

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

REGULAR MEETING MINUTES
Monday, June 17, 2019

CALL TO ORDER

The President of Council called the meeting to order at 7:00 p.m., the opening prayer was offered by Shirley Sing, Co-Pastor, Grace Christian Assembly, and the Pledge of Allegiance was recited.

MEMBERS PRESENT:

Mr. Michael D. Speelman	(Ward 4 Councilor)
Ms. Jane E. Haines	(Ward 5 Councilor)
Mrs. Kym A. Foglio	(Ward 1 Councilor)
Mr. August A. Pugliese	(Ward 2 Councilor)
Mr. Richard A. Quaranta	(Ward 3 Councilor)
Mr. Christopher J. McClure	(Vice President)
Mr. John S. Roskovics	(President)

MEMBER(S) ABSENT: None

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): None

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 - None

- Formal Legislation Request(s)
- Form and Correctness
- Legislation Overview

- Public Discussion (on legislation only)
- Reading

REGULAR BUSINESS AGENDA

PRESENTATION OF MEETING MINUTES

The Clerk of Council presented the Regular City Council meeting minutes of Monday, June 3, 2019, for consideration. Mr. Pugliese moved, Mr. Quaranta 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:

Northeastern Communications – Police Vehicle Equipment

A request for an ordinance to enter into an agreement with Northeastern Communications of Ashtabula, OH, for the purchase and installation of equipment to outfit newly purchased police vehicles in the amount not to exceed \$27,671.51. This purchase will be taken from Fund 412, Police Equipment. Mr. Speelman moved, Mrs. Foglio seconded to approve the request; motion CARRIED.

2019-2020 Rock Salt Purchase

A request for an ordinance to enter into an agreement with Compass Minerals America Inc. of Overland Park, KS, for the purchase of Rock Salt for City Streets for the 2019-2020 season in the amount not to exceed \$82.99/ton per dump, \$88.99/ton per piler, and \$87.00/ton per pick up. This purchase will be taken from Funds 206 and 209, Road Salt. The costs for salt to be picked up and dumped have to be confirmed. The per ton costs range from \$82.99 to \$88.99, which represents an increase of \$3.50 to \$5.00 per ton. Mr. Pugliese moved, Mr. Quaranta seconded to approve the request. Pickup is made at Kinder-Morgan/Pinney Dock or in Fairport Harbor. The initial order is usually 700 to 1000 tons. The motion CARRIED.

Purchases

The (2) tractors and (1) zero-turn mower we purchased have arrived. One plow truck will be delivered tomorrow; the other one will be picked up later this week. The (5) Police vehicles on order should be delivered within a couple weeks. It usually takes 2 to 3 weeks to outfit them before they are put into service.

Announcements

High Grass

The wet weather has created a mowing challenge for everyone, including the City of Ashtabula who mows the private lawns of properties whose owners are neglect in doing so. Currently

about 150 private lots need to be mowed. The City hires one person during the summer to mow these properties the entire season. The new zero-turn mower just purchased for \$12,000 will be used to cut private lots. The City is not required to mow private properties, but feels an obligation to do so. The Manager enumerated the process the City has to follow when addressing private properties it mows. The Manager gave assurance that when high grass reports are made they are processed through the system; they are not ignored.

Property Cleanups and Yard Waste Bags

Residents were thanked for cleaning up their properties. Curbside pickup of yard waste bags ended a couple weeks ago, with one extra week of pickup performed. All yard waste bags must now be delivered to Public Works for disposal.

Questions/Comments for City Manager

There are 3 full-time and 2 part-time staff members working in our City parks. Six crew members remain in Public Works, but the last couple of weeks there have only been three due to time off. The Ward 3 Councilor said, "They do a fantastic job for the staff you have."

The Ward 1 Councilor reported 90% of the 25 high grass/weeds and junk complaints she turned in have been addressed. She thanked the City Manager and Mary Church, Assistant Director, Planning and Community Development, for sending letters. The Councilor sent a letter to the Assistant Director to let her know which ones have complied.

The Ward 1 Councilor asked what residents should do with all the soaked yard waste bags sitting on their treelawns. The City Manager reiterated the yard waste bag pick up program ended two weeks ago. And, because there was one extra week of picked up, the number of bags still sitting out tells him bags are still being put out for pick up. Bags must now be delivered to Public Works on West 24th Street. There is a 24/7 drop off area, on site.

The Clerk of Council reported the bags are usually referred to as leaf bags, but they are for "yard waste". She asked the City Manager to announce what may be placed in them. He said leaves, weeds, grass, branches and flowers.

CITY SOLICITOR

No Report

DIRECTOR OF FINANCE

Financials

Based on closing reports of May 31, expenses are within budget, with the exception of some overtime in a few departments. Additional appropriations will be requested to address the overtime and permit these departments to get through the end of the year. Revenue is coming in as expected.

Service Billing

Billing is back on track. The next bi-monthly bills will be issued at the end of June. The software company for our finance needs is Software Solutions, also known as SSI. The Finance Department took their recommendation to group all billing cycles into one and send all regular bills out at the same time, bimonthly. Accounts will be finalized and new accounts will be set up weekly or biweekly, depending on the number of such accounts received from Aqua Ohio. Implementing their recommendations should prevent a bottleneck in the process of issuing bills in a timely manner and regular schedule.

2020 Tax Budget

The tax budget has to be submitted to the County by July 22. A public hearing will be scheduled for July 15, at 5:15 p.m. No later than July 5, the tax budget will be given to City Council, available for review on the City's website and hard copies will be available for review in the Finance Department and the Office of the Clerk of Council.

County Appraisers in the Field

The Ashtabula County Auditor's office issued notice that they are in the midst of the Mass 2020 State Mandated Revaluation for our County. Appraisers will visit every part of the county looking for new construction and changes to properties. Residents may see Auditors in marked cars and might receive a visit by someone working on this project who will have appropriation identification. Questions may be directed to the Auditor's Office at 576-3783.

CLERK OF COUNCIL

The 2020 Tax Budget public hearing was going to be scheduled for July 1, but will now be scheduled for July 15.

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 announced the committee's June meeting was cancelled the day of the meeting due to a last minute guest cancellation.

The Ashtabula City Parks & Recreation report was reviewed in this evening's Pre-Council meeting. The following was reported:

- Walnut Beach lifeguard signs will be changed
- Lifeguard umbrellas have been located
- Rubberized mulch was installed at Nappi Field
- Ryan Humphrey is purchasing and painting new trash cans for Walnut Beach; the delivery date of the cans is unknown, but should be soon

- The extension to the Walnut Beach boardwalk is completed, and
- Walnut Beach concession stand is open

The committee's next meeting will be Tuesday, July 9, at 3:30 p.m.

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

The Chair reported on the committees Friday, June 14, 8:00 a.m., meeting, as follows:

- The Finance Director provided a financial overview
- The Finance Director presented the committee with the following waiver requests:

Ashtabula County Sewer Customer

A county sewer customer reported they discovered a leak due to a large water bill they received. The Ashtabula County Commissioner's waived all water charges associated with the leak. The City of Ashtabula's custom is to follow the water provider's action. Our Finance Director suggested the original sewer charge be waived and the committee voted to do so and bring the action to the full council for consideration. ACTION: Reporting out of committee, Mr. McClure moved, Mr. Pugliese seconded to approve the Finance Director's recommendation to waive the original sewer charge of \$2,580.41; motion CARRIED.

Tenant/Landlord Unpaid Sewer Charges

- The tenant did not pay sewer charges but continues to reside in the unit.
- The City of Ashtabula assessed the unpaid sewer charges to the owner's property taxes.
- The property sold through an Auditor's sale before the assessed charges were paid.
- A property purchased through an Auditor's sale is supposed to be guaranteed to be clean/free from all pending charges. (NOTE: When purchased through a Sheriff's sale there is no guarantee)
- Charges assessed to property taxes and unpaid charges remaining after the assessment, that are dated prior to the date the property was sold, cannot be transferred to the new property owner.
- Because this case is so old (and there are other cases on our books like this) the Finance Director suggested the assessment amounts be waived.
- The Committee was concerned with setting precedence, but understood that because the case is so old, and we are not going to recoup the unpaid amount, it just makes sense to waive the charges, which the committee voted to approve, while also highly suggesting the problem be tightened up as much as possible so we are not writing off revenue.

ACTION: Reporting out of committee, Mr. McClure moved, Mr. Pugliese seconded to approve the Finance Director's recommendation to waive the assessment charges; motion CARRIED.

Trash Only Account

- Equalization (EQ) Basin/Capital Debt (CD) charges were enacted in 2007 and included in the sewer/trash balance.
- Last year, charges and fees that were once included in the balance amount were broken out and listed separately for the sake of transparency.
- A “trash only” customer reported being billed EQ/CD charges, which charges are connected with the sewer bill portion of the invoice, not trash.
- The City Solicitor reported the statute of limitations on refunds is two years.
- The committee voted to approve the refund if it is determined one is due.
ACTION: Reporting out of committee, the Chair calculated that no more than \$75 should be required to be refunded. Mr. McClure moved, Mr. Pugliese seconded to refund no more than \$75; motion CARRIED.

The Chair suggested the above topics go back to committee for discussion.

The Chair announced the committee will not meet in July, but will meet again Friday, August 9, at 8:00 a.m.

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

The Chair announced the committee will not meet in July. The next meeting is scheduled for Friday, August 2, at 8:00 a.m.

SAFETY FORCES - (SF) (Speelman/Harley)

The Chair announced the committee will meet Monday, June 24, at 8:00 a.m.

WORK SESSION - None

LEGISLATION AGENDA

- Formal Legislation Request(s): The Clerk of Council presented Resolution No. 2019-73 for consideration this evening. Mr. Roskovics moved, Mr. McClure seconded to approve the request; motion CARRIED.
- Form and Correctness: None
- Overview: The Clerk provided a brief overview of the legislation to be presented.
- Public Discussion (Legislation Only): None
- Consent Agenda Format: Mr. Quaranta moved, Mrs. Foglio seconded to dispose of the regular business legislation by consent agenda; motion CARRIED.

Reading

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

ORDINANCE NO. 2019-69, AN ORDINANCE ESTABLISHING THE COMPENSATION OF THE ELECTED OFFICES OF CITY MANAGER AND CITY SOLICITOR FOR THE TERM OF OFFICE COMMENCING DECEMBER 1, 2019, AND ENDING NOVEMBER 30, 2023. (City Council)

ORDINANCE NO. 2019-70, AN ORDINANCE REPEALING, IN ITS ENTIRETY, PAYROLL ORDINANCE NO. 2019-10, ENACTED FEBRUARY 4, 2019, FOR THE PURPOSE OF ESTABLISHING THE ANNUAL COMPENSATION FOR THE ELECTED POSITIONS OF CITY MANAGER AND CITY SOLICITOR THROUGH NOVEMBER 30, 2023. (City Council)

ORDINANCE NO. 2019-71, AN ORDINANCE AUTHORIZING COMPENSATION, SALARIES AND WAGES TO EMPLOYEES OF THE CITY OF ASHTABULA AND THE ASHTABULA CITY HEALTH DISTRICT. (City Council)

ORDINANCE NO. 2019-72, AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH NORTHEASTERN COMMUNICATIONS FOR THE ACQUISITION AND INSTALLATION OF EQUIPMENT IN NEW POLICE VEHICLES. (City Manager)

RESOLUTION NO. 2019-73, A RESOLUTION OF CONGRATULATIONS TO ASHTABULA COUNTY MEDICAL CENTER ON ITS 115TH ANNIVERSARY. (Ward 5 Councilor / City Council)

Mr. Pugliese moved, Mr. Quaranta seconded to waive the reading of the legislation; motion CARRIED. Mr. Pugliese moved, Mr. Quaranta seconded to waive the Charter requirement of two readings. The President announced the positions of City Manager and City Solicitor will receive a 5% raise effective December 1, 2019, and 1.5% each year for the remaining three years. On the roll call to waive the Charter requirement of two readings: Mr. Speelman, Ms. Haines, Mrs. Foglio, Mr. Pugliese, Mr. Quaranta, Mr. McClure, Mr. Roskovics voted aye; motion CARRIED. On the roll call to adopt the legislation: Mr. Speelman, Ms. Haines, Mrs. Foglio, Mr. Pugliese, Mr. Quaranta, Mr. McClure, Mr. Roskovics voted aye; motion CARRIED.

NEW BUSINESS

Ashtabula City Council Rules of Order - Amendment

The President entertained a motion to adopt an amendment to Council Rules by the inclusion of Section 3(a) Drug Free Safety Program. Mr. Quaranta moved, Mrs. Foglio seconded to approve the amendment. On the roll call to adopt the amendment: Mr. Speelman, Ms. Haines, Mrs. Foglio, Mr. Pugliese, Mr. Quaranta, Mr. McClure, Mr. Roskovics voted aye; motion CARRIED.

Tell Us Something We Don't Know

President

- The Gazette newspaper printed a blurb about our "Tell Us Something We Don't Know" section of the agenda.

Ward 3 Councilor

- Thanked everyone for cards, prayers and well wishes during his heart valve replacement and vein stint operations.

President

- He used his Kids for Positive Change recyclable bag at Giant Eagle and was given a coupon to complete to get entered into a \$25 raffle.
- June 26, at 11:30 a.m., is the groundbreaking for the Riverbend Hotel on Goodwill Drive
- On July 1, Ashtabula County Medical Center (ACMC) will recognize its 115th Anniversary. ACMC was once again named one of the Top 100 workplaces in Northeast Ohio, as reported yesterday in the Plain Dealer. ACMC has 1500 employees.
- From 1974 through 1979/1980, he spent every weekend and summer vacation as a janitor at ACMC when it was called Ashtabula General Hospital. He said what he remembers most are the people.

Ward 4 Councilor

- His dad spent time in ACMC this past week. He was treated very well and the Councilor has nothing but good to say the hospital. His dad's doing well.
- Dr. Sathish Adigopua, MD, is a Pediatrician at our hospital. He is one of the Councilor's "favorite people in Ashtabula", and "a super interesting guy".
- Twenty-Three gymnastics from the Chalk Box recently competed at the AAU (Amateur Athletics Union) Age Group Nationals, in Orlando, FL. All of them finished in the top 10 in several events. Some finished first in their age group, in various events or all-around.

Ward 1 Councilor

- June 29 and 30 is our Beach Glass Festival on Bridge Street.

Ward 5 Councilor

- Bands on the Beach Concerts begin Sunday. Each concert is held on a Sunday from 4:00 p.m. to 6:00 p.m. The lineup is:
 - June 23 - Madison Jazz Project
 - July 7 – Primetime Big Bands
 - July 21 - Don Zola Big Swing Band
 - August 25 – the local favorite and our standard season closer will be the Tony Esposito Big Band – this year it will be a memorial to Tony who passed away last year.

- The City Manager thanked Concert Organizer, Dr. Tim Kalil, ACMC who funds the event and the Ashtabula City Parks & Recreation Board were thanked for their years of dedication and commitment to this event.

Ward 3 Councilor

- Asked for information on the Walnut Beach Concession Stand operations. The Manager said it is open, he believes they begin serving at 11:00 a.m., is unsure of their closing time, and the operations are weather dependent. This year's operator also owns Clay Street Inn restaurant, Austinburg, Ohio, and has incorporation information about the concession stand on the restaurant website.

Ward 5 Councilor

- Harbor Yak moved to a location across the street from their present location. They added the Hydro Bike. The Councilor encouraged support of our businesses. Last year, her entire salon staff did a sunset kayak trip that was "fantastic".
- Ryan Lencl purchased the former E & J Glass building on Main Avenue, is stripping all the paint off the outside, has been working really hard and she is excited to see the finished product.
- July 7, after Bands on the Beach, head to Framed on Main, located on Main Avenue, to enjoy a rock music show with Chris Davis and the band "Never Enough". There will be rock artist (portraits) artwork, music, food and libations.

President

- Thanked Ms. Chris Seuffert for always putting on such a nice "Blessing of the Fleet" ceremony. The Ward 3 Councilor said included in the blessing ceremony were yachts, boats and kayaks.

Clerk of Council

- Said she has always wanted to go to the Blessing of the Fleet event but it always takes place on a Sunday, when lots of people are still in church services. She said last year she spoke with Ms. Seuffert about possibly holding it on a Saturday.
- The first Ashtabula Downtown Development Association (A.D.D.A.) Meet Me on Main "First Friday" event was very successful. Lots of people attended, the weather was very nice, young people, adults, senior citizens, families and their dogs walked the streets, spent time in Cornelius Park and drew chalk art on several sidewalks. She said a few Ashtabula Downtown Development Association members plan the event and urged ones to support this event.

PUBLIC DISCUSSION/COMMENTS (General Matters)

Mr. Stephen Michael Kellat, 1819 East 45th Street, presented the attached in a synopsis form and presented a written copy to each person on the dais. The City Manager responded. When asked how this came to his attention, he said he works for a federal agency and under the national response framework "we do work under one of the emergency support functions... we

do back up FEMA (Federal Emergency Management Agency).” He said since we are in hurricane season, if and when a disaster strikes, we would be notified, sign off on normal functions at our agency and begin working for FEMA where needed.

The Clerk asked Mr. Kellat if he is able to say which agency he’s employed with. He responded, the U. S. Treasurer. She then asked if he has heard it said that it is unlikely a tornado will happen within a certain radius south of the lake. He said yes, but that weather patterns have caused this to change, as reported in the handout and reported in a Dayton Daily News article. He said he understands the pain of having to do more work with less manpower because after the 35 day government shutdown about 5000 employees do not return to work.

EXECUTIVE SESSION: None

ADJOURNMENT

Hearing no further business to come before this Council, the President declared the meeting adjourned at 8:11 p.m.

DATE APPROVED:

July 1, 2019

ATTESTED BY:

John S. Roskovics
John S. Roskovics
President of Council

ATTESTED BY:

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

Statement to Ashtabula City Council

Stephen Michael Kellat

June 17, 2019

I approach the council tonight on a matter of concern relative to recent weather events. Severe weather is not unknown to us in Ohio. Whether it is in southwest Ohio in Dayton, to our west in Cuyahoga County, or to our south in Trumbull County there have been tornadoes touching down from Memorial Day through yesterday. Ashtabula City is not immune to any of these dangers.

The Ohio Emergency Management Agency notes that Local Hazard Mitigation Plans are required to be updated every five years to be eligible for FEMA Hazard Mitigation Assistance grant programs. As noted in their chart Ashtabula County's plan was adopted in April 2013 and expired as of December 31st, 2018. This does mean that the county, as a whole, is currently ineligible to request Hazard Mitigation Assistance grant program money.

That guidance from the state might sound okay, perhaps. Our city government gambles quite heavily and, so far, we have been lucky that nothing has gone wrong in terms of road hazards from snow let alone any disasters that might arise such as a severe storm or a tornado. In our expired hazard mitigation plan, our county identified its highest risks as being from severe winter storms, severe summer storms, flooding, tornadoes, and windstorms. Currently we are unable to pursue funding to help stop problems before they occur as well as to help ensure we have a strong and resilient community. At some point our luck will run out, though, and we may wind up in a very bad situation.

This truly does not need to be this way. Our City Manager is a Mayor in all but title since normally no city manager as generally understood in the United States of America can veto legislation passed by a municipal council yet the 27th section of the city's charter allows him to do so in addition to him being otherwise the elected chief executive officer of the city. In section 107.04 of the Codified Ordinances the Council directs that the Manager *shall* appoint an Emergency Management Administrator and Coordinator. As noted in section 5502.271 of the Ohio Revised Code in pertinent part: "The director/coordinator of emergency management may be an official or employee of the political subdivision, but shall not be the chief executive of the political subdivision."

It must be noted that this is not an *as needed* official to be appointed only after a disaster strikes. This should be someone that is in place well before a disaster happens. This should be someone proactively working to secure grants for the city to ensure safety, security, and resilience. It isn't necessarily additional duties you would assign alongside those of a firefighter or policeman, though. The 29th section of the city's

charter does appear to conflict with the previously quoted section of the Ohio Revised Code. The general principle from the National Incident Management System is that the elected chief executive is not supposed to stand alone but is supposed to have help when disaster strikes based upon lessons learned the very hard way across our great country from the early 1970s to today.

I do not seek immediate action tonight. All I ask is that you please think about this. We see too many disaster examples from near and far elsewhere in the state. When will our number be up?

References

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