

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

REGULAR MEETING MINUTES

Monday, April 16, 2018

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.

MEMBERS PRESENT: Ms. Jane E. Haines (Ward 5 Councilor)
Mrs. Kym Harley (Ward 1 Councilor)
Mr. August A. Pugliese (Ward 2 Councilor)
Mr. Michael D. Speelman (Ward 4 Councilor)
Mr. Christopher J. McClure (Vice President)
Mr. John S. Roskovics (President)

MEMBER(S) ABSENT: Vacant (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): None

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

AGENDA APPROVAL: None

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 (Legislation Portion Only): None

- Legislation Reading: None

REGULAR BUSINESS

PRESENTATION OF MEETING MINUTES

The Clerk of Council presented the March 16, 2018 and April 2, 2018 Regular Council Meeting Minutes and the April 2, 2018 Public Hearing Minutes. Mr. Pugliese moved, Mr. Speelman seconded to waive the reading of the minutes; motion CARRIED. Hearing no corrections the minutes were approved as presented.

ADMINISTRATIVE REPORTS and COMMUNICATIONS

CITY MANAGER

The City Manager presented the following:

Walnut Beach Concessionaire

A request for an ordinance to enter into an agreement with Tim Bell of Hot Dog It, with a mailing address of 103 Walnut Street, Geneva, OH 44041 for the operation of the Walnut Beach Concession stand for 2018, 2019 and 2020 summer seasons, in accordance with the Request for Qualifications presented. Mr. Pugliese moved, Mr. Speelman seconded to approve the request; motion CARRIED.

Shared Emergency & Non-Emergency Services

A request for an ordinance to enter into an agreement with Ashtabula County and other Political Subdivisions for shared emergency and non-emergency services. Mr. Pugliese moved, Mr. Speelman seconded to approve the request; motion CARRIED.

Administrative Review Board Appointments

A request to reappoint the following members:

- Mr. Nick Detore – Planning Commission Rep – May 11, 2020
- Mr. Richard Vendetti – May 12, 2022
- Mrs. Roxene Trebuchon – March 31, 2020
- Mr. Pugliese moved, Mr. Speelman seconded to approve the request; motion CARRIED.

Yard Waste Bag Pick-Up

Pick-up in Wards will began this week; next week pick-up will be in the Harbor.

Questions / Comments for City Manager

The Ward 2 Councilor asked if breakfast will be served at the Walnut Beach concession stand. The Manager said he and Mr. Bell have discussed it.

CITY SOLICITOR

No Report

FINANCE DIRECTOR

The Finance Director reported the new utility billing software system is up and running; bills will look different; there was no rate change; account numbers changed and will appear on the first bill issued using the new software and that she may be reached directly at 992-7197, for assistance.

CLERK OF COUNCIL

No Report

CITY COUNCIL COMMITTEE REPORTS and COMMUNICATIONS

(Chair/Vice Chair)

COMMUNITY DEVELOPMENT/ECONOMIC DEVELOPMENT/PARKS & RECREATION (CD/ED/P&R)

(Roskovics/Speelman)

The Vice Chair reported the committee met Tuesday, April 10, at 4:00 p.m. Guests were Mr. James Mayer (Business Succession), Mr. Eric Diamond (NEO Fund) and Mr. Jim McKee, founder of "I'm In Amazing Ashtabula". He said the full report is 10 pages and may be requested by emailing the Clerk of Council at lhennigan@ashtabulacity.com. The Vice Chair gave the following meeting highlights:

NEO (New Entrepreneurs Opportunity) Fund (Mr. Eric Diamond)

- The Fund was created 7 years ago through Tim and Alice McCarthy's, "Business of Good" foundation
- They wanted to spur economic development by providing small loans to entrepreneurs
- It started in the City of Ashtabula and has expanded to all of Ashtabula County
- Many of the present Harbor businesses were financed by the Fund
- They set up a training program called "Go Biz Grow", to teach entrepreneurs how to write a business plan and how to think things through to be an entrepreneur
- There have been six classes; about 120 people have gone through the class
- Tim Bell, the new Walnut Beach Concessionaire and Michael, the owner of the new Main Avenue business, Unguentarii, went through the class
- Average loan amount is \$18,000; maximum is \$50,000
- Biggest challenge is not getting people interested in the program, but having enough funds to loan
- There have been no loan defaults
- If their client's business needs assistance, they have a team of professionals to get the business pointed in the right direction
- Their clients remain clients until their loan is repaid; and
- They have a podcast called, "Based on a True Struggle", which interviews of people from Ashtabula County.

"I'm In Amazing Ashtabula" (Mr. Jim McKee, Founder)

- This movement grew out of the recent negative Wall Street Journal article about Ashtabula City
- The group began by Mr. McKee's facebook post urging folks to attend a meeting about getting involved in making Ashtabula better

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- Vision: To join like-minded people together; get ideas for making Ashtabula better and create a community forum through a grass roots effort
- He would like to have one structured meeting per month; the 3rd Tuesday of each month; the next meeting is Tuesday, May 15, at 7:00 p.m., at the Ashtabula County District Library (Park Avenue & West 44th Street)
- The group is looking for projects of all sorts; and
- Folks formerly from Ashtabula have expressed an interest in helping.

Business Succession (Mr. James Mayer)

- He is the President of the Board of Directors for Growth Partnership of Ashtabula County (GP)
- Business owners are getting older and sometimes do not have a plan for the business to continue when they want to retire (e.g. Casa Capelli Restaurant, Main Avenue)
- He wants to work with the community, preferably persons age 60+ who own a business(es) and are getting ready to retire
- The goal would be to help them create a business succession plan, thereby keeping the business open and avoid another empty building; and
- They have planned a breakfast on Wednesday, May 23, at 8:00 a.m., at Kent State University, in the Blue/Gold Room; every member of the Greater Ashtabula Chamber of Commerce is welcome to attend to hear about business succession.

Parks & Recreation Board (Mr. Earl Tucker, Chair)

- The Board is nearing the end of selecting projects and a plan for the future that tells what will be done; and
- Once the list and cost estimates are finalized, action will commence.

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

- The President asked that the list of Park projects be sent to City Council for input.
- The Ward 5 Councilor said her take away from the committee meeting was, "Choose your words wisely"; that this is a GREAT community, people are working hard to make the community better, and what we say about our community matters.
- The committee Vice Chair said meeting attendees agreed that the biggest community naysayers are folks who have been here all their lives and have never left in order to comparatively appreciate what our community has to offer.

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

The Chair announced the committee met Friday, April 13, at 8:00 a.m., and reported the following:

Year-to-Date Financials

- No big surprises
- 1st half property tax revenue came in higher

- The Income Tax Department will remain open until 6:00 p.m., Tuesday, April 17, which is also the income tax filing deadline day

Pool Fill Credit

- Last year City Council enacted legislation authorizing a pool fill credit
- The language limited the issuance of credit to city residents
- At the recommendation of the Finance Director, the committee asked the City Solicitor to review and suggest an update to Codified Ordinance 937.09 “Sewer Credit for Metered Water Used in Swimming Pools”, to address County sewer customers because a valid City pool permit is required to obtain a credit which County customers do not have
- It was also suggested that the City Solicitor let the committee know if County sewer customers had to be offered a pool fill credit, in accordance with the City/Council Sewer Agreement.
- This evening, the Solicitor responded, “The City/County Sewer Agreement (CCSA) requires that the rates be uniformed in the City and County. The rates are uniform. The CCSA also permits Council, on a case-by-case basis, to reduce or remit sewer charges for just cause. The legislation you’re talking about does that; it basically delegates that to a department under the Manager to review and make sure there is a valid pool permit, that the pool has been filled, and so, and so forth. So, I don’t believe the CCSA reaches this particular issue. I can draft the legislation, if you wish me to, if that’s what the request is; but if the request is for my opinion, my opinion is the CCSA does not require it.”
- The Finance Director said the overall question is, was the intent to give the credit to County sewer customers or not. If not, we will let County sewer customers know when they inquiry.
- The Solicitor said township residents get a sewer bill from the City and the County. So, it would be within the discretion of the County to give a credit.

It was determined that no action is needed.

PUBLIC NUISANCE ABATEMENTS – CERTIFYING DELINQUENT TRASH (CO 951.081)

- The Finance Director reported it cost about \$5,000 to place delinquent trash accounts in the newspaper prior to certifying them to the County Auditor for collection
- She could not find any mandate to publish these accounts and suggested placing the same on the City’s website would suffice and save cost
- The Solicitor said, “At this moment there is legislation pending, and I think even scheduled for a vote, which would permit us to directly assess rubbish delinquencies without first going through the process of declaring a public nuisance. However, to my knowledge, that has not been enacted at this moment. So, we have an attorney general’s opinion that says that the procedure we followed for the last few years, where we do publish notice, and get all the calls from people who are very upset to see their addresses in the newspaper as having caused a public health nuisance, is really the only avenue, lawfully, open to us. Because the Attorney General specifically said, [you can do that – you have the power to do that].

- The Chair asked for clarification that putting the list of delinquents on the City's website is not enough. The Solicitor commented, "The whole idea is to give notice and an opportunity to be heard; we have to go through due process. Now, we put the burden on them to be heard; they need to reach out to us. But, the question I wouldn't want to fight in a court of law is posting it on our website the same as publishing in a newspaper of general circulation; and I don't think it is." The Solicitor said, "Before not publishing in the newspaper he would like to see legislation saying we are no longer going to publish in the newspaper."

Fire Engineer Examination

- An examination is needed and will be given soon.

Police Entrance Candidates

- The Police Chief is working through the list of candidates who took the entrance examine and are eligible for hire.

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

The Chair reported on the committee's Friday, April 6, meeting, as follows:

Potholes

- Mr. John Melnik, the new Public Services Superintendent, said an average of five to eight calls are received, daily, on the pothole hotline. Not all the calls are about potholes. Public Works' crews are regularly filling holes.

2018 Paving Program

- The list the City Manager distributed to the committee, which City Council received today, has not been finalized. It is a mix of requests from City Council, Public Works and other staff members.
- We have \$350,000 to work with (maybe a little more).
- The approaches to the West Avenue overpass are very, very bad, and will be addressed. When the approaches were last paved, something was not done properly because it should not be in the condition it is today. The estimated cost to do the approaches is \$165,000 to \$170,000, more than half the 2018 paving budget.
- The Route 20 paving project will be a summer-long project (from Lake Avenue to Seymour Drive).
- Another priority street will be East 7th Street (Columbus Avenue to Woodland Avenue).
- After the meeting, the City Manager told the chair that Mariska Avenue (in the Lakeshore Park area) needs to be looked at. The chair said the road has been bad for the last three to four years.

- Tivision Place needs attention because it is like the road is warped. There is a pump station in the area that causes pavement problems. It has been a problem for the last few years. Residents have asked him what can be done.
- The City Manager said because Volkswagen misreported the emissions that were coming off their vehicles they had to pay penalties to the federal government. Said funds have been distributed to the states; the State of Ohio received \$75 million. Local governments are able to apply for some of the funds to be used to replace diesel vehicles dated between 2002 and 2009.
- Performing crack sealing the last couple of years has helped preserve the roads on which the process was used.
- Michigan Avenue near W19th Street is “alligatoring” and needs to be addressed.

Waste Water Treatment Plant

The Digester Project should begin soon; the estimated cost of the project is \$1.7 million, which will be the last of the \$8 million dollars of work performed at the plant over the last few years.

Equipment

- Trucks and police vehicles are needed

Trees

- Tree removal discussions are taking place; especially due to the amount of wind we have had lately, which has uprooted old trees. He said, “The oldest trees are going to come down.”

Former City Hall (4400 Main Avenue)

- When the funds become available to raze this structure, it might become a green space.

May Meeting

- The committee’s May 4, meeting is tentative

Questions/Comments for PW/PU/Cable/Schools Committee

- **Paving:** In response to the Ward 4 Councilor’s inquiry regarding when a final 2018 paving list will be issued, the Manager said no later than the end of this month.
- **Paving Warranty:** The Ward 4 Councilor asked if there is a warranty on unacceptable paving work. The Manager said the approaches to the West Avenue Bridge were paved after he first took office (December 2011). He said he was told the material was a new produce ODOT was trying out. It was thinner, but rubberized so it would flex and move with the traffic. He said it is tough putting asphalt over concrete, but it was thought that this product would work. However, the truck traffic and hot weather not only created the flexing and moving, it also

caused the asphalt to peel right off the concrete surface. ODOT no longer uses the product and it is no longer an ODOT approved product. He said warranties are no more than 1 year, if that.

SAFETY FORCES - (SF) (Speelman/Harley)

The Chair announced the committee is scheduled to meet Monday, April 23, at 8:00 a.m., in the Municipal Building 2nd floor conference room.

WORK SESSION: No Report

LEGISLATION AGENDA

- Formal Legislation Request(s): None
- Form and Correctness: None
- Legislation Overview: None
- Request Legislation Presentation by Consent Agenda: None
- Public Discussion (Legislation Portion Only): None

- **Legislation Reading**

The Clerk of Council presented the following legislation:

ORDINANCE NO. 2018-31, AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH ASHTABULA COUNTY AND OTHER POLITICAL SUBDIVISIONS FOR SHARED EMERGENCY AND NON-EMERGENCY SERVICES. (City Manager) Mr. Pugliese moved, Mr. Speelman seconded to waive the reading of the ordinance; motion CARRIED. Mr. Pugliese moved, Mrs. Harley seconded to waive the Charter requirement of two readings. On the roll call to waive the Charter requirement of two readings: Ms. Haines, Mrs. Harley, Mr. Pugliese, Mr. Speelman, Mr. McClure, Mr. Roskovics voted yea; motion CARRIED. On the roll call to adopt the ordinance: Ms. Haines, Mrs. Harley, Mr. Pugliese, Mr. Speelman, Mr. McClure, Mr. Roskovics voted yea; motion CARRIED.

NEW BUSINESS

Tell Us Something We Don't Know

Members of City Council and the Administration/Officers are provided the opportunity to tell something about Ashtabula we may not know.

1. The Ward 1 Councilor announced she and the Ward 4 Councilor attended today's ribbon cutting for the new Police Dispatch Center; which she termed "Amazing". She said kudos to Police Chief Robert Stell for his leader on the project. She said the County also has a new center and that our jail operations have resumed.

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2. The Vice President announced the R.A.M. (Remote Area Medical) Clinic project begins Friday at Ashtabula Towne Square, and goes through Sunday. Free general health, vision and dental services will be provided. The Ward 5 Councilor report volunteer Ophthalmologists and Optometrist are needed. The Manager said over 800 volunteers signed up. He said he believes it is an awesome representation of our County. He thanked the persons who brought the project to our community.

3. The Ward 5 Councilor reported:
 - a. On Sunday, April 22, Harbor Yak, will sponsor an Earth Day clean up, from 10:00 a.m. to Noon; bring own supplies; meet at the Yak.
 - b. On Wednesday, April 25, Ashtabula Downtown Development Association (ADDA) will host an information session on the Ohio Main Street Program, in the Municipal Building 2nd floor conference room, which is a timely session given the Main Avenue redevelopment efforts.
 - c. Pete Bean is looking for an Assistant Gardner for Clifford Kadon Presidential Park. Folks have an opportunity to purchase community shares in the garden.
 - d. Ashtabula County YMCA's "Togetherhood Project" is collecting donations for the Good Karma Kitchen. Canned and boxed food and local gift cards may be dropped off at the YMCA desk. The Togetherhood Project is also sponsoring a "Buddy Bag Project". Buddy Bags are being made up for children and distributed by Police, Fire, EMT and CPS (Children's Protective Services) in an effort to comfort children in a traumatic situation. Donations needed for the bags are small books, coloring books, crayons, small stuffed animals and small snacks appropriate for ages 12 and under.

4. The Ward 2 Councilor reported that today he saw an Erie, PA news report that their first medical marijuana business opened today. The City Manager said dispensary permits have not been issued and does not have a date when they will be. "But, as soon as that's released, we'll know whether or not we got one." The Manager said state of Ohio licenses, to grown medical marijuana, have been issued and most are in the southern part of the state.

5. The Ward 4 Councilor reported Youth LEADERship Ashtabula County had a TED-type talk, in which six seniors participated. He said it was really interesting and he believes the future of Ashtabula is in good hands. He said LEADERship Ashtabula County programs are great and so are their leaders Laura Jones and Kesha. He said it's good to see their type of passion and talent in our county.

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 7:49p.m.

DATE APPROVED: May 7, 2018

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

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