.

Executive Session: Mrs. Lattimer moved, Mrs. Stranman seconded to convene into Executive Session to discuss pending or threatened litigation. On the roll call to convene into Executive Session: Mrs. Lattimer, Mr. Balog, Mrs. Stranman, Mr. Pugliese, Mr. Ducro voted yea; motion CARRIED. The President asked the Manager to announce who should attend the session.

Ashtabula City Council Regular Meeting
Tuesday, January 3, 2012

The Manager replied all persons at the dais, with the exception of the Acting Auditor, whose attendance is not required. The President reported Council will return to the public portion of the meeting, make a report if necessary, and adjourn. The session began at 8:04 p.m.

Reentrance into Public Portion of Meeting: At 9:03 p.m., the President announced reentrance into the public portion of the meeting, with no action to report.

Mr. Pugliese moved, Mrs. Stranman seconded to adjourn the meeting at 9:04 p.m.

DATE APPROVED: February 6, 2012

ATTESTED BY: _____
J.P. Ducro, IV
President of Council

ATTESTED BY: _____
LaVette E. Hennigan, MMC
Clerk of Council