

**ASHTABULA CITY COUNCIL
REGULAR MEETING MINUTES
CITY OF ASHTABULA – COUNCIL CHAMBERS
4717 Main Avenue, Ashtabula, OH 44004**

Monday, May 15, 2017

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:	Mr. August A. Pugliese	(Ward 2 Councilor)
	Mr. Michael D. Speelman	(Ward 4 Councilor)
	Mrs. Kristy L. Hosken	(Ward 3 Councilor)
	Mr. Kris E. Hamrick	(Ward 5 Councilor)
	Mr. John S. Roskovics	(Ward 1 Councilor)
	Mr. Christopher J. McClure	(Vice President)
	Mrs. Josephine Misener	(President)

MEMBER(S) ABSENT: None

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): N/A

SUNSHINE LAW

The Clerk of Council certified conformity to the Sunshine Law.

AGENDA APPROVAL

Mr. McClure moved, Mr. Pugliese seconded to approve the agenda; motion CARRIED.

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

The Clerk of Council presented the April 17 and May 1 Regular Meeting Minutes for the City Council's consideration. Mr. Pugliese moved, Mr. Speelman seconded to waive the reading of the minutes; motion CARRIED. Hearing no corrections, the minutes were approved as presented.

LEGISLATION AGENDA: None

REGULAR BUSINESS

PRESENTATION OF MEETING MINUTES: None

ADMINISTRATIVE REPORTS and COMMUNICATIONS

CITY MANAGER'S REPORT

2017 Group Health Insurance

The City Manager requested an ordinance to enter into an agreement with Jefferson Health Care for the purpose of providing employee health, dental and vision insurance coverage for the period of June 1, 2017 through June 30, 2019. Mr. Pugliese moved, Mr. Speelman seconded to approve the Manager's request; motion CARRIED.

Zero Turn Lawn Tractor Purchase

The City Manager requested an ordinance to enter into an agreement with Kubota Tractor Corporation, with a mailing address of 1000 Kubota Drive, Grapevine, TX 76051, for the purchase of two (2) Kubota Zero Turn Lawn Mowers, ZD1200 Series. The cost of two (2) zero turn lawn mowers shall not exceed the sum \$12,653.94 for mower one and \$13,293.54 mower two, for a total cost of \$25,947.48. Payment for the purchase of this equipment is authorized to be made from the Parks & Recreation Fund. Mr. Pugliese moved, Mr. Speelman seconded to approve the Manager's request; motion CARRIED.

2017 Paving

The pre-construction meeting took place. The contractor is scheduled to begin around June 12 and be completed in thirty days.

America's Main Street

Bridge Street is in America's Main Street top 25 in the country. The voting website is www.mainstreetcontest.com. We are doing well, but cannot know exactly where we are. The winner will receive \$25,000 and notoriety as a winner.

Miss Kara Zdanczewski (13 years of age)

The Manager said the City's thoughts and prayers go out to Kara's family, friends and all those affected by her killing.

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He thanked our Police Department for “the quick work they did with this”, in cooperation with the Ashtabula County Sheriff Department, the Ohio State Highway Patrol and multiple area fire departments who helped with the search for Kara when she went missing. The Manager issued a special thank you to the Ashtabula Area City School District (AACS). He and AACS Superintendent Melissa Watson were in constant communication as events unfolded. He reported his staff is working on projects to secure assistance for Kara’s family and thanked them for doing so. He said this is a time he is proud to say he is from Ashtabula because this is a community that always comes together in times of need. He commented on how Kathy Pallise (who was in the audience), immediately organized a vigil at St. Joseph Church for the following night; he thanked her for what she did. The Manager said while these horrible incidents happen everywhere, when it happens so close to home it causes us to pause and hug our children, knowing there is always “that danger lurking around the corner and that we have to be very diligent and aware of our surroundings at all time.”

Moment of Silence: The President asked that everyone stand to observe a moment of silence for 13 year young, Kara Zdanczewski, who tragically passed away last week.

Questions/Comments for City Manager

Four-Wheelers: The Ward 2 Councilor announced 4-wheelers are a problem in the area of East 18th Street and Scott Avenue (the Columbus Avenue vicinity).

Birds at Walnut Beach: The Ward 2 Councilor asked parents to instruct their children not to throw rocks at the birds on Walnut Beach.

FINANCE DIRECTOR’S REPORT

Financials: The Finance Director reported April year-to-date financials were given to City Council last Friday. Budget projects are in line. Income Tax is being watched and is coming in as budgeted, but still less than 2016 actuals at this same time. Police and Fire overtime expenditures are being watch.

Formal Legislation Request: The Finance Director formally requested ORDINANCE NO. 2017-66, AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS IN THE GENERAL, COURT COMPUTER, AND ERIP FUNDS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF ASHTABULA, STATE OF OHIO, FOR THE PERIOD JANUARY 1 THROUGH DECEMBER 31, 2017. Mr. Pugliese moved, Mr. Speelman seconded to approve the Finance Director’s request; motion CARRIED. This request represents a net reduction, the bulk of which is \$49,700 because more appropriations were previously requested for the Early Retirement Incentive Program (ERIP) than what was actually required.

Comprehensive Annual Financial Report (C.A.F.R.): The report is on schedule to go to the State of Ohio at the end of this month. The same statements are in “mid-audit”.

CITY SOLICITOR’S REPORT

The Solicitor reported his office is busy. With the return of good weather more people who are inclined to act out and behave badly become more active, which creates more police reports and

generated charges. Also, quite a bit of legislation has been requested for the good of City business. The opioid epidemic continues. We are in the midst of it and are trying to respond appropriately to drug dealing and overdoses. There is a downturn of the fatal and non-fatal overdoses in the last few weeks, and we are below the number this time last year. The Municipal Court has increased the number of days to hear criminal cases; therefore more court time as been created for his staff, which is time typically spent returning telephone calls, answering correspondence and responding to citizen's requests for information. He said "Good service is the goal."

Questions/Comments for the City Solicitor

Graffiti Violation Update: The President asked for an update on whether the person apprehended will be made to remove their work from public structures. The Solicitor responded that the events of last week derailed his investigation into this previous request, and that he will get the President the answer.

CITY COUNCIL COMMITTEE REPORTS and COMMUNICATIONS

(Chair/Vice Chair)

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

(Mrs. Misener/Mr. Roskovics)

The Chair announced the committee did not meet in May. The next meeting is scheduled for Tuesday, June 13, at 4:00 p.m., in the Municipal Building 2nd floor conference room.

Ashtabula City Parks & Recreation Board

The Board met Tuesday, May 9, at 6:30 p.m., in Pre-Council Chambers. The President reported on the following meeting highlights:

- **Clifford Kadon President Park (CKPP):**
 - The pavilion construction continues. Union Industrial Contractors, located in Ashtabula Township, will provide some of the heavy equipment. Donations are being solicited and received in order to hire a general contractor.
 - A family donated a Persimmon tree to the City, in a former resident's honor. The tree will be planted in CKPP with a small ceremony to accompany the planting.
- **Equipment Needs:** Trash receptacles, benches and bike racks are needed in all parks. The Board would like them to be uniform in style and color. Recommendations will be discussed at the Board's next meeting.
- **Walnut Beach**
 - The Board would like the boardwalk to the parking lot extended. The City Manager said this is planned, as well as uncovering the other board walk that comes down from the concession stand. The Manager said bollards will be installed. He reported the City is

working with the Nature Conservancy and Ohio Department of Natural Resources for additional grant funds for plantings, nature trails to go up through the dunes with split-rail fencing, signage to describe what is being done to return select areas to their natural habitat, and applying for a Morrison Foundation grant for some other work at the Beach. He said all these projects are in the “master plan”.

- The Manager reported Beach cleaning is planned for twice a month. The goal is to create a balance between those who want the Beach cleaned and those who would like to see it cleaned less in order to retrieve rocks and beach glass. Typically the Beach is cleaned after a large storm which washes up a good amount of debris onto the Beach.
- **Board Meetings:** Summer meetings will be held the second Tuesday of the month at 6:30 p.m., as follows: June 13 - Smith Field; July 11 - Walnut Beach; August 8 – CKPP.
- **ADDA**
 - **“Take It To The Curb”** (cleaning of Main Avenue from Kevin M. Cornelius Park to South Park), took place last Saturday:
 - A few persons participated, the work was completed and a good amount of clean up was performed. The street sweeper will be on Main Avenue and side streets this week. The Chair thanked Mr. Sal Jackson who organized his young people’s group from Cornelius Park going south; and also performed three other clean-ups throughout the City in the last two to three weeks. A few merchants, the Ward 5 Councilor, and others were in South Park.
 - Park of a \$25,000 grant was used to purchase planters for Main Avenue. They should arrive at the end of next week.
 - Hanging flower baskets should arrive shortly.
 - **Memorial Day Parade**
 - Miss Lily Simon organized this year’s parade when it was learned the regular organizers would not. Miss Simon provided details.
 - The Ward 5 Councilor, a retired 21 year Marine Corp veteran, thanked Miss Simon for coming forth, and that many veterans will also appreciate what she has done.

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

- **Walnut Beach Walkway:** The Ward 2 Councilor reported that about 12 to 14 years ago there was a walkway at the end of the road by the break wall, and two bridges in the same area were destroyed by fire. He suggested the P&R Board consider repairing and/or replacing these structures. The City Manager said the area is overgrown. He said various organizations, primarily the Army Corps of Engineers through a United States Environmental Protection

Agency (USEPA) grant and Great Lakes Restoration Act, are scheduled to remove the invasive species and plant new native species in the back of Aqua Ohio's water plant, which will go through the Norfolk/Southern Railroad property that extends to the east of the road where the nature trail was by the break wall. The 4 year, \$1.7 million project is scheduled to be completed this year. There is also an active project to remove the invasive plant species on the Beach. Once these projects are complete, it will be nice for birding and for studying wildlife in their natural habitat.

- **Greenway Trail Terminus:** The Vice President announced the terminus would not be an offshoot of the Trail and that we are trying to tie into other "capillaries". The Manager said the project to bring the Trail around the Marine Museum and then through East 1st Street and to Walnut Beach was too cost restrictive and attempts to get the railroad to cooperate, coupled with some Homeland Security issues with taking the Trail behind the Aqua facility are road blocks; therefore the idea has been abandoned, for now. The Trail will still be extended to Walnut Beach. Now the plan is to add a "bike gutter" going up the stairs leading to Point Park, which is outside of the grant funding received for the stairs. Bikers would then take Walnut Boulevard to the Beach.

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

The Chair announced the committee had no need to meet on May 12. The committee is scheduled to meet again on Friday, June 9, at 800 a.m., in the Municipal Building 2nd floor conference room.

PUBLIC WORKS/PUBLIC UTILITIES/CABLE/SCHOOLS (PW/PU/C/S) - (Mr. Pugliese/Mr. McClure)

The Chair reported former Ashtabula City Manager and current Ashtabula Downtown Development Association (ADDA) member, Mr. Anthony Cantagallo, along with Mr. Dave Clint owner of Dublin Downs Restaurant (Main Avenue) and Mr. Cory Nagle (citizen), were present at the committee's Friday, May 5, meeting. The Chair reported the follows:

- Messers. Clint and Cantagallo asked the City to consider enacting "reverse parking" on Main Avenue. Such parking would require motorists to back into parking spaces. Other cities have instituted reverse parking, which is said to be safer due to having a clearer view when exiting parking spaces. At tonight's meeting, this committee chair asked Police Chief Robert Stell for his recommendation. The Chief said he would look into it before commenting. The City Manager has to consult the American's with Disabilities Act, as well.
- GreatWave Communications will meet with a committee of Council regarding the possibility of providing television cable service inside our City. The Chair reported he continues to receive complaints about Spectrum's rates. Spectrum is the company that replaced former cable provider Time Warner Cable.
- Mr. Pugliese moved, Mr. Hamrick seconded to have legislation drafted to erect a 3-way stop at Laird Drive and West 9th Street; motion CARRIED.

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- Request by Mrs. Dorothy Smock, for community signs honoring Mrs. Connie Schultz, a former resident and Pulitzer Prize winner, was slated for discussion. Ms. Smock would like the signs placed on poles throughout the City, like those for Ohio State Coach Urban Meyer. Ms. Smock presented City Council with signature petitions at this evening's Pre-Council meeting. The request has been referred to the CD/ED/P&R Committee for discussion on Tuesday, June 13, because they are scheduled to meet before this committee's next meeting. The Chair said he recommended Mrs. Schultz be honored by placing a plaque of honor at the Ashtabula County District Library where Mrs. Schultz spent a lot of time; however petitioners would like signage instead.
- State Senate Bill 128 - Zero Emissions Credit: Today, the Manager reported he has not heard Ohio Senator Sean O'Brien stance. He said the Bill provides tax credits for clean energy, mostly for the coal industry. FirstEnergy was trying to have the State Legislature adopt the Bill which would allow for the same tax credits for nuclear power. The Manager said regardless of the Bill's outcome it is safe to say FirstEnergy will be out of the nuclear business and will sell their plant; which will show how valuable the plants are to potential buyers.

SAFETY FORCES (SF) - (Mr. Hamrick/Mrs. Misener)

The Chair announced the committee's Monday, May 22, meeting cancelled; and will determine at a later time if a June meeting is required.

WORK SESSION – No report

LEGISLATION AGENDA

- **Formal Legislation Request(s):** The Clerk presented the following for City Council's consideration:

ORDINANCE NO. 2017-63, AN ORDINANCE REPEALING, IN ITS ENTIRETY, PAYROLL ORDINANCE NO. 2017-58, ENACTED ON APRIL 17, 2017, FOR THE PURPOSE OF RETURNING THE POSITION OF DEPUTY CLERK/SCHEDULING CLERK TO SECTION I. FOR THE MUNICIPAL COURT AND TO ADJUST THE ANNUAL SALARY FOR THE POSITION OF DIRECTOR OF FINANCE IN ACCORDANCE WITH THE CONTRACT RENEWAL. (Ashtabula Municipal Court Judge and City Council)

ORDINANCE NO. 2017-64, AN ORDINANCE AUTHORIZING COMPENSATION, SALARIES AND WAGES TO EMPLOYEES OF THE CITY OF ASHTABULA, THE ASHTABULA MUNICIPAL COURT AND THE ASHTABULA CITY HEALTH DISTRICT, AND EXCLUDING THE DIVISION OF POLICE. (Ashtabula Municipal Court Judge)

ORDINANCE NO. 2017-65, AN ORDINANCE APPOINTING DANA PINKERT AS DIRECTOR OF FINANCE FOR THE CITY OF ASHTABULA, OHIO, FOR A THREE-YEAR PERIOD COMMENCING ON MAY 15, 2017, AND AUTHORIZING A WRITTEN CONTRACT OF EMPLOYMENT. (City Council)

The President said these requests are tied together; that Council is glad to have our Finance Director on board 3 more years. She been a pleasure to work with and has saved the community lots of money

by reorganizing the Finance Department, and deserves “every penny she gets”. Mr. Pugliese moved, Mr. Hamrick seconded to accept the formal legislation requests; motion CARRIED.

- **Form and Correctness:** The Clerk of Council confirmed conformity to Council Rule 21 had been met.
- **Legislation Overview:** The President provided an overview of the legislation agenda that had not yet been discussed.
- **Public Discussion (Legislation Portion Only):** None
- **Consent Agenda:** The President entertained a motion to dispose of the Regular Business Agenda as a consent agenda. Mr. McClure moved, Mr. Pugliese seconded; motion CARRIED.

Legislation Reading

2nd Readings

ORDINANCE NO. 2017-23, AN ORDINANCE, REPEALING, IN ITS ENTIRETY, CODIFIED ORDINANCE SECTION 937.02 ENTITLED LEVY OF CHARGES, FOR THE PURPOSE OF ENACTING NEW RATES, FEES AND CHARGES FOR WASTE WATER TREATMENT EFFECTIVE JUNE 1, 2017. (City Manager) (1st Reading April 3, 2017)

ORDINANCE NO. 2017-24, AN ORDINANCE ENACTING NEW CODIFIED ORDINANCE SECTION 937.02 FOR THE PURPOSE OF IMPOSING NEW RATES AND CHARGES FOR WASTE WAER TREATMENT, EFFECTIVE JUNE 1, 2017. (City Manager) (1st Reading April 3, 2017)

Mr. Pugliese moved, Mr. Speelman seconded to waive the reading of the ordinances; motion CARRIED. Mr. Pugliese moved, Mr. Hamrick seconded to adopt the ordinances. On the roll call to adopt the ordinances: Mr. Pugliese, Mr. Speelman, Mrs. Hosken Mr. Hamrick, Mr. Roskovics, Mr. McClure, Mrs. Misener voted yea; motion CARRIED.

Reading – Suspend Charter Requirement of Two Readings

ORDINANCE NO. 2017-62, AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH GLAUS, PYLE, SCHOMER, BURNS & DEHAVEN, INC. IN AN AMOUNT NOT TO EXCEED \$47,147 FOR THE PURPOSE OF PROVIDING CONSTRUCTION ADMINISTRATIVE SERVICES FOR ODOT SAFE ROUTES TO SCHOOL PROJECT (ATB-LAKESIDE SCHOOL CAMPUS SRTS, PID 98625). (City Manager)

ORDINANCE NO. 2017-63, AN ORDINANCE REPEALING, IN ITS ENTIRETY, PAYROLL ORDINANCE NO. 2017-58, ENACTED ON APRIL 17, 2017, FOR THE PURPOSE OF RETURNING THE POSITION OF DEPUTY CLERK/SCHEDULING CLERK TO SECTION I. FOR THE MUNICIPAL COURT AND TO ADJUST THE ANNUAL SALARY FOR THE POSITION OF DIRECTOR OF FINANCE IN ACCORDANCE WITH THE CONTRACT RENEWAL. (Municipal Court Judge and City Council)

ORDINANCE NO. 2017-64, AN ORDINANCE AUTHORIZING COMPENSATION, SALARIES AND WAGES TO EMPLOYEES OF THE CITY OF ASHTABULA, THE ASHTABULA MUNICIPAL COURT AND THE ASHTABULA CITY HEALTH DISTRICT, AND EXCLUDING THE DIVISION OF POLICE.
(Ashtabula Municipal Court Judge and City Council)

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ORDINANCE NO. 2017-67, AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BROBST TREE & STUMP SERVICE FOR A PERIOD OF THREE YEARS FOR THE PURPOSE OF DISPOSAL OF YARD DEBRIS, LARGE PIECES OF WOOD AND STUMPS. (City Manager)

ORDINANCE NO. 2017-68, AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH JEFFERSON HEALTH CARE, FOR THE PURPOSE OF PROVIDING EMPLOYEE HEALTH, DENTAL AND VISION INSURANCE COVERAGE FOR THE PERIOD OF JUNE 1, 2017 THROUGH JUNE 30, 2019. (City Manager)

RESOLUTION NO. 2017-69, A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, ACCEPT AND ENTER INTO A SUPPLEMENTAL WATER POLLUTION CONTROL LOAN FUND AGREEMENT ON BEHALF OF THE CITY OF ASHTABULA TO COVER CHANGE ORDERS FOR ADDITIONAL CONSTRUCTION ADMINISTRATION AND INSPECTION AS IT PERTAINS TO THE PROJECTS AT THE WATER POLLUTION CONTROL PLANT. (City Manager)

ORDINANCE NO. 2017-70, AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO CHANGE ORDER NO. 2 TO A CONTRACT WITH GPD GROUP FOR AN ADDITIONAL \$300,000 FOR THE PURPOSE OF PROVIDING PROJECT CONSTRUCTION ADMINISTRATION & INSPECTION SERVICES. (City Manager)

ORDINANCE NO. 2017-71, AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH KUBOTA TRACTOR CORPORATION IN THE AMOUNT OF \$25,947.48 FOR THE PURCHASE OF TWO (2) KUBOTA ZERO-TURN LAWN MOWERS. (City Manager)

Mr. Pugliese moved, Mr. Speelman seconded to waive the reading of the legislation; motion CARRIED. Mr. Pugliese moved, Mr. Speelman second to waive the Charter requirement of two readings. On the roll call to waive the Charter requirement of two readings: Mr. Pugliese, Mr. Speelman, Mrs. Hosken Mr. Hamrick, Mr. Roskovics, Mr. McClure, Mrs. Misener voted yea; motion CARRIED. On the roll call to adopt the legislation: Mr. Pugliese, Mr. Speelman, Mrs. Hosken Mr. Hamrick, Mr. Roskovics, Mr. McClure, Mrs. Misener voted yea; motion CARRIED.

NEW BUSINESS

Boards and Commissions Reappointment

- Mrs. Misener moved, Mr. McClure seconded to reappoint Ms. Celeste Corbissero to the Ashtabula City Civil Service Commission for a 6 year term to commence immediately and expire on March 21, 2023.; motion CARRIED.
- Mr. Pugliese moved, Mr. Speelman seconded to reappoint Mr. Christopher McCain to the Ashtabula City Parks & Recreation Board for a 4 year term to commence immediately and expire on May 21, 2021; motion CARRIED.

Proposed Charter Change Legislation Requests

The President reported Council met in a Work Session on March 13 and again on May 8, to discuss proposed Charter changes. This evening the President entertained the following motions to have the City Solicitor draft legislation for the purpose of placing the proposed changes on the November 2017 General Election Ballot:

- **Sections 32 through 39**

I'd like to entertain a motion to have legislation drafted to amend the Charter Section titled "Administrative Officers and Departments", to add the position of Clerk of Council to the line-up. Mr. Pugliese moved, Mr. Speelman seconded; motion CARRIED.

- **Sections 35, 61 and 63**

The President announced the City Solicitor may elect to place the following three legislation requests in one ordinance, and requested the following:

Section 35 Purchasing Agent - to Increase the amount at which "opportunity for competition shall be given" from \$500 to \$2,500. Mr. Pugliese moved, Mr. Speelman seconded; motion CARRIED. The position of City Manager has long been and will continue to be the City's Purchasing Agent.

Section 61 Expenditures in Excess of \$10,000 - to Increase the amount in excess of \$10,000 to in excess of \$30,000, that shall first be authorized by an ordinance of Council and then upon the contract approval of the City Council and City Manager. Mr. Pugliese moved, Mr. Speelman seconded; motion CARRIED.

Section 63 Modification of Contracts - to require modifications to contracts (also known as change orders) in excess of \$30,000 to receive prior approval of Council. Mr. Pugliese moved, Mr. Speelman seconded; motion CARRIED.

- **Sections 36 and 69**

I'd like to entertain a motion to delete the following obsolete sections from the Charter: **Section 36 Sinking Fund**, a fund formed by periodically setting aside money for the gradual repayment of a debt

or replacement of a wasting asset; and Section 69 Free Carriage of Policemen and Firemen. Mr. Pugliese moved, Mr. Speelman seconded; motion CARRIED.

- **Section 10 Times of Meetings; Rules; Journal**

I'd like to entertain a motion to have legislation drafted to amend Charter Section 10 to:

ADD: When a legal holiday falls on the 1st or 3rd Monday of the Month, the Council shall meet the next day;

ADD: A provision for allowing City Council to meet on another day in the week in which they are required to meet, due to THE LACK OF A QUORUM, THE PASSING OF A MEMBER OF COUNCIL OR AN OFFICER OF THE CITY, A TUESDAY HOLIDAY, AND INCLEMENT WEATHER;

REMOVE: The provision that special meeting notices shall be delivered to the homes of City Council members, and

ADD: City Council members may be notified of special meetings VERBALLY and ELECTRONICALLY. Mr. Pugliese moved, Mr. Speelman seconded; motion CARRIED.

- **Charter Section 11 Penalty for Absences**

I'd like to entertain a motion to have legislation drafted to amend Charter Section 11 to:

REMOVE: Absent from 3 consecutive regular meetings of Council shall operate to vacate the seat of a member unless the absence is excused by a majority vote of Council and entered upon the Journal. For each excused absence of a member of Council from a regular meeting of the Council in excess of 3 in a 12 month period, there shall be deducted a sum equal to 2% of the annual salary of such member; and

ADD: Absent from 3 regular meetings of Council from December 1 through November 30, shall operate to vacate the seat of a member unless the absence is excused by a majority vote of Council and entered in the meeting minutes. An excused absence is one in which the member of Council has notified the President or Vice President, as well as the Clerk of Council. Mr. Speelman moved, Mr. McClure seconded. The Clerk asked if the timeframe is for the member's term or per year. It was agreed upon that it is for a 12 month period and that the motion should read: Absent from 3 regular meetings of Council in a 12 month period, beginning December 1 through November 30, shall operate to vacate the seat of a member unless the absence is excused by a majority vote of Council and entered in the meeting minutes. An excused absence is one in which the member of Council has notified the President or Vice President, as well as the Clerk of Council. The motion CARRIED.

- **Section 12 Legislative Procedure**

I'd like to entertain a motion to have legislation drafted to amend Charter Section 12 to:

- REMOVE: The legislative action of Council shall be by ordinance or resolution, provided that this shall not apply to action accepting a bid for work and directing the appropriate officer to enter into a contract, to action ordering the dismissal of an officer, to action ordering an

election, or to action directing an officer or board to furnish the Council with information as to the affairs of any office, department, or board.

- ADD: The legislative action of Council shall be by ordinance or resolution, provided that this shall not apply to action directing an officer or board to furnish the Council with information as to the affairs of any office, department, or board.

The City Solicitor reported the Charter currently prohibits something that is commonly performed and currently called for in certain portions of the Charter; that being seeking Council approval to enter a contract by requesting that legislation is drafted. The Solicitor further stated that case upon case says any public body acts through its ordinances or resolutions; and without doing so the question of how adequate proof of Council's authorization would be tracked would come into question. He said regarding the second portion requesting to be removed, there is no need to "memorialize" such a request by Council by ordinance or resolution. Mr. McClure moved, Mr. Speelman seconded the request; motion CARRIED.

- **Section 15 Record and Publication**

I'd like to entertain a motion to have legislation drafted to amend Charter Section 15 to:

- REMOVE: Every ordinance or resolution upon its final passage shall be recorded in a book kept for that purpose, and shall be authenticated by the signatures of the Presiding Officer and the Clerk of the Council.
- ADD: Every ordinance or resolution upon its final passage shall be recorded in a book kept for that purpose, and shall be authenticated by the signatures of the Presiding Officer, the Clerk of the Council and the City Manager.

Mr. Pugliese moved, Mr. Speelman seconded; motion CARRIED.

The President announced the following process for amending the Charter:

- Determine which items will be proposed
- Request the Solicitor draft legislation (which was done this evening)
- The Solicitor sends drafted legislation to the Clerk of Council for placement on a regular or special council meeting agenda
- Council votes on the legislation; if approved
- The Clerk hand-delivers a certified copy of the ordinances to the Ashtabula County Board of Elections, by August 9, for placement on the November 7 General Election ballot.

The Vice President noted that the only persons able to change the City Charter are the City Electorate. The Ward 2 Councilor reported Section 69 dates back to the late 1800s; that there is clean up to the Charter that is needed and a few of the proposed changes are new. The President said it is good to update the Charter; all communities with Charters do it; it is in the Charter to be able to do so; and the people were the ones who voted the Charter into being, and it is the people who should be given the opportunity to make amendments.

“Take It To The Curb” Event: The Clerk announced she and Eddie Kirk, the gentleman who mows her personal property, participated in the event. They spent five hours at City Hall weeding the parking lot islands and flower beds, picking up trash and debris and removing years of winter pebbles from sidewalks and the drive-thru areas. She said she publically wanted to thank Eddie, an Ashtabula Township resident, for graciously helping her and who also participated in the 2016 East 45th Street clean-up, along with his wife, out of the kindness of their heart. The Clerk said Eddie did not have time to edge the lawn areas, wants to do so, but wants to know if he is able to outside of the event period. The Manager responded he would speak with the Clerk after the meeting. The Clerk reiterated the need for the street sweeper to clean side streets, as well. The President apologized for the omission of these efforts in her report. She reiterated the City Manager’s comment that there are lots of good things happening in our City.

GENERAL PUBLIC DISCUSSION

Mr. Raymond Hall, 1013 East 7th Street: said his recent Star Beacon newspaper article was not to embarrass the City but to enlighten them. He said he has lived on his road 42 years, has paid \$100,000 in taxes, shared photographs of the poor condition of his road, said the ditches need to be cleaned, said the snowplows have changed the construction of the road making it impossible for water to get to the drains from the roads and asked that something be done. He said pieces of cinder were dumped last week, which he does not mind, but that they have to be ground to eliminate huge rocks from being in the middle of the road.

The Vice President asked the City Manager about the City’s ditches.

The Ward 2 Councilor asked the Manager what needs to be done to address the concerns that have been expressed.

The Manager said crews have been to the road several times due to calls he, Councilor Pugliese and Public Services Superintendent Larry Meaney received. He said while Mr. Hall may not have returned the call, they went to the area. Cinders were placed on the road, some of which were standing upright, with supports, when they arrived. Larger cinders were removed today. He said what the City intends to do next is permit our paving contractor to spread grindings on this road, then go over them with our roller, and there is a process we will continue to explore of putting a seal on the top of the rolled grindings which will bind everything together. He said the ditches need to be cleaned a little bit, but the road has sunk and needs to be built up about a foot to properly drain it and to get a lot of the ruts, and such, taken care of.

Ditch Cleaning: The Vice President recalled a few years ago asking if we could borrow Ashtabula County ditch equipment for cleaning our ditches, and asked if it has happened throughout the City. The Manager said it just happened this spring; we contracted with the County Engineer to do so. Right off of the Greenway Trail on West 52nd Street, back where Nathan Avenue is. The Vice President asked if there is a program. The Manager said, no, we basically call Tim Martin at the County Engineer’s office, explain what is needed, he comes out and shoots elevations and performs other tasks, at no

cost, and sends us an estimate of what the job would cost. We then enter into a brief contract with them and pay for their services, which is much less than what private firms would charge. The Manager said he believes the townships get the same service at no cost. The Vice President recalled suggesting a ditch cleaning program be enacted, and thought it would be similar to the townships. The Manager said we do not have this type of a program and confirmed ditches are cleaned on an as need basis. He then said many township roads are actually county roads that are ditched, so the County is responsible for plowing and performing the ditch work. The Manager said snowplowing shows the true picture, in that the City of Ashtabula plows every 100 center lane miles located within the City. The township plows very few roads; the state plows all their major roads and the county plows all their roads that are county roads – that equates to three road crews compared to one road crew in the City of Ashtabula. The Manager told of areas where ditching is required, such as Bardmoor, and what is being done.

The Ward 2 Councilor said the County used to provide ditching services, but stopped a few years back. He said the cross-section of Mr. Hall's whose road needs attention (e.g. take elevations of the property line, the ditch and the centerline and do the same thing across every 50 feet down the road. Then put it on paper. Then separate and ditch it).

The President asked if there is a list of ditches. The Manager said we know where they are; and depending on where they are they might be the responsibility of the owner.

Mr. Gary Stiverson, Columbus Avenue and East 7th Street resident (formerly known as Sweet Town): thanked the Ward 2 Councilor for being his neighbor's voice, and thanked the Solicitor and Officer William Felt for their assistance in past years. He commented on his love for and pride in the neighborhood, his frustration due to the lack of response from the Public Works Department, that in his 30 years as a resident of the neighborhood he has never seen the ditches cleaned, but are mowed once a year, and thanked the City for what they are able to do with limited staff.

The Ward 4 Councilor announced, "May 29 is Memorial Day. It is celebrated to honor those who have died in the service of our country. It is not Veteran's Day, so don't thank a Veteran because they are still alive. Think about what the day stands for. It's not about mattress sales and barbeques. Take a minute to think about why the holiday exists." The Ward 5 Councilor announced flags should be flown at half-mast until Noon; then raised all the way.


EXECUTIVE SESSION - None

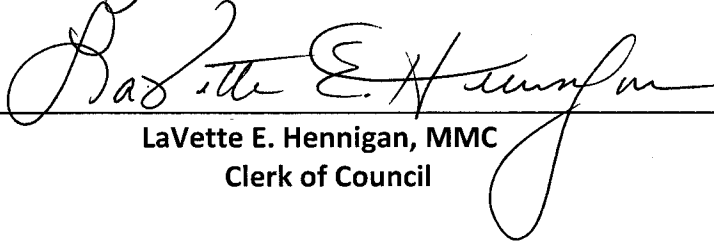
ADJOURNMENT

Hearing no further business to come before this Council, the President declared the meeting adjourned at 8:43 p.m.

Ashtabula City Regular Council Meeting
Monday, May 15, 2017

DATE APPROVED: June 19, 2017

ATTESTED BY: 
Josephine Misener
President of Council

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