

ASHTABULA CITY COUNCIL
CITY OF ASHTABULA – COUNCIL CHAMBERS
4717 Main Avenue, Ashtabula, OH 44004

REGULAR MEETING MINUTES

Tuesday, February 19, 2019

CALL TO ORDER

The President of Council called the meeting to order at 7:00 p.m., the Ward 2 Councilor offered the opening prayer and the Pledge of Allegiance was recited.

MOMENT OF SILENCE

The Ward 5 Councilor asked to observe a moment of silence for the passing of Mr. Bruce Anderson, who, along with his family owned Anderson Jewelers on Main Avenue for decades. Mr. Anderson gifted the Main Avenue clock to the City of Ashtabula upon closing the business.

MEMBERS PRESENT:

Mr. August A. Pugliese	(Ward 2 Councilor)
Mr. Richard A. Quaranta	(Ward 3 Councilor)
Ms. Jane E. Haines	(Ward 5 Councilor)
Mrs. Kym A. Foglio	(Ward 1 Councilor)
Mr. John S. Roskovics	(President)

MEMBER(S) ABSENT:

Mr. Michael D. Speelman	(Ward 4 Councilor)
Mr. Christopher J. McClure	(Vice President)

OFFICER(S) PRESENT:

Mr. James M. Timonere	(City Manager)
Mr. Michael Franklin	(City Solicitor)
Ms. Traci R. Welch	(Director of Finance)
Mrs. LaVette E. Hennigan, MMC	(Clerk of Council)

OFFICER(S) ABSENT:

None

EXCUSED ABSENCE(S):

Mrs. Foglio moved, Mr. Pugliese seconded to excuse the Ward 4 Councilor and Vice-President from this meeting; motion CARRIED.

SUNSHINE LAW:

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

PRESENTATION(S):

None

EXECUTIVE SESSION: None

CONSENT AGENDA

The Consent Agenda is a means whereby Council is able to efficiently conduct business by grouping routine items for consideration and disposal.

PRESENTATION OF MEETING MINUTES

None

LEGISLATION AGENDA

- Formal Legislation Request(s): None
- Form and Correctness: None
- Legislation Overview: None
- Public Discussion (on legislation only): None
- Legislation Reading: None

REGULAR BUSINESS AGENDA

PRESENTATION OF MEETING MINUTES

None

ADMINISTRATIVE REPORTS and COMMUNICATIONS

CITY MANAGER

The City Manager presented the following requests and announcements:

Ashtabula Fire Department Overhead Door Replacement

An ordinance to enter into an agreement with Eastdale Overhead Door for the most responsible quote to replace three overhead doors at the Ashtabula City Fire Department in the amount not to exceed \$16,995.00. Funding for this expense will be taken from Fund 412, Permanent Improvement. Mr. Pugliese moved, Mr. Quaranta seconded to approve the request; motion CARRIED.

Street Lighting Assessment – Ashtabula City Port Authority

An ordinance waiving the special assessment for street lighting upon certain real property owned by the Ashtabula City Port Authority. Mr. Pugliese moved, Mrs. Foglio seconded to approve the request; motion CARRIED.

Community Reinvestment Area Tax Incentive Agreements (CRAs)

An ordinance to enter into two CRAs with Historic Harbor Living, LLC, for the purpose of tax abatement at 100%, for seven years, for construction of improvements at residential premises known as 1403 Bridge Street, and 1405 Bridge Street. Mr. Pugliese moved, Mr. Roskovich seconded to approve the request; motion CARRIED.

Sanitation Truck Emergency Repair

An ordinance to authorize and enter into an agreement with Refuse Equipment & Truck Services, Inc., for the purpose of repairing Sanitation Mack Truck #40 in the amount of \$14,600.00. Funding for this expense will be taken from Permanent Improvement Fund 412. Mr. Pugliese moved, Ms. Haines seconded to approve the request; motion CARRIED.

GPD Group – Tivision Place Pump Station Project, Engineering Services

An ordinance to enter into an agreement with GPD Group Inc., for the purpose of providing design and construction administration for the Tivision Place Pump Station Project in the

amount of \$49,872.00. Funding for this expense will be taken from CDBG Fund 290. Mr. Pugliese moved, Mr. Quaranta seconded to approve the request; motion CARRIED.

Potholes

To report pothole locations please leave a message on the Pothole Hotline at 992-7100.
To report vehicle damage from a pothole a Police report must be made. Claims are filed with the City Manager's office at 992-7103.

CITY SOLICITOR

No Report

DIRECTOR OF FINANCE

The Director formally requested Ordinance No. 2019-19. Mr. Pugliese moved, Mrs. Foglio seconded to approve the request; motion CARRIED.

CLERK OF COUNCIL

The Clerk suggested the following change to Rule 8 of the Ashtabula City Council Rules of Order:

Current Version

(c) Voting, Abstention from Voting, Censure and Expulsion

Every member of City Council present shall vote on any question, by voice vote or on the roll call of the ayes and nay, **unless excused by the unanimous consent of the remaining members of City Council, in the form of a request to abstain, which must be requested prior to the call of the vote.** Any member not being excused who refuses to vote upon any question when the ayes and nays are being called, shall be deemed guilty of contempt of the Rules of City Council and may, for such contempt, be censured (an official reprimand) by a simple majority vote of City Council. If a member receives two reprimands within a twelve month period, that Council member shall be suspended for one Regular or Special City Council Meeting, whichever comes first, and shall be ineligible for the period of such suspension to address Council or cast a vote.

Suggested Amendment

(c) Voting, Abstention from Voting, Censure and Expulsion

Every member of City Council present shall vote on any question, by voice vote or on the roll call of the ayes and nay. **A member may request to abstain from voting. The request to abstain requires a majority vote of the remaining members present and must be requested prior to the call of the vote.** Any member not being excused who refuses to vote upon any question when the ayes and nays are being called, shall be deemed guilty of contempt of the Rules of City Council and may, for such contempt, be censured (an official reprimand) by a simple majority vote of City Council. If a member receives two reprimands within a twelve month period, that Council member shall be suspended for one Regular or Special City Council Meeting, whichever comes first, and shall be ineligible for the period of such suspension to

address Council or cast a vote. Mr. Roskovics moved, Mr. Quaranta seconded to approve the suggested amendment; motion CARRIED.

CITY COUNCIL COMMITTEE REPORTS and COMMUNICATIONS

All Council committees meet in the Municipal Building 2nd Floor Conference Room
(Chair/Vice Chair)

COMMUNITY DEVELOPMENT/ECONOMIC DEVELOPMENT/PARKS & RECREATION

(CD/ED/P&R) (Haines/Speelman)

The Chair reported on the committee's Tuesday, February 12, meeting, at which several downtown property owners discuss downtown redevelopment.

FINANCE & PERSONNEL - (F&P) (McClure/Pugliese)

The President announced the committee will not meet in March. They will meet Friday, April 12, at 8:00 a.m.

PUBLIC WORKS/PUBLIC UTILITIES/CABLE/SCHOOLS - (PW/PU/C/S) (Pugliese/Roskovics)

The Chair announce the committee's March 1, meeting cancelled.

SAFETY FORCES - (SF) (Speelman/Harley)

The President announced the committee will meet Monday, February 25, at 8:00 a.m.

WORK SESSION

None

LEGISLATION AGENDA

- Formal Legislation Request(s): None
- Form and Correctness: None
- Overview: The Clerk of Council provided.
- Public Discussion (Legislation Only): None
- Consent Agenda Format: Mr. Pugliese moved, Mrs. Foglio seconded to dispose of regular business legislation by consent agenda; motion CARRIED.
- Reading: The Clerk of Council presented the following legislation for Council's consideration:

First Readings

ORDINANCE NO. 2019-16, AN ORDINANCE AMENDING THE TRAFFIC CONTROL MAP AND FILE TO PROHIBIT PARKING ON THE EAST SIDE OF WASHINGTON AVENUE BETWEEN WEST 57TH STREET AND 5732 WASHINGTON AVENUE. (Citizen / Safety Forces Committee)

ORDINANCE NO. 2019-17, AN ORDINANCE AMENDING THE TRAFFIC CONTROL MAP AND FILE TO PROHIBIT PARKING ON THE SOUTH SIDE OF WALNUT BOULEVARD BETWEEN 2528 AND 2544 WALNUT BOULEVARD.(Citizen / Safety Forces Committee)

ORDINANCE NO. 2019-18, AN ORDINANCE AUTHORIZING THE PLACEMENT OF A PAINTED CROSSWALK AND PEDESTRIAN CROSSING SIGNAGE ON MAIN AVENUE BETWEEN BURROUGHS COURT AND WEST 55TH STREET. (Richmond Transportation / Safety Forces Committee)

Mr. Pugliese moved, Mr. Quaranta seconded to waive the reading of the ordinances; motion CARRIED. The ordinances were placed on their first reading.

TWO READINGS (UNLESS CHARTER REQUIREMENT OF 2 READINGS SUSPENDED)

ORDINANCE NO. 2019-14, AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH EASTDALE OVERHEAD DOOR, INC., IN THE AMOUNT OF \$16,995 FOR THE PURCHASE AND INSTALLATION OF COMMERCIAL OVERHEAD DOORS FOR THE ASHTABULA FIRE STATION.
(City Manager)

ORDINANCE NO. 2019-15, AN ORDINANCE WAIVING A SPECIAL ASSESSMENT FOR STREET LIGHTING UPON CERTAIN REAL PROPERTY OWNED BY THE ASHTABULA CITY PORT AUTHORITY. (City Manager)

ORDINANCE NO. 2019-20, AN ORDINANCE REPEALING, IN ITS ENTIRETY, CODIFIED ORDINANCE SECTION 157.14 FOR THE PURPOSE OF UPDATING THE CITY'S POLICIES ON REIMBURSEMENT OF EMPLOYEES AND OFFICIALS FOR TRAVEL, FOOD AND LODGING EXPENSES. (Finance Director)

ORDINANCE NO. 2019-21, AN ORDINANCE ENACTING NEW CODIFIED ORDINANCE SECTION 157.14 ENTITLED TRAVEL, LODGING AND MEAL ALLOWANCES. (Finance Director)

ORDINANCE NO. 2019-22, AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO TWO (2) COMMUNITY REINVESTMENT AREA TAX INCENTIVE AGREEMENTS WITH HISTORIC HARBOR LIVING, LLC, FOR THE PURPOSE OF TAX ABATEMENT AT 100% FOR 7 YEARS FOR CONSTRUCTION OF IMPROVEMENTS AT RESIDENTIAL PREMISES KNOWN AS 1403 BRIDGE STREET AND 1405 BRIDGE STREET, RESPECTIVELY. (City Manager)

ORDINANCE NO. 2019-23, AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH REFUSE EQUIPMENT AND TRUCK SERVICES, INC. FOR THE PURPOSE OF PROVIDING EMERGENCY REPAIRS TO MACK TRUCK #40 AT THE SANITATION DEPARTMENT. (City Manager)

ORDINANCE NO. 2019-24, AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT A NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) ENERGIZED COMMUNITY GRANT. (City Manager)

Mr. Pugliese moved, Mr. Quaranta seconded to waive the reading of the ordinances; motion CARRIED. Mr. Pugliese moved, Mrs. Foglio seconded to waive the Charter requirement of two readings. On the roll call to waive the Charter requirement of two readings: Mr. Pugliese, Mr. Quaranta, Ms. Haines, Mrs. Foglio, Mr. Roskovics voted aye; motion CARRIED. On the roll call

to adopt the ordinance: Mr. Pugliese, Mr. Quaranta, Ms. Haines, Mrs. Foglio, Mr. Roskovics voted aye; motion CARRIED.

NEW BUSINESS

Request to Abstain from Voting

On Thursday, February 7, when City Council voted on the request of Our Lady of Peace (OLOP) Parish to rezone the former Mt. Carmel School property from R-2 to R-4, for the construction of a senior housing complex, it was not known that the Ward 1 Councilor is a paid staff member of OLOP Parish. Having learned this the morning of Friday, February 8, the City Solicitor issued an email informing Council to call a meeting as soon as possible to permit the Ward 1 Councilor to request to abstain from voting on the rezone request. On Saturday, February 9, Council met in an Emergency Meeting, as instructed by the City Solicitor. The Councilor registered her request to abstain, however, the request was not honored by the unanimous consent of the remaining members present, as required by City Council Rules of Order – Rule 8(c), and the Councilor voted. The Solicitor suggested the Councilor should not be made to break the ethics law and suggested that at this meeting the Councilor, again, register her request to abstain from voting on Ordinance No. 2019-12 presented February 7, and Ordinance No. 2019-13 presented February 9. The Ward 1 Councilor requested permission to abstain from the February 7 and February 9 votes to rezone OLOP property. Mr. Roskovics moved, Mr. Pugliese seconded to permit the Ward 1 Councilor's request to abstain from voting. On the roll call to permit the abstention: Mr. Pugliese, Mr. Quaranta, Ms. Haines, Mr. Roskovics vote aye; motion to abstain unanimously CARRIED.

Transcribers note: For the record, the following are the February 7 and February 9 vote outcomes, which the above vote permitting the Ward 1 Councilor to abstain, does not change.

February 7, Special Meeting

The President called for a voice vote on the motion to waive the reading of ORDINANCE NO. 2019-12, AN ORDINANCE CHANGING THE ZONING OF A PORTION OF THE PROPERTY LOCATED AT 1200 EAST 21ST STREET FROM R-2 (SINGLE FAMILY RESIDENCE DISTRICT) TO R-4 (MULTI-FAMILY RESIDENCE DISTRICT), UPON CONDITIONS, AND AMENDING THE ZONING DISTRICT MAP ESTABLISHED BY CODIFIED ORDINANCE SECTION 1115.02, with the City Manager's requested changes noted above; motion CARRIED. Mr. Pugliese moved, Mr. Roskovics seconded to waive the Charter requirement of two readings. On the roll call to waive the Charter requirement: Mr. Pugliese, Mr. Speelman, Ms. Haines, Mrs. Foglio, Mr. McClure, Mr. Roskovics vote aye; motion CARRIED. On the roll call to adopt the ordinance: Mr. Pugliese (aye), Mr. Speelman (nay), Ms. Haines (aye), Mrs. Foglio (nay), Mr. McClure (nay), Mr. Roskovics (aye). The motion to adopt the ordinance FAILED by a 3-3 tie vote.

Vote outcome with permission to abstain: 2 ayes – 3nays – 1 abstain. The motion FAILED

February 9, Emergency Meeting

The President announced a motion and second is on the floor to waive the reading of the ordinance and called for a voice vote. The motion CARRIED. Mr. Pugliese moved, Mr. Quaranta seconded to waive the Charter requirement of two readings. On the roll call to waive the Charter requirement: Mr. Speelman (nay), Mr. Quaranta, Ms. Haines, Mrs. Foglio, Mr. Pugliese, Mr. McClure, Mr. Roskovics vote aye; motion CARRIED by a 6 to 1 vote. On the roll call to adopt the legislation: Mr. Speelman (nay), Mr. Quaranta

(aye), Ms. Haines (aye), Mrs. Foglio (nay), Mr. Pugliese (aye), Mr. McClure (nay), Mr. Roskovics (aye); motion CARRIED by a 4 to 3 vote, and will take effect in 30 days due to the lack of 5 or more affirmative votes for immediate enactment.

Vote outcome with permission to abstain: 4 ayes – 2 nays – 1 abstain. The motion CARRIED and still is effective 30 days from February 9.

Request for Resolutions

On behalf of Fire Chief Shawn Gruber, Mrs. Foglio moved, Mr. Pugliese seconded to recognize the following Community Care Ambulance Network (CCAN) crew members for assisting the Ashtabula Fire Department the morning of February 2: Rory Shaw, Jarrod Harrah, Jeff Tennant, Rita Stroyny and Eric Dugan; the motion CARRIED.

Tell Us Something We Don't Know

Ward 5 Councilor

- Next Tuesday her 2nd grandchild, Colton James, will be born.
- The Chamber of Commerce is hosting their annual Casino Night in Saybrook, Saturday, 23.

President

- The Gazette Newspapers is going to begin printing recipes submitted by their readership. Camera operator, Earl Tucker, said his Thanksgiving cornbread stuffing is scheduled to be one of the first recipes printed.
- West 5th Street Kitchen (former Grindhouse) is a new Bridge Street business now serving breakfast at 8:00 a.m. Breakfast service on Bridge Street is much needed. It should really do well once the hotel is constructed and opens.
- The 2nd floor of Harbor Perk is being readied for new tenants.
- The Lake Avenue Plaza is buzzing with construction activity, so things are happening in our community.

The Ward 2 Councilor asked if the Coast Guard is operating right now. The Manager responded, no.

Clerk of Council

- She and the City Manager attended the “Battle of the Bridge” annual basketball game between Lakeside and Edgewood High Schools. Because two local teams were playing the gym was packed and the atmosphere was electric. She wishes this happened more but most teams have to travel a minimum of one hour to play in another county. The City Manager has mentioned before how he would like to see our county schools in the same conference so more of what he and I experienced Friday could happen more often.
- On February 28, I will celebrate 27 years of service to the City of Ashtabula.

PUBLIC DISCUSSION/COMMENTS (General Matters): None

EXECUTIVE SESSION: None

ADJOURNMENT

Hearing no further business to come before this Council, the President declared the meeting adjourned at 8:20 p.m.

DATE APPROVED: MARCH 18, 2019

ATTESTED BY: John S. Roskovics
John S. Roskovics
President of Council

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