

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. August A. Pugliese (Ward 2)
Mr. Richard F. Balog (Ward 1)
Mr. James M. Trisket (Ward 5)
Mrs. Ann I. Stranman (Ward 3)
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
Acting City Auditor Karen S. Jury, Clerk of Council LaVette E. Hennigan

Officer(s) Absent: None

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

Excused Absence: Mrs. Stranman moved, Mr. Trisket seconded to excuse the Ward 4 Councilor from this meeting; motion CARRIED.

PRESENTATIONS

The Council President presented **RESOLUTION NO. 2012-49 A RESOLUTION COMMEMORATING THE 30TH ANNIVERSARY OF HOSPICE OF THE WESTERN RESERVE OF ASHTABULA COUNTY**, to Mrs. Mary Pepperney, Director of the organization. Mrs. Stranman moved, Mr. Trisket seconded to adopt the resolution; motion CARRIED.

READING AND DISPOSAL OF MEETING MINUTES – NONE

CITY MANAGER'S REPORT

Board of Health

The City Manager requested the reappointment of Mr. David DeGeorge to the Board of Health, effective immediately, with a term to expire on February 4, 2017. Mrs. Stranman moved, Mr. Trisket seconded to approve the Manager's request; motion CARRIED.

Surplus Equipment

The City Manager requested an ordinance to declare certain IT/Computer equipment obsolete and/or scrap material to be disposed of for scrap in accordance with the records retention program. Mr. Pugliese moved, Mr. Trisket seconded to approve the Manager's request; motion CARRIED.

QUESTIONS AND/OR COMMENTS FOR THE MANAGER

East 6th Street Café: The Ward 2 Councilor asked the Manager to provide an update on this eyesore of a property. The Manager reported the asbestos assessment was completed, the bids to raze the structure will be let in spring, and within a few months the structure should be razed.

West 55th Street Tree Collapse: The President asked for the status of this issue. The City Manager reported he asked the City's Code Enforcer (CE) and Executive Secretary Luciana Ratermann for an update today. He said a compliance letter was issued; the occupant said he is in a land contract; the deal is not with the County; the City will only speak with the owner of record; they were sent a certified letter on February 13; it was received and signed for on the 14th; the letter told the owner to comply with the December 2011 compliance notice which told him that the property has become worse; was given 7 days to call the City; he did so and said he does not have the money to remove the tree and thought the person he "allegedly had the land contract with was making progress in correcting in violations; nothing to date has been done; a letter will be prepared ordering the nuisance to be abated within 72 hours of the notice; if he does not comply the City will take action to abate the nuisance to ensure the public's safety; and the notice will also indicate the City will attempt to recoup the cost associated with the abatement. The CE and Inspectors are ready to put the house back on the condemned list, and hopefully there will be Neighborhood Stabilization Program (NSP) funds to remaining in order to raze it.

The Manager said after the East 6th Street Café is razed there should be \$75,000 to \$80,000 remaining in NSP funds, but that there are so many more properties to raze. The asbestos abatement is costly; ranging from 10,000 to \$20,000, compared to \$3,000 to 4,000 to raze a structure. The City will try to secure some of the County's NSP funding for this activity. The President reported he recently was told the cost for an owner to raze their structure is significantly less than the City because they do not have to go through the extensive asbestos abatement procedure required, by law, of the City.

Tree Leaning on 1246 West 48th Street home (between Fern & Strong): The Ward 3 Councilor reported telling immediate Past City Manager Anthony Cantagallo about a tree leaning on the back of the house at 1246 West 48th Street. The Councilor reported being told of this situation by her Ward 2 colleague. She believes the property was previously on the condemned list, has since been removed, and said neighbors are concerned. The Ward 2 Councilor reported 44 years ago he lived in the above property, which has a frontage of 38 feet. He said the neighbor's home can be touch by reaching out the side window. He said two years ago the tree fell on the house, and is now against the home in the backyard. The house is in foreclosure, \$17,000 is owed on it; it is destroyed, and will be a safety hazard if there is a fire. The Manager will speak with the CE to determine the status.

Treelawns: The President asked who is responsible for treelawns trees. The Manager reported the City is "somewhat responsible for them; after we are notified there is a problem". With the West 48th Street property, because there is no record of notification prior to the Star Beacon placing the home and tree on the front page of the newspaper, it is considered an act of God. He reported the same applies to potholes.

CITY SOLICITOR'S REPORT

Amnesty Day: The Solicitor reminded the public that Saturday, March 10, from 9:00 a.m. until 2:00 p.m., the Ashtabula City Municipal Court, with the help of the Ashtabula County Public Defenders office, the Ashtabula City Solicitor's office, and a number of other volunteer organizations and people, will host an Amnesty Day, to allow outstanding warrants (that are not felony related), to be taken care of with a minimum payment of \$150.00, without threat of jail time.

QUESTIONS AND/OR COMMENTS FOR THE CITY SOLICITOR – None

ACTING CITY AUDITOR'S (ACA) REPORT

Renaming Walnut Beach Fund: The State of Ohio reports the City's Fund titled Walnut Beach/Parks & Recreation may be renamed so long as the former and new fund titles, and the expanded uses (if applicable), are referenced in an ordinance.

New Funds: The Acting Auditor reported this week she will make a request to the Finance & Personnel Committee, for new funds.

Walnut Beach/Parks & Recreation Fund Research: The President reported the Ward 5 Councilor believed this fund name suggests the dollars allocated to the fund may only be used for Walnut Beach. However the funds are for any City park.

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Parks & Recreation Board Proposal

The Board requested the allocation of \$3,000 from the Walnut Beach/Parks & Recreation Fund to pay for the three 2012 of Bands on the Beach concerts. Mrs. Stranman moved, Mr. Trisquet seconded. The Ward 3 Councilor reported it was agreed upon that this year the City would assist, and that normally the event receives funding from other sources. She said supporting the arts, in the community, is essential. The Vice President challenged private entities, banks and clubs to fund a fourth or fifth band this season. He also said that while the City has funded the event in past years, and is allowing the Parks & Recreation Board budget to fund the event this year, it is not something that is able to continue in perpetuity. Motion CARRIED.

Ohio American Water Company (OAWC)

The City Manager reported Aqua American purchased OAWC; in April the sale will be final; and the City is in conversation regarding the continuance of the franchise fee which funds the Parks & Recreation Board's activities.

QUESTIONS AND/OR COMMENTS FOR THE ACTING CITY AUDITOR – None

CITY COUNCIL COMMITTEE REPORT

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

The Committee will meet Wednesday, March 7, at 6:00 p.m.; and hopefully community organization updates will be provided. The Chair reported the following:

G.O. Ministries Ribbon Cutting: The Chair, the Council President, and the Clerk of Council attended; it was a nice event; a representative of the Free Clinic group spoke and announced his hope for a free clinic is moving right along; that they are seeking to secure their 501(c)(3) non-profit status; they are partnering with G.O. and will use space in their building. The Clinic group will have a fundraiser on Saturday, April 14, from 4:00 p.m. to 8:00 p.m., with a recommended \$10 donation. The group has regularly been meeting the second Monday of each month at 5:00 p.m., at e-comm Café and welcomes volunteers.

Downtown Laughs will take place Friday and Saturday, March 16 and 17, at Casa Capelli.

Art Show: Mr. Christopher Raab, the gentleman who wants to paint murals throughout the City, and Mr. Jeremy Shank will host an art show at The Hang Suite on Main Avenue, Saturday, March 17, from Noon to 7:00 p.m., and on Sunday, March 18 from Noon to 9:00 p.m. Admission will be \$2.00.

Reader's Digest Contest: The contest ended March 1. The City finished in 35th place. Citizen participation was appreciated.

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Finance and Personnel - (Mr. Ducro, IV/Mrs. Lattimer): The Committee will meet on Friday, March 9, at 8:00 a.m.

Public Works / Utilities / Schools – (Mr. August Pugliese/Mrs. Lattimer): The Committee will meet on Tuesday, March 13, at 8:00 a.m.

Safety Forces – (Mr. Balog/Mr. Trisket): The Committee will meet on Friday, March 16, at 8:00 a.m.

Work Session– (Mr. Ducro IV, Chair) – No Report

Council Committee Restructuring: The President announced that in order to conduct business in committee, Council’s Committees were restructured. The Clerk of Council announced the following new Committee structure:

COMMUNITY / ECONOMIC DEVELOPMENT / PARKS & RECREATION

Meeting Date/Time: 1st Wednesday @ 6:00 P.M.

Ann Stranman – **Chair**

Richard Balog – **Vice Chair**

August Pugliese

James Trisket (Ex-officio – abstain from voting in the event of a tie)

FINANCE & PERSONNEL

Meeting Date/Time: 2nd Friday @ 8:00 a.m.

J.P. Ducro IV – **Chair**

Julie Lattimer – **Vice Chair**

August Pugliese

Christopher McClure (Ex-officio – abstain from voting in the event of a tie)

PUBLIC WORKS / UTILITIES / SCHOOLS

Meeting Date/Time: 2nd Tuesday @ 8:00 a.m.

August Pugliese - **Chair**

Richard Balog – **Vice Chair**

Ann Stranman

Julie Lattimer (Ex-officio – abstain from voting in the event of a tie)

SAFETY FORCES

Meeting Date/Time: 3rd Friday @ 8:00 a.m.

Richard Balog - **Chair**

James Trisket – **Vice Chair**

J.P. Ducro IV

Christopher McClure (Ex-officio – abstain from voting in the event of a tie)

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Mr. Trisket moved, Mrs. Stranman seconded to approve the new committee structure; motion CARRIED.

PUBLIC (LEGISLATION) PORTION - None

LEGISLATION READING

ORDINANCE NO. 2012-37 AN ORDINANCE REPEALING, IN ITS ENTIRETY, ORDINANCE NO. 2011-90, ENTITLED "AN ORDINANCE ENACTING A SPECIAL ASSESSMENT UPON ALL PROPERTY IN THE CITY OF ASHTABULA, OHIO, IN ORDER TO PAY A PORTION OF THE COST OF PROVIDING STREET LIGHTING" IN ORDER TO PERMIT AN AMENDMENT CLARIFYING CERTAIN PROVISIONS ALLOWING A REDUCTION IN SAID ASSESSMENT, was presented. Mrs. Stranman moved, Mr. Trisket seconded to waive the reading of the ordinance; motion CARRIED. Mrs. Stranman moved, Mr. McClure seconded to waive the Charter requirement of two readings. On the roll call to waive the Charter requirement: Mr. Pugliese, Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. McClure, Mr. Ducro voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mr. Pugliese Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

ORDINANCE NO. 2012-38 AN ORDINANCE ENACTING AN AMENDED SPECIAL ASSESSMENT UPON ALL REAL PROPERTY IN THE CITY OF ASHTABULA, OHIO, IN ORDER TO PAY A PORTION OF THE COST OF PROVIDING STREET LIGHTING, was presented. Mrs. Stranman moved, Mr. McClure seconded to waive the reading of the ordinance; motion CARRIED. Mrs. Stranman moved, Mr. McClure seconded to waive the Charter requirement of two readings. The Vice President and President explained the procedure for applying for a reduction. The change in this ordinance from the one above is that the waiver request will only have to be filed once. He reported the ordinance below authorizes the City Auditor to issue refunds to persons who have paid their street lighting assessment when paying their property taxes, and have completed the required reduction application. It also allows for extensions for submitting reduction applications. This will be the only year extensions will be offered. The Solicitor requested Council amend Section 7 of this ordinance and Section 3 of Ordinance NO. 2012-39 to read: "For the reasons stated in the preamble, this ordinance, if approved by the votes of five (5) or more members of Council, shall take effect immediately, otherwise 30 days thereafter." Mr. Trisket moved, Mrs. Stranman seconded to approve the Solicitor's recommendation; motion CARRIED. On the roll call to waive the Charter requirement of two readings: Mr. Pugliese, Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

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

ORDINANCE NO. 2012-39 AN ORDINANCE PROVIDING FOR AN EXTENSION OF TIME WITHIN WHICH TO APPLY FOR A REDUCTION IN THE AMOUNT OF THE 2011 STREET LIGHTING ASSESSMENT FOR LOTS USED SOLELY AS APPURTENANT RESIDENTIAL YARDS AND AUTHORIZING THE PAYMENT OF A REFUND TO PERSONS MEETING CERTAIN CONDITIONS, was presented. Mrs. Stranman moved, Mr. Trisket seconded to waive the reading of the ordinance; motion CARRIED. Mrs. Stranman moved, Mr. McClure seconded to waive the Charter requirement of two readings. On the roll call to waive the Charter requirement of two readings: Mr. Pugliese, Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. McClure, Mr. Ducro voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mr. Pugliese, Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

ORDINANCE NO. 2012-41 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH GT ENVIRONMENTAL, INC., IN ORDER TO IMPLEMENT A CLEAN OHIO GRANT RECEIVED FOR PHASE II ASSESSMENT OF PROPERTY ON TANNERY HILL, 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. Pugliese, Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. McClure, Mr. Ducro voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mr. Pugliese, Mr. Balog, Mr. Trisket, Mrs. Stranman, Mr. McClure, Mr. Ducro voted yea; motion CARRIED.

UNFINISHED BUSINESS

Healthy Community Initiative: The Ward 3 Councilor reported that the Community/Economic Development/Parks & Recreation Committee will be discussing (and that the Parks & Recreation Board are already involved) in Ms. Beverly Windell's (former Chalk Box owner) initiative to get the community walking. The events are being suggested for May, June, July, and August, (e.g., ward, Harbor, Downtown, and Park walk events).

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50% Income Tax Credit: The President read City Treasurer Lori Mackey's press release regarding this credit:

PRESS RELEASE

2011 ASHTABULA CITY INCOME TAX returns have been mailed to all persons currently registered with the Income Tax Office. The Tax Office is located on the 2nd floor of the Municipal Building, 4717 Main Avenue, and is open from 8:00 a.m. to 4:30 p.m., Monday through Friday.

FILING IS MANDATORY FOR ALL RESIDENTS, including partial year City of Ashtabula residents, 18 years of age or older as of the end of the year, regardless of whether or not tax is due. A tax return must be filed even if no income was earned and/or if there is no tax due.

FILING IS MANDATORY FOR ALL NON-RESIDENTS if your employer has not withheld City of Ashtabula Income Tax and you have received compensation for work or services performed within the City of Ashtabula.

EXEMPTION - RETIRED RESIDENTS. If a retired resident has previously filed a return indicating date of retirement, has no earned income, and does not receive a form in the mail, he/she does NOT need to file a tax return.

DEADLINE - If a return is received or postmarked after the 4-15-2012 due date, there will be a \$50.00 penalty assessed, and if tax is due, 12% interest will be added. An approved copy of a Federal Extension will be the only reason penalty and interest will not apply to a return filed after the due date. This extension must be filed in the Tax Office on or before the April 15 deadline.

FORMS - Tax forms are available on the City of Ashtabula website <http://ci.ashtabula.oh.us/> under the City Departments Tab and then Income Tax. If an Ashtabula City resident does not receive the required tax forms, please contact the Tax Office (440) 992-7105 as soon as possible.

NEW - This year is an interactive form that will calculate your tax return. Simply enter your information into the form. It will fill in the tax due. You must print the form, sign it and return it to the Tax Office. You will not be able to send this form electronically. Failure of a taxpayer to receive or procure a return does not excuse that individual from filing and paying any tax due by the deadline.

SENIOR CENTER TAX PREPARATION - The Ashtabula Senior Citizens Center will calculate taxes free for seniors; donations are accepted for all others. The Center is located at 4632 Main Avenue. An appointment must be made by calling the Center at (440) 998-6750. This service is available Monday through Friday, February 3rd through April 12th.

MASTERCARD, VISA, DISCOVER, CASH, CHECK & MONEY ORDER ARE ACCEPTED.

The Treasurer was thanked for the above simplified explanation. The Acting City Auditor reported 10% of income tax revenues go to the Permanent Improvement Fund and may be used to pave streets.

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NEW BUSINESS - None

MISCELLANEOUS BUSINESS

Trash Cans: The President and Manager reported they have received numerous compliments about the way in which trash cans are no longer being thrown all over the place; but rather being sat upright. Appreciation for the drastic change was extended to Public Services Superintendent Dominic Iarocci and Sanitation crews.

Snow Removal: The Ward 2 Councilor thanked Public Works crews for doing a “great job” in removing snow.

Police Department: The Department was thanked for their work in the City. The Broken Windows Program was recently launched and is off to a good start. Anonymous calls regarding matters the Department should know about may be made to 992-7126.

Wade Avenue Flashers: A quote to install flashers in the new elementary school campus area located on Wade Avenue is being secured. The City will request of Mr. Donatone, Superintendent of Schools, that they share in the guesstimated \$15,000 cost. It was suggested that the former McKinsey Elementary School flashers be used; however they no longer meet Ohio Department of Transportation (ODOT) standards.

PUBLIC’S GENERAL PORTION

Mrs. Pat Blum, 1540 West 17th Street: sought clarification regarding the street lighting assessment reduction option; thanked Council for authorizing the extension; said the government is responsible for the people and asked that they stop picking citizen’s pockets.

The Ward 5 Councilor agreed with Mrs. Blum’s last statement. He then reminded everyone that the government has to work with the funds citizens allow them to garner.

The Council President thanked Pastor Doug Wright, of the Ministerial Association, for his consistent attendance at the Regular Council meeting.

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Mr. McClure moved, Mr. Pugliese seconded to adjourn the meeting at 8:12 p.m.

DATE APPROVED: **June 18, 2012**

ATTESTED BY: _____

J.P. Ducro IV
President of Council

ATTESTED BY: _____

LaVette E. Hennigan, MMC
Clerk of Council