

Call to Order

Council met in a **REGULAR MEETING**. The President of Council called the meeting to order at 7:00 p.m.

Opening Ceremony (Prayer/Pledge/Moment of Silence)

The Clerk of Council 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)
Mr. Richard F. Balog, (Ward 1)
Mr. James M. Trisket, (Ward 5)
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: Mr. Trisket moved, Mrs. Stranman seconded to excuse the Ward 4 Councilor from this evening's 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.

CONSENT AGENDA

MEETING MINUTES DISPOSAL

January 7, 2013 Regular Meeting
January 22, 2013 Regular Meeting
January 28, 2013 Special Meeting
February 4, 2013 Regular Meeting

Ashtabula City Council Regular Meeting
Monday, March 4, 2013

Mrs. Stranman moved, Mr. Trisket seconded to waive the reading of the minutes; motion CARRIED. There being no corrections the minutes stand approved as presented.

FORMAL LEGISLATION REQUESTS

RESOLUTION NO. 2013-35 A RESOLUTION REPEALING, IN ITS ENTIRETY, RESOLUTION NO. 2013-27, PASSED ON FEBRUARY 19, 2013, FOR THE PURPOSE OF REDUCING REQUIRED APPROPRIATIONS FOR THE WEST AVENUE BRIDGE PROJECT BY REASON OF A GRANT/LOAN OBTAINED FROM THE OHIO PUBLIC WORKS COMMISSION. (City Manager)

RESOLUTION NO. 2013-36 A FINAL RESOLUTION ENACTED BY THE CITY OF ASHTABULA, OHIO, HEREINAFTER REFERRED TO AS THE LOCAL AUTHORITY/LOCAL PUBLIC AGENCY OR "LPA" IN THE MATTER OF THE STATED DESCRIBED PROJECT PID NO. 78399 – REHABILITATION OF TWO (2) WEST AVENUE BRIDGES OVER CSX RAILROAD, LYING WITHIN THE CITY OF ASHTABULA, OHIO. (City Manager)

ORDINANCE NO. 2013-39 AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF ASHTABULA, STATE OF OHIO, FOR THE PERIOD JANUARY 1, 2013 THROUGH DECEMBER 31, 2013. (City Auditor)

Mrs. Stranman moved, Mr. Trisket seconded to accept the consent agenda formal legislation requests; motion CARRIED.

PUBLIC DISCUSSION (Consent Agenda Legislation Only) – None

LEGISLATION READING

RESOLUTION NO. 2013-35 A RESOLUTION REPEALING, IN ITS ENTIRETY, RESOLUTION NO. 2013-27, PASSED ON FEBRUARY 19, 2013, FOR THE PURPOSE OF REDUCING REQUIRED APPROPRIATIONS FOR THE WEST AVENUE BRIDGE PROJECT BY REASON OF A GRANT/LOAN OBTAINED FROM THE OHIO PUBLIC WORKS COMMISSION.

RESOLUTION NO. 2013-36 A FINAL RESOLUTION ENACTED BY THE CITY OF ASHTABULA, OHIO, HEREINAFTER REFERRED TO AS THE LOCAL AUTHORITY/LOCAL PUBLIC AGENCY OR "LPA" IN THE MATTER OF THE STATED DESCRIBED PROJECT PID NO. 78399 – REHABILITATION OF TWO (2) WEST AVENUE BRIDGES OVER CSX RAILROAD, LYING WITHIN THE CITY OF ASHTABULA, OHIO.

ORDINANCE NO. 2013-39 AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF ASHTABULA, STATE OF OHIO, FOR THE PERIOD JANUARY 1, 2013 THROUGH DECEMBER 31, 2013.

Solicitor Franklin approved the above legislation as to form and correctness.

Ashtabula City Council Regular Meeting
Monday, March 4, 2013

Mrs. Stranman moved, Mr. McClure seconded to waive the reading of the consent agenda legislation; motion CARRIED. Mrs. Stranman moved, Mr. McClure seconded to waive the Charter requirement of two readings of the consent agenda legislation. On the roll call to waive the Charter requirements of two readings: Mrs. Stranman, Mr. Pugliese, Mr. Balog, Mr. Trisket, Mr. McClure, Mr. Ducro voted yea; motion CARRIED. On the roll call to adopt the consent agenda legislation: Mrs. Stranman, Mr. Pugliese, Mr. Balog, Mr. Trisket, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

(End of Consent Agenda)

REGULAR AGENDA

READING AND DISPOSAL OF MEETING MINUTES - None

CITY MANAGER'S REPORT

Repeal Resolution 2013-27 and West Avenue Bridge Rehabilitation Project – ODOT PID 78399

The City Manager reported Resolution No. 2013-27 is needed for the purpose of changing the funding amount as required by the Ohio Department of Transportation for project ATB West Avenue Bridge Rehabilitation to include allocation of Ohio Public Works funding. He reported that the State did not apply the Ohio Public Works Commission funding the City received. The amount listed in the resolution is \$457,000. The amount that will be allocated to this capital expenditure is now \$252,056.00. Funds for this expenditure will be taken from Account Number 412-200-5554, entitled Street/Bridge.

Bands on the Beach

The City Manager announced that Bands on the Beach will take place again this summer. He approached Ashtabula County Medical Center's (A.C.M.C.) Vice President of Business Development, Ms. Tina Stasiewski, about the possibility of the hospital sponsoring the event this year, and they said yes. The Manager expressed his sincere appreciation. ACMC will offer some of their services at the event, and Dr. Kahlil will again be the event coordinator. The dates will be announced once the bands are lined up.

Ashtabula City Council Regular Meeting
Monday, March 4, 2013

QUESTIONS AND/OR COMMENTS FOR THE CITY MANAGER

West Avenue Bridge Rehabilitation: The Ward 2 Councilor asked for the project's timeline. The Manager reported the sale of the project is scheduled for (March 28); project awarded on (April 8); estimated start date (May 24); and estimated project completion (August 22). Minor bridge light improvements and pole painting are included in the project.

CITY SOLICITOR'S REPORT - None

QUESTIONS AND/OR COMMENTS FOR THE CITY SOLICITOR - None

CITY AUDITOR'S REPORT - None

QUESTIONS AND/OR COMMENTS FOR THE CITY AUDITOR - None

CITY COUNCIL COMMITTEE REPORTS

Community / Economic Development / Parks & Recreation (Mrs. Stranman/Mr. Balog): The Chair announced the Committee had a very lengthy meeting in February; therefore will not meet in March, and will see what transpires for April.

Finance and Personnel - (Mr. Ducro IV/Mrs. Lattimer): The Chair announced the Committee is scheduled to meet on Friday, March 8, at 8:00 a.m.

Public Works / Utilities / Schools – (Mr. August Pugliese/Mrs. Lattimer): The Chair announced the Committee's Tuesday, March 12 meeting is cancelled. He asked the City Manager to invite TimeWarner Cable to the April or May meeting to discuss the complaints he has received about cable service and prices.

Safety Forces – (Mr. Balog/Mr. Trisquet): The Chair announced the Committee will meet on Friday, March 15, at 8:00 a.m. He reported that licensing of security alarm companies will be discussed if Mr. Larry DeGeorge provides sample legislation. He diverted to the Council President regarding proposed minors' curfew amendments.

The President reported Lakeside Junior High School Principal Kathy Reichert, 7th Grade Language Arts teacher Mrs. Susan Marple, and six of her female students will be our guests at the March 15 Safety Forces Committee meeting. They are: Rylee Cole, MacKenzie Taylor, Morgan Weir, Samantha Griffith, Olivia Cutlip, and Noelle Woodworth.

Ashtabula City Council Regular Meeting
Monday, March 4, 2013

They wrote letters about their views on the current legislation and proposed changes, and submitted them to him as an English project.

The Chair reported the Committee is waiting to hear from the developer of the former Hotel Ashtabula regarding his request for a fire lane. The Civil Service Commission (CSC) Rules & Regulations request regarding Police Department promotional examination will be discussed. He reported the Civil Service Commission is scheduled to hold a Special Meeting on Wednesday, March 6, at 8:30 a.m. He is hopeful that this meeting will provide all that the SF Committee will need in order to discuss the proposed amendments to the CSC Rules & Regulations.

Work Session – No Report – No Report

FORMAL LEGISLATION REQUESTS

ORDINANCE NO. 2013-40 AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE ASHTABULA CODIFIED ORDINANCES. Mrs. Stranman moved, Mr. Pugliese seconded; motion CARRIED.

PUBLIC COMMENT (Legislation Only)

The Ward 1 Councilor announced Council will not vote on Ordinance Nos. 2013-37 and 38 having to do with Carrying Certain Weapons Prohibited, but will rather place them on their first reading. (*2nd Amendment to the US Constitution: A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.*)

Mr. Ryan R., 1212 West 8th Street: During earlier discussions this evening, and discussion with friends, I've come to understand that while it is my personal belief that this legislation treads very closely, if not directly upon the 2nd Amendment; or at least that it could in application. My concern becomes at the law enforcement level on the street – I've spoke to many people and they've assured me that language has been put into the legislation to protect someone who was simply trying to protect themselves in a potentially dangerous situation, or perhaps walking/hiking in the woods and having a knife with them, or some other thing that is appropriate and correct. But, again the issue always becomes, in application. And when you start applying legislations that are even close to the 2nd Amendment, I think that every issue really has to be discussed. Mr. Balog mentioned early that several subjects which came up during their short conversation this evening hadn't been addressed by Council before the proposed legislation had been created. I really think we need to be more careful, especially on a local level, because this is where I can come and speak to you guys and have my voice heard on this. It becomes an issue of... it's time to be more careful with the rights that we've been

legislating over time, I think. And it's a very important issue for me because I am a sportsman.
Ashtabula City Council Regular Meeting
Monday, March 4, 2013

I spend most of my time outdoors, and I walk around with a knife on my hip almost all the time. I had to consciously not bring mines tonight, and I don't want that to become an issue on a daily law enforcement basis - if I have to go sit in a county jail overnight or something because some officer misinterpreted what the law said. I think that that would be horrible. Okay, it's a day - I would live - however, it should never become an issue. And, I think that in the application of laws like this is where the problems lie. And, if we are going to start legislating in that direction I think we should at least be cautious enough to make sure that we have discuss all the issues pertinent to this issue before we vote on it and make it a law in our town.

Mr. George Joseph Spaulding, 1212 West 8th Street: Said he is a veteran who does not believe someone should have the right to carry a long knife, brass knuckles, etc. Carrying registered weapons is okay. He said he has respect for law enforcement and elected officials. He asked that Council consider what they are doing, and voting on, before they vote. He asked them to "think from the heart".

LEGISLATION READING

ORDINANCE NO. 2013-37 AN ORDINANCE REPEALING CODIFIED ORDINANCE SECTION 549.10, ENTITLED CARRYING CERTAIN WEAPONS PROHIBITED, was presented for its first reading. Mrs. Stranman moved, Mr. Balog seconded to waive the reading of the ordinance; motion CARRIED. The ordinance was placed on its first reading.

ORDINANCE NO. 2013-38 AN ORDINANCE ENACTING NEW CODIFIED ORDINANCE SECTION 549.10, ENTITLED CARRYING CERTAIN WEAPONS PROHIBITED, was presented for its first reading. Mrs. Stranman moved, Mr. Balog seconded to waive the reading of the ordinance; motion CARRIED. The ordinance was placed on its first reading.

ORDINANCE NO. 2013-40 AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE ASHTABULA CODIFIED ORDINANCES, was presented. Mrs. Stranman moved, Mr. Balog seconded to waive the reading of the ordinance; motion CARRIED. Mrs. Stranman moved, Mr. Balog 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, Mr. Balog, Mr. Trisket, Mr. McClure, Mr. Ducro voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mrs. Stranman, Mr. Pugliese, Mr. Balog, Mr. Trisket, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

The President suggested this to be the time to discuss how Ordinance Nos. 2013-37 and 38 came into being, even though they will not be voted on this evening.

Ashtabula City Council Regular Meeting
Monday, March 4, 2013

Councilor Balog: Believes the legislation request originated from the Police Department. He said there is no hurry because we are confident in the suggested amendments; that the [primary] amendment being suggested is the length of the knife blade, with little change to the remaining portions. "There was no intent to tread anyone's 2nd Amendment rights; we're here to serve all citizens." He suggested attendance at a committee meeting because that is where the nuts and bolts of an issue are discussed.

Mr. Franklin: When I began as City Solicitor in late 2007, the carrying certain weapons prohibited ordinance read pretty much as it does now, except it had an additional limitation for carrying a knife with a blade in excess of two and a half inches in length. That portion was repealed. And we have proceeded with this ordinance as it now stands, I would say, since the repeal of the blade length. I can recall distinctly two prosecutions under this ordinance. When I was doing research concerning a request that a couple officers made to me – actually they were just posing the question - they had run into a situation where a gentleman walking the streets of Ashtabula late at night found it necessary to carry a machete in his hands. That's an extreme case, I grant you. But, the officers questions were, do we just hand this machete back to him. We know that he's not clearing brush at 3 in the morning. We're pretty darn sure that he intends this offensively. What do we do? And the answer was really nothing; there's no prohibition. Granted, it's a circumstance that an officer and I think any reasonable person is going to worry about. I did some research. I found that most cities in the State of Ohio have some sort of prohibitive weapons ordinance; some laundry list of items that people are not, generally speaking, permitted to carry within the city limits. I want to stress to everyone we are talking about a City. We're not talking about rural area. We're not talking about the woods. We're not talking about the fields. In doing that research I also found that there were a number of cases that said, look your prohibition on these weapons, with few expectation's, cannot be blanket – there must be reasonable exceptions for self defense purposes, for litigate trade and business purposes, and for litigate recreational purposes. So, after some discussion with some members of the Committee, this final draft came together. It did a couple of things: it did set what we hope is a reasonable length on a knife blade for a knife to be carried by a person going about his lawful business in the city. It's set at 4.5 inches. There are a lot of communities that still adhere to the old 2.5 inch rule. One I think I found was at 3.5 inches – this is a fairly laxed limitation. Secondly, we did add some language concerning pellet guns. And, what was driving that was a tendency of some people who are involved in less than legal activities in the City, (well I won't put too fine a point on it), drug dealing and stealing to support drug habits, who will get one of the air soft guns that looks like a barrette or a Glock, and they'll either remove the read tip or they'll paint it black, and will present it in their illegal activities as a real gun. And, they'll use it to threaten, terrorize, or rob people. It occurs to me, and I think to the Committee, that in a city where you can't discharge a pellet gun (we've got an ordinance on the books, and have for many years, saying you can't shoot or have bb guns in the city), there are limited, legitimate reasons to be carrying one on your person. So, we did put that in.

Ashtabula City Council Regular Meeting
Monday, March 4, 2013

At the same time, as I said, we put in the affirmative defenses for self defense and for trade, business, or recreational activities. We put in some limitations that this is just a carry issue. This is not a possession issue. This is not a use on your property issue. This is not a carrying around in the trunk of your car issue. This is just on or about your person. And, finally, we decriminalized it to a certain extent. The current Carrying Certain Prohibited Weapons ordinances is a misdemeanor of the 2nd degree, which means it could be punished by up to 90 days in jail. It has been moved down a notch to a misdemeanor of the 3rd degree, which is a slightly reduced penalty, with a maximum of 60 days in jail, and a reduced fine, as well. So, overall the intent, and I think the effect of the legislation, is to give the Police Department a legitimate law enforcement tool when they're dealing with persons who everyone knows darn well are not carrying these things around because they're going to shoot squirrels or birds, or they're going camping and need a knife, machete, or axe to do that. Actually an axe isn't even an issue. But, they're carrying them for purposes that are hurtful to the people of this City. Now, in touching upon that, for what it's worth, I spend every morning of my working life here, the first hour or so, reading police reports, including Sheriff's Department reports generated the weekend before, or 24 hours before. And the reports that are sent to me are reports that either resulted in someone going to jail, or there's a request for charges which could result in someone going to jail. So, I'm not necessarily reading speeding and parking tickets, but I am reading domestic violence, robbery, drug manufacturing, carrying concealed weapons reports. And, I will say this for both the Sheriffs' and Police Departments... their work days are such that they do not cruise looking for people to harass. They are going from call to call for assistance, for the most part. It is true that occasionally an officer will see suspicious activity that will result in a stop and an inquiry. But, more often than not I'm reading reports that start out "I was summoned to such and such a location upon a complaint of so and so..." So, in practice and in reality, while I understand the concern of members of the audience about the potential for abuse, I evaluate that danger as being extremely low. The officers are, that I deal with, I'm very pleased to say, are not people that would go around lightly infringing upon anyone's rights. That goes against their training, against the oath they took, and I can't see, as a department, either the Sheriffs or Police Departments, going along with that sort of conduct. So, I don't see that risk, if you perceive it as being a terribly great one. Thank you.

Vice President: What additional violations suspects in the two cases mentioned, were guilty of.

Solicitor: One that comes to mind was a disorderly conduct – engaging in fighting in a public place. As I recall it was someone with a billy club. While the other cannot be recalled, it may have brass knuckles or something illegal to own to begin with, but that was a domestic violence.

Mr. Ryan R., 1212 West 8th Street: asked if the Solicitor was speaking to application.

Solicitor: In part, if I understand what you mean by application, you're concerned about the potential for abuse on the street.

Mr. Ryan R.: Yes. And, again, when issues like this come up that's where my main concern goes to, is in application, because the decisions that are made here are one thing, but how they're applied on a daily basis often become another. I understand it and I totally appreciate what you're saying, that for the most part we're not talking about a guy with a jack knife – I'm going to go bother him today. I understand that's not the case. However, I do think, like I said before, we just have to be concerned about those issues before actual legislation's moved forward with, (at least considered and discussed as a real issue that pertains to this matter).

Mr. George Joseph Spaulding, 1212 West 8th Street: said he heard every word the Solicitor said and "you're right". He then commented on something, he said, didn't have anything to do with the proposed weapon legislation. He also commended Solicitor Franklin and Police Chief Stell for "jobs well done".

Police Chief Stell: I was involved, somewhat, in the discussion about the proposed amendments to the legislation. In particular I recall the earlier legislation that was in place much of my career when I was a patrolman on the road, and had some dealings with that. It was much more restrictive than what's being proposed now, if I recall. I just wanted to say that, as the Chief of Police and head of the department, it's not our intent to infringe on 2nd Amendment rights. But, bear in mind as with firearms there are certain restrictions. You can't just carry any kind of firearm that there is – there are restrictions. With that thinking is where we come to the knife legislation. We're trying to balance it. We don't want to restrict knives to the point where you can't carry one or give a hunter, or somebody with legitimate reasons to have one, a hard time. For my own personal experience, back when the legislation was 2.5 inches, many times I had occasion to come across somebody who had their hunting knife with them, or something like that. Did I arrest them; no I did not. And, most officers I dealt with, I don't recall any incidents where somebody got jammed up for something like that. Now, did I have a drug dealer with a steak knife stuck down his boot? Yes! Did I charge him with that? I sure did. That's kind of where we're coming from. Our thinking is we want to not be overly restrictive. We want to be fair, but we also want it to be safe for the community, as well. We want to try and balance it and that's where we came up with the 4.5 inches. We think that's fair. And, I can tell you just from personal experience, it's highly unlikely that somebody with legitimate reasons not causing a problem with said knife is going to be given any kind of grief from the Police Department. I can't promise that will never, ever happen, but I think that's highly unusual and unlikely that that's going to take place.

UNFINISHED BUSINESS - None

Ashtabula City Council Regular Meeting
Monday, March 4, 2013

NEW BUSINESS - None

MISCELLANEOUS BUSINESS

Saybrook Township JEDD Public Hearing: The President announced the proposed JEDD agreement between the City of Ashtabula and Saybrook Township was held this evening at 5:15 p.m.

Ashtabula Township JEDD Public Hearing: The City Council will hold a public hearing on Monday, March 18, at 5:30 p.m., for the purpose of hearing comments and recommendations on the proposed JEDD agreement between the City of Ashtabula and Ashtabula Township for three properties: Route 20 Family Dollar, a new plaza across the street from Burger King on North Ridge East that is not yet built, and Brockway/Mauro to NEO property by Wal-Mart. The contract is on display in the Office of the Clerk of Council.

Legislation Request: Mr. McClure moved, Mr. Trisket seconded to have an ordinance drafted for the purpose of authorizing the City of Ashtabula to enter into a JEDD agreement with Saybrook Township (Depot Road – St. John School); motion CARRIED.

Demolitions: The President announced a question about how many structures were razed with Neighborhood Stabilization Program funding was asked at the last Regular Council Meeting. Eighty-four (84) structures have been removed. Station Avenue has significantly impacted by the activity. Request for a list of the structures may be secured from the Clerk of Council.

Community Announcements

Ashtabula Downtown Development Association (ADDA) Downtown Laughs will take place March 15 and 16 at Casa Capelli Restaurant. This is an ADDA fundraiser.

Ashtabula Area City Schools Levy Campaign Kick Off will take place on Tuesday, March 12, at Lakeside High School.

ADDA will host their Annual Meeting on Tuesday, March 12, at 6:00 p.m., at the Chamber of Commerce.

The Ward 2 Councilor announced the Vice President should join the Manager and President as an act at the Downtown Laughs. The President believed they would do better if a dunk tank was involved. (LAUGHS)!

Ashtabula City Council Regular Meeting
Monday, March 4, 2013

GENERAL PUBLIC PORTION - None

CLOSING REMARKS

The President reminded the viewing audience to “Keep Believing in Ashtabula”.

ADJOURNMENT

Mr. Trisket moved, Mr. Pugliese seconded to adjourn the meeting at 8:02 p.m.

DATE APPROVED: **April 1, 2013**

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

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