

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: Mr. Richard F. Balog, (Ward 1)
Mrs. Ann I. Stranman, (Ward 3)
Mr. August A. Pugliese, (Ward 2)
Mr. Christopher J. McClure, (Vice President)
Mr. JP Ducro IV, (President)

Member(s) Absent: Mrs. Julie A. Lattimer, (Ward 4)
Mr. James M. Trisket, (Ward 5)

Officer(s) Present: City Manager James M. Timonere
City Solicitor Michael Franklin
City Auditor/Acting City Treasurer Dana D. Pinkert
Clerk of Council LaVette E. Hennigan

Officer(s) Absent: None

Excused Absence: Mrs. Stranman moved, Mr. Pugliese seconded to excuse the Wards 4 and 5 Councilors from this meeting; motion CARRIED.

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

Presentations: The President announced that the presentation to former City Treasurer Lori Mackey has been rescheduled.

Executive Session: None

Reconvene Open Meeting: N/A

Action resulting from Executive Session: N/A

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CONSENT AGENDA

The Consent Agenda is a means whereby Council is able to more efficiently conduct business.

MEETING MINUTES DISPOSAL

June 17, 2013 Regular Meeting
July 1, 2013 Regular Meeting
July 15, 2013 Public Hearing

Mrs. Stranman moved, Mr. Pugliese seconded to waive the reading of the Consent Agenda Minutes; motion CARRIED. Hearing no corrections the minutes stood approved as presented.

FORMAL LEGISLATION REQUESTS - None

PUBLIC DISCUSSION (Consent Agenda Legislation Only) - None

LEGISLATION READING - None

REGULAR AGENDA

READING AND DISPOSAL OF MEETING MINUTES - None

CITY MANAGER'S REPORT

West Harbor Sewer Improvements Phase 1

The City Manager requested an ordinance to enter into an agreement with Insight Pipe Contracting, LP, 232 East Lancaster Road, and Harmony PA 16037, as the contractor with the best bid for the West Harbor Sewer Improvements Phase 1 in the amount not to exceed \$311,479.50. Funding for this expenditure will be taken from Account Number 503-150-5500, entitled Capital Improvements. Mrs. Stranman moved, Mr. Pugliese seconded to grant the Manager's request; motion CARRIED.

Brechbuhler Scales, Inc. CO#1 – Sanitation Truck Scales

The City Manager requested an ordinance to execute Change Order No. 1 with Brechbuhler Scales, Inc., of 1424 Scale Street S.W., Canton, OH 44706 in the amount not to exceed \$525.00.

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The change order is required to swap out equipment for a digital display. Funding for this expenditure will be taken from Account Number 412-200-5531, Sanitation Equipment. Mrs. Stranman moved, Mr. Pugliese seconded to grant the Manager's request; motion CARRIED.

Ohio Public Works Commission Application

The City Manager requested an ordinance for authorization to file an application with the Ohio Public Works Commission (OPWC), Local Transportation Improvements Program (LTIP) and to participate and execute all agreements with OPWC, Round 28. Mrs. Stranman moved, Mr. Pugliese seconded to grant the Manager's request. The Manager reported this will be the next round of OPWC funding. The first ordinance he requested this evening was the actual contract to begin the project from last year's OPWC award (*for the West Harbor area*). This request is to file an additional OPWC grant for a continuation of that same project. He reported this is about half the amount we are spending on the project now. The President asked how many rounds it will take to complete the project. The Manager said it is hard to tell until the televising phase is completed. The engineer who put the bid specification together and is assisting with the project said there are issues that will result in road paving. And, the cost will depend on whether or not the damage in the sewers can be relined or if they have to be dug out and replaced, which is much more extensive. The Manager said some areas do not have to be applied for with this grant. We believe two rounds of funding will take care of the majority of the area. The President asked if they are the original sewers. The Manager said most likely, yes. The motion CARRIED.

Appropriation Ordinance

The City Manager requested an ordinance to appropriate from unappropriated funds, \$8,120 to the Police Equipment Permanent Improvement account. This appropriation is necessary to purchase required equipment for the jail. Mrs. Stranman moved, Mr. Pugliese seconded to grant the Manager's request. The President asked the Manager what is to be purchased. The Manager responded a new jail paging system to replace the aging one for just under \$7,500, and a scanner to accompany the new digital equipment for better dispatch call recording and for \$699.99. The motion CARRIED.

Questions/Comments for the Manager

NS Railroad Property: The Ward 2 Councilor noticed some of the Norfolk/Southern (NS) railroad overpass area was mowed, and hopes the remaining will also be done. The Manager said he contacted CSX and NS railroads. He said the NS property on West 48th Street between Main and Park Avenues looks pretty bad, and that the Clerk of Council reported the overpass at Center Street, and he has been watching for problems. He said hopefully some results will be seen soon.

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Lakeside High School Student Art: The Manager reported Lakeside High School student's art formerly displayed at Cleveland Hopkins Airport has been placed on loan to the City, and is displayed throughout the Municipal Building. The President said it was a tremendous honor for the LHS Art Department. Student art was submitted from northeast Ohio schools (and maybe the state). Twenty-five pieces were selected; all of which were LHS students. The Manager thanked Mrs. Toni Carlisle (co-owner of Carlisle's Home in the Harbor store), Mrs. Emily Licate, and his mom for selecting the locations and hanging the art. He thanked Mr. Nik Tressler for arranging the art to be displayed and ensuring it was carried out.

Waste Water Treatment Plant (WWTP) Updates: The President asked the Manager to provide an update on the major projects. The Manager said, "They are still in the plans to be done". Staffing at the Plant had to be addressed. The 2013 funds that were appropriated for the Plant had to be maneuvered around. He and the Plant's Superintendent, Michael Mearini, definitely have plans to get the Plant more self sufficient.

CITY SOLICITOR'S REPORT

Police Levy Ballot Language: The Solicitor reported he, the City Manager, the Council President, and Police Chief Stell went before the Ashtabula County Board of Election to make a request that the **Police Levy ballot title language be identified as a Police Levy**. He stated, "The Revised Code says a short descriptive title is permissible and doesn't give a lot of guidance beyond that. The generic language that the Secretary of State prefers that County Boards of Election use is [an additional tax]. There can be many kinds of additional taxes. There can be a police levy, there can be a road levy, there can be a library levy, and it's sometimes a bit difficult for the voters to understand precisely what they're being asked to say yes or no to. That's particularly true in the area of police levies, because the full description of the purpose of the levy – there isn't any discretion – that has to come right out of the Revised Code. And it goes on and on for several phrases about purchasing equipment, purchasing vehicles, paying compensation, on-and-on. **You get about three or four lines into it and then finally the word police department appears.** And, it's only at that point that you, as a careful reader of this, are going to know what it is you're being asked to approve. So, our belief was (and the request I made to the Board of Elections, at the request of Council) was that it be identified as an **additional police tax**, simply to give that much additional guidance to the voters. The Board of Elections declined. That was based largely on their staff recommendation. The Board of Elections is an appointed Board of people who oversee the policy and the general management of the conducting of elections; but they have a full time staff who handles the day-to-day work. And, that staff, after discussion with the Secretary of State's office, recommended against that. And, the reason given was, (what I would characterize as speculation), that allowing the City of Ashtabula to identify this tax as a police tax or a police levy would open the flood gates with other subdivisions asking for special treatment on the ballot and that this additional work would overwhelm their staff.

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The four of us that were there from the City didn't find that argument terribly persuasive but the Board of Elections did; and they declined our request. We felt that it would be very easy to have a simple rule that would allow one or two descriptive words such as police, or road and bridge, or something like that, just to help people identify the levy they were voting on. And the Board, I will say, listened carefully and indicated some interest in doing that in the future, but not this time around. **So, just so everyone is aware, all you will see on the ballot when you get to Ashtabula City issues is [an additional tax]. Now as the Board of Elections pointed out, that is the only issue that the City of Ashtabula has on the ballot. So, the voters at home, I think, can be assured that if you see an Ashtabula issue it is your Police Levy. It is the request for additional funds to put additional officers on the street and improve your safety and our safety, and hopefully the future of our community."**

Questions/Comments for the Solicitor

November 2013 Police Levy: The President thanked the Solicitor for a thorough summary. He said, "I think we all want whatever the preference of the voter is. We want the voter and the citizens of our community to make sure that it's clear and easy for them to determine what they are voting for. So, we're hopeful that people will see the prudence of this levy being a benefit to our citizens, being a benefit to our community. We clearly know safety needs to be improved, and has to be a priority, and that's why we wanted to put it on the ballot - to give the citizens the opportunity to have some stake in that, and have some control to that end. Hopefully it will be clear [on the ballot]. And, we'll try as much as we can to get **the word out that the only issue that's on the ballot for the City of Ashtabula is our Police Levy**, and we would hope that our citizens will support it".

CITY AUDITOR/ACTING CITY TREASURER'S REPORT – None

Questions/Comments for Auditor/Acting City Treasurer – None

CITY COUNCIL COMMITTEE REPORTS and COMMUNICATIONS

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

Open Agenda Items and Meeting: The Chair reported after following up on the Committee's open agenda items, a couple of which were referred to Planning & Community Development (PCD), and the Solicitor is researching a couple, no progress has taken place to date. PCD needs to go to the Planning Commission whose meeting was cancelled last month so they were unable to present the items to them they are working, so we will not be meeting tomorrow. Hopefully some progress will be made on the items in order to meet in October.

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Nappi Field: The Chair reported the Nappi Field mulch has been installed, is nice, and encouraged visitors. The President said he has taken his children there, and concurred that it is very nice and looks like a brand new park.

Questions/Comments for CD/ED/P&R Committee (see below)

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

Meeting: The Chair announced there is no report and that the next meeting is scheduled for Friday, September 13, at 8:00 a.m., in the Municipal Building 2nd floor conference room.

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

Meeting: The Chair announced the Committee's next meeting is scheduled for Tuesday, September 10, at 8:00 a.m., in the Municipal Building 2nd floor conference room. Aqua America Inc. (Aqua OH) water company will be present to discuss the need to permanently repair many street/road openings they have made since acquiring Ohio American Water Company.

Swimming Pool Fills: The Chair reported having several inquiries regarding the City giving credit to residents for their first pool fill of the year. He said would like to see it happen.

Questions/Comments for CD/ED/P&R Committee

The President asked the Chair to highlight how Aqua is going to address the street/road opening repairs. The Manager reported their openings have been temporarily patched by their own crews. When the City notifies Aqua of the condition of an opening, they immediately address it. Aqua has not had a contractor for the past 8 to 10 months to perform permanent repairs. Today they told us they have hired a contractor to make permanent repairs to all their openings, based on specifications the City has provided. The Planning & Community Development Department will meet Aqua and their new contractor soon to ensure everyone is on the same page. At this meeting the City will also make expectations known. The President remarked, "It has to be better".

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

Meeting: The Chair announced the Committee is tentatively scheduled to meet on Friday, September 20, at 8:00 a.m. The agenda is light, and any changes to this report will be announced.

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Questions/Comments for Safety Forces Committee

Former West Avenue Elementary School Fire Update: The President reported a meeting is scheduled for next week, and that several citizens are concerned with the condition of the property. The Manager reported a meeting is scheduled for Friday, to include the Ohio Environmental Protection Agency (OEPA) to discuss the material, their expectation of its removal, and most importantly if there is funding to assist with removal. He reported the structure remains unsafe, and encouraged people not to go near it. The President said he understands the structure's owner most likely will not have the resources to do what is required, which is why the City is so involved. The Manager said Fire Chief Pristera issued an order on the property to have it remediated within fourteen (14) days, and believes the timeframe has expired.

Work Session - No Report

FORMAL LEGISLATION REQUESTS – None

PUBLIC COMMENT (Regular Agenda Legislation Only) - None

LEGISLATION READING - None

UNFINISHED BUSINESS - None

NEW BUSINESS - None

MISCELLANEOUS BUSINESS

Grant Funding for Demolitions: The Ward 2 Councilor said a couple weeks ago he heard a news report that the federal government was issuing more demolition funding to counties. The Manager said he believes the report was an old story, and that these are the Moving Ohio Forward funds the Ohio Attorney General's office already received. The funds were disbursed to Ashtabula County. The \$200,000 we will receive has to be spent by December 31. Planning & Community Development (PCD) expects to be able to demo ten to fifteen houses (depending on asbestos removal).

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They are doing what is required to move forward and will be working from the established Neighborhood Stabilization Program (NSP) list; with the main arteries being the focus. The Manager said, at present, the City of Detroit has 79,000 homes to be razed. We have razed 84, not including those to be done.

GENERAL PUBLIC DISCUSSION

Ms. Karen Flack, 1827 West 6th Street: asked what is being done about the deplorable **condition of the defunct strip mall on West Avenue**, next door to Smith Field. The Solicitor reported the owner has been cited criminally; he believes a notice to appear has been issued; that fire and building code violations have been cited with respect to securing a vacant dwelling (e.g. broken windows, gaping open doors, etc.), which it appears he has secured with plywood. In terms of the long term solution, the City will work towards that, even though criminal cases are really about punishing past conduct. Ms. Flack recalled that during former City Manager Anthony Cantagallo's term, the owner painted and repaired windows. The Solicitor said the owner has been unable to keep tenants for any length of time. Ms. Flack noted the owner does not reside locally in order to keep an eye on it.

Ms. Flack asked where the rubber mulch was placed that was spoken of during the Community/Economic Development Committee report. Councilor Stranman responded **Nappi Field**, on West 11th Street. Ms. Flack said she asked because she could not hear the report when it was being given.

Ms. Flack reported several **trees were planted on East 6th Street**, but are not being maintained. The Ward 2 Councilor said the City would do it but no longer has a Forestry Department. Ms. Flack offered to prune them if someone would accompany her. The Manager said he would look into it.

The President asked if the **defunct West Avenue plaza** was cited under the vacant property ordinance Council recently enacted. The Manager said the criminal citing was different. He believes the owner has, however, registered the structure under the vacant property ordinance – noting PCD Director Ratermann has been in contact with the owner.

Ms. Patricia Blum, 1540 West 17th Street: said the **no parking sign** that is holding up a tree on her road has been looked at.

Ms. Blum issued a reminder that her **driveway apron was damaged** by construction trucks that were working on the Iron Bridge (West Avenue/Lake Avenue/Carpenter Road) renovation project.

Ms. Blum reported there are a dozen **leaf bags** at her end of the road waiting for pick up tomorrow, because they were not picked up two weeks ago.

The Manager asked that Harbor residents put their bags out on Monday, regardless of their scheduled garbage pickup day. He said, "What [we] are finding is, depending on the number of bags to be picked up, crews try to get through the week as quickly as possible. So, there are times when we've already gone down those roads, and because you put your bag out on Wednesday or Thursday, which might be the scheduled garbage pickup day, the crews have already been on the road".

Ms. Karen Flack (address above): commented there is no more junk around the **vacant Lake Avenue and West 19th Street commercial property** owned by Pendleton, and operated by the Savages. The Manager said it has been cleaned up because citations were issued to both parties to clean up the property. Other violations on the structures still need to be remediated, and believes they have 30 days to do so. The Manager said the interesting thing about the property is that we have done research to prove it was a dwelling at one time. So, if another round of NSP funds or funding for razing structures is secured, they may be used to raze this structure because it was residential at one time. Much like how the former East 6th Street Café was able to be razed – because proof of residency was secured.

Garage/Yard Sale Season: The Ward 2 Councilor reported now that the season is widening down, residents should be reminded that signs are prohibited on poles - PERIOD. He asked the Manager to have the sign removed from the pole (attached with rope) at the corner of West Avenue and Lake Avenue. The sign has been up since June. The Councilor announced that signs placed in approved locations should be removed at the conclusion of the sale. The Manager reported two inspectors have been taking them down, and has aided in determining if a permit was secured. The Manager announced permits may be downloaded from the City's website. The President said it is within the right of the Inspectors and Police Department to take the sign to the address on the sale sign, cite, and fine. The Manager announced that **NO SIGNS OF ANY TYPE ARE PERMITTED TO BE PLACE ON POLES!**

CLOSING REMARKS

The President asked that we, "Remember to Keep Believing in Ashtabula"

EXECUTIVE SESSION – None

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ADJOURNMENT

Mr. Pugliese moved, Mr. McClure seconded to adjourn the meeting at 7:45 p.m.; motion CARRIED.

DATE APPROVED: **October 7, 2013**

ATTESTED BY: _____

**JP Ducro IV
President of Council**

ATTESTED BY: _____

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