

ASHTABULA CITY COUNCIL MEETING MINUTES
CITY OF ASHTABULA, OHIO
4717 Main Avenue, Ashtabula, OH 44004

REGULAR MEETING

Monday, February 2, 2015

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): Pastor Doug Wright, of First Baptist Church, Park Avenue, offered the opening prayer and the Pledge of Allegiance was recited.

MEMBERS PRESENT:

Mr. August A. Pugliese	(Ward 2 Councilor)
Mrs. Josephine Misener	(Ward 4 Councilor)
Mr. Kris E. Hamrick	(Ward 5 Councilor)
Mr. Richard F. Balog	(Ward 1 Councilor)
Mr. Christopher J. McClure	(Vice President)
Mr. J. P. Ducro IV	(President)

MEMBER(S) ABSENT: Mrs. Alice T. Cook (Ward 3 Councilor)

OFFICER(S) PRESENT:

Mr. James M. Timonere	(City Manager)
Mr. Michael Franklin	(City Solicitor)
Mrs. Dana D. Pinkert	(Finance Director)
Mrs. LaVette E. Hennigan, MMC	(Clerk of Council)

OFFICER(S) ABSENT: None

EXCUSED ABSENCE(s): Mr. Pugliese moved, Mr. Hamrick seconded to excuse the Ward 3 Councilor from this meeting; motion CARRIED.

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

PRESENTATIONS: Debbie VanGorder, After School Discovery Jr. High School Program, was not present for the presentation. It will be rescheduled.

EXECUTIVE SESSION: None

RECONVENE OPEN MEETING: N/A

ACTION RESULTING FROM EXECUTIVE SESSION: N/A

CONSENT AGENDA

The Consent Agenda is a means whereby Council is able to efficiently conduct business by grouping routine items and disposing of or enacting them by one motion, a second, and a vote.

APPROVAL OF MEETING MINUTES

The Clerk of Council presented the following meeting minutes for disposal:

* January 20, 2015 Regular Meeting

Mr. Balog moved, Mr. Pugliese seconded to waive the reading of the minutes; motion CARRIED. Hearing no corrections the minutes were approved as presented.

FORMAL LEGISLATION REQUESTS - None

PUBLIC DISCUSSION (Consent Agenda Legislation Only) - None

LEGISLATION READING

The Clerk of Council presented the following legislation for City Council's consideration:

- 2015-17 (First Reading)
02/02/15 AN ORDINANCE ENACTING NEW CODIFIED ORDINANCE CHAPTER 197, ENTITLED EXCISE TAX ON HOTEL LODGING, IN ORDER TO IMPOSE A PERMISSIVE SALES TAX ON LODGING AS ALLOWED BY THE REVISED CODE OF OHIO IN ORDER TO HELP FUND CITY SERVICES AND OPERATIONS. (City Manager)
- 2015-18
02/02/15 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO DISPOSE OF OBSOLETE AND UNNEEDED EQUIPMENT, ITEMS AND/OR MATERIALS. (City Manager)
- 2015-19
02/02/15 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT FOR COPIER EQUIPMENT FOR THE CITY POLICE DIVISION.
(City Manager)
- 2015-20
02/02/15 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE ASHTABULA COUNTY LAND BANK CONCERNING DEMOLITION OF VACANT AND BLIGHTED STRUCTURES.
(City Manager)

Mr. Balog moved, Mr. Pugliese seconded to waive the reading of the above Consent Agenda Legislation; motion CARRIED. The President asked if Ordinance No. 2015-17 should be included with the consent agenda legislation. The Clerk of Council reported that like legislation had been disposed of via the consent agenda in the past. The President suggested it be removed and placed in the Regular Agenda Legislation Reading, so the public knows for sure it has to be presented twice. The Solicitor concurred.

Mr. Balog moved, Mr. Pugliese seconded to move Ordinance No. 2015-17 to the Regular Agenda Legislation Reading; motion CARRIED. Mr. Balog moved, Mr. Pugliese seconded to waive the Charter Requirement of two readings of the above Consent Agenda Legislation (Ordinance Nos. 2015-18, 19, 20). On the roll call to waive the Charter Requirement of two readings: Mr. Pugliese, Mrs. Misener, Mr. Hamrick, Mr. Balog, Mr. McClure, Mr. Ducro IV voted yea; motion CARRIED. On the roll call to adopt the above Consent Agenda Legislation: Mr. Pugliese, Mrs. Misener, Mr. Hamrick, Mr. Balog, Mr. McClure, Mr. Ducro IV voted yea; motion CARRIED.

At the request of the President, the City Manager explained Ordinance No. 2015-20, as follows: The Ashtabula County Land Bank (ACLB) and the City of Ashtabula put together the MOU so that the City would administer the demolitions that will take place within the City (also referred to as the 'statutory agent' for the ACLB). This is because we have the experience and staffing, whereas the ACLB has only one part-time employee. Once the acquisitions are made (currently there are 8 in the ACLB which are located in the City of Ashtabula), and are scheduled to be razed with Neighborhood Improvement Program (NIP) funds, if awarded. The MOU is in effect, specifically for the NIP. City staff will administer the demolitions by securing bids and performing follow through on demolitions which take place in the City of Ashtabula. The NIP grant provides funds for administration activity. The City receives 80% of those funds; the ACLB will receive 20%. There is a dual benefit to the City's participation, that being structures are razed and staffing costs are covered.

(END OF CONSENT AGENDA)

REGULAR AGENDA

READING AND DISPOSAL OF MEETING MINUTES – None

CITY MANAGER'S REPORT

CRA Tax Incentive Agreement

The City Manager requested an ordinance for authorization to enter into a Community Reinvestment Area Tax (CRA) Incentive Agreement with Anthony Romano, LLC, for tax abatement at 50% for 10 years for the construction and/or renovation of premises located at 528 Lake Avenue in the City of Ashtabula. Mr. Pugliese moved, Mr. Balog seconded to grant the City Manager's request.

The City Solicitor reported, "The circumstances of this request are truly unique. The application was clearly filed in a timely fashion, receipt was acknowledged, it was apparently to be presented to Council and, for whatever reason, it fell between the cracks. There was some miscommunication because Mr. Romano was given to understand that it either had been approved or he was okay to begin construction. Construction began, was completed, eight full-time persons were employed, and then noted he was not getting his tax abatement". I would also like to point out there have been numerous conversations with between Mrs. Ratermann at the Division of Planning and Community Development and the Ohio Development Services Agency, some fewer, but significant number of conversations between my offices and that agency to get approval for this. It is very unusual and do not expect to see anything like this again in our Community Reinvestment Area. The motion CARRIED.

Garbage Collection

The City Manager announced residential and commercial garbage collection is delayed this week because the Waste Management landfill in Geneva was closed today due to weather. The Manager apologized for this unforeseen delay, and will provide an update as soon as possible. He said until then residents should place their garbage at curbside as normal.

Snow Removal

The City Manager reported plows have been out since Sunday and have operated non-stop. They will continue to do so until 3:00 p.m. tomorrow. Several neighborhood roads received one pass, but when crews returned to them they looked like they had not been touched, due to the significant amount of snow that fell. He apologized for the delay in clearing the roads, noting it is due to the amount of snow that fell and the small number of Public Works employees. The Manager said plowing will continue until all roads are cleared. He suggested that if you do not have to be on the roads, don't.

Snow Parking Ban

The Manager said there were many vehicles parked in the road. It was apparent they were recent parks. He pleaded saying when snow is at three inches please do not park on the roads. There were several roads which could not be plowed effectively because vehicles were parked on them, and a couple vehicles got plowed in because of it. The Manager said, "Once the plow has gone pass, and the road has been cleared, you're more than welcome to park out there".

Questions/Comments for the City Manager

Snowplowing East Side Alleys: The Ward 4 Councilor asked the City Manager if he knows, for a fact, that east side alleys were plowed. The Manager said, "Yes, I do – actually Mr. Ducro can verify that". The President said he cannot say they have been plowed since 2:00 a.m. this morning, but knows East 44th, 45th, 46th, 47th, and 48th Streets, west of State Road were plowed prior to that.

Manager Plowing: The President complimented the Manager for getting in a truck and plowing last night. He said every bit of manpower helps, and having a few extra people makes a difference.

Second Amendment to Ashtabula Township J.E.D.D. (Joint Economic Development District): The President asked if there is an update. The City Manager reported a new building will be constructed east of Aldi's on two vacant parcels. The owner has asked them to be put into the JEDD. He reported the City's public hearing has been coordinated with Ashtabula Township's in accordance with the Ohio Revised Code. The Manager said in accordance with the City/County Sewer Agreement, when new construction ties into the City of Ashtabula's sewer system, a JEDD is required. The Manager does not know what businesses will occupy the spaces, but does know the company, which is also the current land owner. Before the property goes up for sale the owner wants all permits in place. The Manager noted this is not a new JEDD but the seconded addition to the original one. The President announced copies of the amendment may be obtained at the Office of the Clerk of Council, and may also be emailed, if requested of the Clerk.

CITY SOLICITOR'S REPORT - No Report

FINANCE DIRECTOR'S REPORT - No Report

Questions for Finance Director

At the direction of the President, the Finance Director announced City Income Tax and Sewer/Trash window service is now Monday through Friday, 8:30 a.m. until 4:00 p.m. (part-time hours have ceased). The Director announced that staff is there, however, from 8:00 a.m. until 4:30 p.m.

CITY COUNCIL COMMITTEE REPORTS and COMMUNICATIONS

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

The Chair announced the committee will meet on Monday, February 9, at 4:00 p.m., in the 2nd floor conference room. The Chair reported Mr. Don Iannone, CEO & Executive Director for Growth Partnership of Ashtabula County confirmed his attendance, and that the conversation should be informative.

The Chair announced the Parks & Recreation Board will meet on Tuesday, February 10, at 6:30 p.m., in Pre-Council Chambers.

Finance and Personnel - (Mr. Ducro IV/Mr. Balog)

The Chair announced the committee will meet on Friday, February 13, at 8:00 a.m., in the 2nd floor conference room.

Civil Service Commission Appointment

The Chair entertained a motion to appoint Mr. Bret Cimorell to the Ashtabula City Civil Service Commission, for a six year term to commence immediately. The Chair reported Mr. Cimorell was previously a member of the Commission, retired, and is now prepared to be reappointed in a volunteer capacity. Mr. Balog moved, Mr. Pugliese seconded; motion CARRIED.

Formal Legislation Requests

The President moved, Mr. Balog seconded to formally request ORDINANCE NO. 2015-21 AN ORDINANCE REPEALING, IN ITS ENTIRETY, PAYROLL ORDINANCE NO. 2015-02, PASSED ON JANUARY 5, 2015, FOR THE PURPOSE OF REMOVING THE POSITION OF BAILIFF AND ESTABLISHING THE POSITIONS OF HEAD BAILIFF AND FIRST DEPUTY BAILIFF IN THE ASHTABULA MUNICIPAL COURT; motion CARRIED. (1/28/2015 Journal Entry of then Ashtabula Municipal Court Judge Campese Journal Entry).

The President moved, Mr. Balog seconded to formally request ORDINANCE NO. 2015-22 AN ORDINANCE AUTHORIZING COMPENSATION, SALARIES AND WAGES TO ALL EMPLOYEES OF THE CITY OF ASHTABULA, OHIO. (1/28/2015 Ashtabula Municipal Court Judge Campese Journal Entry).

The President reported the above ordinances were made by way of a journal entry as a last act in Judge Campese's official capacity as Municipal Court Judge. The President thanked the Judge, whose last day with the City of Ashtabula was January 31, for his many years of service to our City.

Public Works/Utilities/Schools – (Mr. McClure/Mr. Pugliese)

The Chair announced the committee will meet on Friday, March 6, at 8:00 a.m. He said, as discussed in Pre-Council this evening, we will reach out to the Ashtabula Area City School superintendent and perhaps the board. It has been a while since we have met with them. He said he also wants to take up some of the action items which came out of the Saturday, January 31, town hall meeting, regarding snowplowing.

Safety Forces – (Mr. Balog/Mrs. Misener)

The Chair announced there to be no report. He announced the Committee is tentatively scheduled to meet on Monday, February 23, at 4:00 p.m.

Fire Hydrants: The Chair asked residents to shovel around fire hydrants, and asked plow drivers NOT to cover them up.

Update on New Police Officer Hirings: The Chair asked the Manager to provide an update on the 5 new police officers promised to be hired with levy funding. The Manager reported, 'we are waiting for one hiree to return from active service, another one started today, one is in the academy, and an offer was made to another one to join the academy. The Civil Service list of candidates is not looking too good; it has almost been exhausted.

Some were offered employment but they could not meet the needed criteria to fill the positions. We are most likely going to return to the Civil Service Commission asking that maybe a new test is given'. The Chair asked how many of the five promised to be hired if the Police Levy passed, are hired. The Manager responded four, two of which are academy candidates. Police Chief Robert Stell confirmed that two candidates will be in the academy (one began today; and another has been in for several weeks). Another candidate started active duty today; he has gone through the academy and passed all requirements for hire. The candidate who was in the military returned a few days ago. He has been scheduled for his psychological and polygraph examination. He was offered the job contingent on successfully completing the background testing, medical examination, and all other requirements. We will know if he is able to be hired in a few days. The 5th position "is a little tricky. He is interested and qualified for the position, and is someone who we would like bring in. However, he is presently working for the federal government. It will take some time for his separation; two to seven months. So, we're not sure what we'll do with that. Aside from that, many people have gone through polygraph, psychological, and things along those lines. And, a lot of them, unfortunately, didn't pan out, like we'd hoped. So, the list is getting short. The people we have right now, we're pleased with, but getting a 5th applicant might be difficult. We'll see how it plays out in the next week or so."

The City Manager reported the two dispatchers that were promised to be hired with Police Levy funding have been on the job since the first of this year. He said one of them went through basic training, has caught on fast, and is doing a great job.

The City Manager, in a effort to dispel rumors, reported that historically the City of Ashtabula has hired police officers (7 of them according to the Police Division staff's recollection), paid them at a full-time rate (including all fringe benefits), and sent them to the academy. He reminded everyone of the recent payroll ordinance repeal and replacement for the purpose of establishing an "officer in training" position, at an hourly wage of \$10.00, with no benefits. He said the payroll request stemmed from his belief that it was not prudent to spend levy dollars to hire, pay full rates, provide full benefits, and pay for academy training.

The President asked the cost of the academy. The Police Chief responded, \$4,000.

The Chair reported that by hiring two dispatchers, two police officers were immediately put back on the road.

Snowplowing: The City Manager said last night he witnessed private snowplowers pushing snow across the road. He reported there is legislation prohibiting such activity. The snow being removed from a driveway is to remain on that property. He said even if another property owner gives permission for the snow from another property to be placed on to theirs, it is illegal. If swipes of snow are seen across the road, confirming illegal snow removal is taking place, citations can be issued.

Work Session – No Session/No Report

FORMAL LEGISLATION REQUESTS - None

PUBLIC DISCUSSION (Regular Agenda Legislation Only) - None

CONSENT AGENDA DISPOSAL

The President entertained a motion to dispose of Ordinance Nos. 2015-16, 21, and 22 in Consent agenda format, and present 2015-17, separately, as a first reading. Mr. McClure moved, Mr. Balog seconded; motion CARRIED.

LEGISLATION READING

The Clerk of Council presented the following legislation for Council's consideration:

ORDINANCE

2015-16 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A COMMUNITY REINVESTMENT AREA TAX INCENTIVE AGREEMENT WITH ANTHONY ROMANO, LLC, FOR TAX ABATEMENT AT 50% FOR 10 YEARS FOR THE CONSTRUCTION AND/OR RENOVATION OF PREMISES LOCATED AT 528 LAKE AVENUE IN THE CITY OF ASHTABULA. (City Manager)

ORDINANCE

2015-21 AN ORDINANCE REPEALING, IN ITS ENTIRETY, PAYROLL ORDINANCE NO. 2015-02, PASSED ON JANUARY 5, 2015, FOR THE PURPOSE OF REMOVING THE POSITION OF BAILIFF AND ESTABLISHING THE POSITIONS OF HEAD BAILIFF AND FIRST DEPUTY BAILIFF IN THE ASHTABULA MUNICIPAL COURT. (1/28/2015 Journal Entry of then Ashtabula Municipal Court Judge Campese Journal Entry).

ORDINANCE

2015-22 AN ORDINANCE AUTHORIZING COMPENSATION, SALARIES AND WAGES TO ALL EMPLOYEES OF THE CITY OF ASHTABULA, OHIO. (1/28/2015 Journal Entry of then Ashtabula Municipal Court Judge Campese Journal Entry).

Mr. Balog moved, Mr. Pugliese seconded to waive the reading of the above Regular Agenda Legislation; motion CARRIED. Mr. Balog moved, Mr. Pugliese seconded to waive the Charter Requirement of two readings of the above Regular Agenda Legislation. On the roll call to waive the Charter Requirement of two readings: Mr. Pugliese, Mrs. Misener, Mr. Hamrick, Mr. Balog, Mr. McClure, Mr. Ducro IV voted yea; motion CARRIED. On the roll call to adopt the above Regular Agenda Legislation: Mr. Pugliese, Mrs. Misener, Mr. Hamrick, Mr. Balog, Mr. McClure, Mr. Ducro IV voted yea; motion CARRIED.

Ashtabula City Regular Council Meeting
Monday, February 2, 2015

ORDINANCE NO. 2015-17 AN ORDINANCE ENACTING NEW CODIFIED ORDINANCE CHAPTER 197, ENTITLED EXCISE TAX ON HOTEL LODGING, IN ORDER TO IMPOSE A PERMISSIVE SALES TAX ON LODGING AS ALLOWED BY THE REVISED CODE OF OHIO IN ORDER TO HELP FUND CITY SERVICES AND OPERATIONS. (City Manager) Mr. Balog moved, Mr. Pugliese seconded, to waive the reading of the legislation; motion CARRIED. The Clerk announced the ordinance was placed on its first reading.

UNFINISHED BUSINESS - None

NEW BUSINESS - None

MISCELLANEOUS

The President thanked citizens who he witnessed snowblowing entire blocks in their neighborhood.

GENERAL PUBLIC DISCUSSION - None

EXECUTIVE SESSION: None

RECONVENE OPEN MEETING: N/A

ACTION RESULTING FROM EXECUTIVE SESSION: N/A

CLOSING REMARKS

Next Meeting: The President announced the next REGULAR COUNCIL MEETING is scheduled for Tuesday, February 17, at 7:00 p.m.; Pre-Council at 6:00 p.m., due to the observance of President's Day on Monday, February 16.

Tag Line: The President asked everyone to "Remember to Keep Believing in Ashtabula".

ADJOURNMENT

Mr. Pugliese moved, Mr. Hamrick seconded to adjourn the meeting at 7:48 p.m.

DATE APPROVED: February 17, 2015

ATTESTED BY: J.P. Ducro IV

J.P. Ducro IV

President of Council

ATTESTED BY: LaVette E. Hennigan

LaVette E. Hennigan, MMC

Clerk of Council