

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

REGULAR MEETING MINUTES
Monday, August 20, 2018

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.

MEMBERS PRESENT:	Mr. Michael D. Speelman	(Ward 4 Councilor)
	Mr. Richard A. Quaranta	(Ward 3 Councilor)
	Ms. Jane E. Haines	(Ward 5 Councilor)
	Mrs. Kym A. Harley	(Ward 1 Councilor)
	Mr. August A. Pugliese	(Ward 2 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)
	Mrs. Carolyn M. Sheldon	(Acting 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 Ohio Sunshine Law.

WELCOME: The President welcomed the Acting Finance Director to the dais.

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

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

REGULAR BUSINESS

PRESENTATION OF MEETING MINUTES

None

ADMINISTRATIVE REPORTS and COMMUNICATIONS

CITY MANAGER

The City Manager gave an update on this year's paving program. He asked that motorists exercise more caution now that students have returned to school and because of road construction in various places around town. He wished students a "great school year".

Questions / Comments for City Manager

West 19th Street/Carpenter Road Speed Limit Sign

The Ward 3 Councilor reported this road to be void of a speed limit sign when proceeding west from the Iron Bridge. He asked the City Manager to look into erecting one. The Manager said no City Council or Police Department action is required; Council concurred.

Traffic Light – Ohio Avenue and Carpenter Road/West 19th Street

The Vice President reported the traffic light at this intersection is on blinking more often than not. He reported motorists are not stopping for the blinking red light and suggested a stop sign would help. The City Manager said the traffic signal is an old manual mechanism. To replace it means replacing all the poles and updating the lights, to the tune of about \$90,000. He said there have been reports it is difficult to see east when sitting at Ohio Avenue, and that he will look into erecting stop signs.

Compliment

The Clerk of Council gave a compliant to John Melnik, Public Services Superintendent, for what he is doing with his departments, (e.g., trainings, performing more road work, increasing their confidence in their abilities), and for his desire to, in a timely manner, respond to citizen concerns. The Manager concurred, said he has done a nice job with the staff, and that Mr. Larry Meaney, former Public Services Superintendent, set a tone; and that Superintendent Melnik has done a good job taking that lead.

CITY SOLICITOR

No Report

ACTING FINANCE DIRECTOR

The Acting Finance Director made the following Formal Legislation Requests:

ORDINANCE NO. 2018-71 – REPEAL MUNICIPAL COURT AND PROBATION DIVISIONS PAYROLL
ORDINANCE

ORDINANCE NO. 2018-72 – NEW MUNICIPAL COURT AND PROBATION DIVISIONS PAYROLL
ORDINANCE

ORDINANCE NO. 2018-73 - SUPPLEMENTAL APPROPRIATIONS

Mr. Speelman moved, Mr. Quaranta seconded to approve the requests; motion CARRIED.

CITY COUNCIL COMMITTEE REPORTS and COMMUNICATIONS

(Chair/Vice Chair)

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

(Roskovics/Speelman)

The Chair reported on the committee's Tuesday, August 14, meeting, as follows:

Amendments to Codified Ordinance Chapter 1361 – Housing Code/Administration and Enforcement

The City Manager and Planning and Community Development Department staff members met with the committee to detail some of their challenges. A PowerPoint presentation on the deplorable conditions of various housing units was viewed. They will work with City Solicitor Michael Franklin to draft proposed amended legislation to Codified Ordinance Chapter 1361 at Penalty Section 1361.99, for this committee's review. The purpose of the amendment is to strengthen codes to make them more effective and impactful on violators. Mr. Roskovics moved, Mr. Speelman seconded to amend Chapter 1361; motion CARRIED.

Highland Beach Park

The committee voted to have the City of Ashtabula explore the procedures necessary to take possession of Highland Beach Park. The chair reported "we were under the impression that we already owed [the park]; but in doing the research we find that we don't." Mr. Roskovics moved, Mr. Speelman seconded to have the situation corrected.

Discussion

The Vice President asked if funds would have to be expended to move forward, such as surveying the property. The Solicitor reported his familiarity of the area is through his work in real estate. To the best of his knowledge, the property in question, which is the grassy area on the north side of Walnut Boulevard in the vicinity of the eroding control project, shows no ownership on the County tax maps. "There is urban legend that when the erosion control project was done, documents were prepared and executed and maybe even delivered somewhere, whereby the Highland Beach Owners Association

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transferred that to the City, but those documents have not been located. Going back historically to when that area was first laid out, platted, and developed, at that time the Highland Beach area was, of course, much, much larger than it is now; erosion has just devastated what was there. And, that was commons; that was property owned by all the owners of property in the Highland Beach plat, in common, which extends, I think, Union all the way around to where Walnut curves and meets West 9th Street. I'm not sure if it extends south to West 9th or it stops at West 8th. It's a significant part of that neighborhood. At least, historically when it was laid out, that was a common area owned, in common, by all of those owners.

The only sure and clear way to get title to that property, unless those historic documents can be located in some way, is either:

- a) By some sort of conveyance signed by all the property owners in that area transferring it to the City
- b) An eminent domain action where the City takes it and offers to pay fair compensation, or
- c) Combination of the two.

What that property's worth, I don't know. It's not buildable; it's got a gorgeous view, but there's no economically viable use for it except for what it's used for now. In a nutshell, those are the two methods we need to explore."

The President asked if a public hearing should be held rather than writing all the owners. He said the original Highland Beach area included Westwood and Southwood. The Solicitor responded, he did not know because the first step in the statutory process is to get an appraisal and make an offer. Who to make that offer to is part of the issue. He said he thought other areas were added later.

The President asked what the procedure is to take the property by eminent domain. The Solicitor said a lawsuit is filed and each person who may have a claim in the land is notified. There is a trial, at which the value of the property is determined, and the relative interests of the owners are determined, and compensation is ordered and paid.

The Vice President asked, "Why do we want to do this again?" The Ward 4 Councilor said, "So we can put chairs there" (*as requested by the Ashtabula City Parks and Recreation Board*). The Councilor suggested proceeding with the motion to have the Solicitor look into it and if it results in "such a tremendous pain to do it" then we drop it.

The Ward 2 Councilor asked who is paying the property taxes on the property. The Solicitor said he does not believe the property has a Tax I.D. assigned to it, but that it has been a while since he has looked at County tax maps.

The Ward 1 Councilor said an article by a newspaper reporter might produce a document.

The Ward 2 Councilor suggested the Manager have Engineering Technician Bill Jepson look at the hanging plats to see what is recorded. The Manager said this has already been done. He said, "The

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issue is when the deeds were drafted, and allegedly everybody signed them, and they were either given to the City or lost - the bottom line is they have never been recorded in Jefferson. And, in order for the property to officially become the City's, those documents need to be produced. So, whether it's written on a map or something somewhere, until those actual documents are signed we don't have it."

The President ended the discussion with, "We will have it explored. If it becomes a big issue then..."

The President called for the vote to have the matter of the City taking possession of Highland Beach Park explored; motion CARRIED.

Parks and Recreation Board

The Ward 5 Councilor/Council's Liaison to the Board, announced the last Board meeting was held at Clifford Kadon Presidential Park. Ms. Haines moved, Mr. Quaranta seconded to request approval from Council, that we would make a resolution honoring Dave Dewey. The Councilor said for the last three years Mr. Dewey has "kept the community garden", which is unbelievable, gorgeous and all volunteer. The motion CARRIED.

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

The President announced there to be no committee report.

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

The President announced there to be no committee report.

SAFETY FORCES - (SF) (Speelman/Harley)

The Chair announced the committee will meet Monday, August 27, at 8:00 a.m., in the Municipal Building second floor conference room.

WORK SESSION: No Report

LEGISLATION AGENDA

- Formal Legislation Request(s): None
- Form and Correctness: None

2nd Reading

RESOLUTION NO. 2018-66, A RESOLUTION IN SUPPORT OF LIMITING THE USE OF NON-RECYCLABLE PLASTIC STRAWS AND REQUESTING A "STRAWS ON REQUEST" POLICY BE ADOPTED (Kids for Positive Change / City Council), was presented for its second reading.

Public Comments

Ms. Camille Licate, along with Kids for Positive Change students Jason Hamilton Jr., Layla Jones, Malia Stills, Sadie Drozd, and Michelle Pasqualone commented.

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The President commented on how enjoyable and informative the entire process has been. He thanked Ms. Licate and the students for helping the City of Ashtabula be a leader in the cause for more environmentally conscience living and for “putting Ashtabula on the map”. The audience gave the students a resounding round of applause!

Mr. Roskovics moved, Mrs. Harley seconded to waive the reading of the resolution; motion CARRIED. Mr. Roskovics moved, Mrs. Harley seconded to adopt the resolution. On the roll call to adopt the resolution: Mr. Speelman, Mr. Quaranta, Ms. Haines, Mrs. Harley, Mr. Pugliese, Mr. McClure and Mr. Roskovics voted yea. The President announced, “By a 7 to 0 vote the City of Ashtabula is now a Straw on Request locale.” The motion CARRIED.

Ms. Licate commented that the campaign began in the classroom with teachers and students and extended into the community. She gave a “heartfelt thank you” to Laura Jones, Director of LEADERShip Ashtabula, for partnering with Kids for Positive Change (KFPC) and providing the FDA approved straws for the initial campaign, along with her invaluable support. She thanked the Robert S. Morrison for the grant awarded to KFPC, which supported classroom programs and this campaign. She thanked Jane Goodall’s Roots and Shoots for their support; City Manager James Timonere who has been with the campaign from the beginning in October 2017; to Clerk of Council LaVette Hennigan who fielded many, many emails; to President John Roskovics for all of his support; to all members of City Council for supporting the campaign and giving the students the opportunity to present at City Council meetings; to the community for their support; and to all those who will join them along the way.

Ms. Licate invited everyone to participate in the Saturday, September 15, International Coastal Cleanup Day (ICCD) at Walnut Beach from 9:00 a.m. until 1:00 p.m. This is KFPC’s 3rd ICCD at the Beach.

The President reported seeing a news report which said a garbage truck full of plastic is dumped in the ocean every minute; Ms. Licate confirmed the statistic to be true.

- Legislation Overview: The Clerk of Council provided.

The City Manager requested the removal of Ordinance Nos. 2018-74 and 2018-75 pertaining to the repeal and enactment of a new Codified Ordinance Chapter 951, entitled Solid Waste Disposal, for the purpose of inserting a few more amendments. Mr. Pugliese moved, Mrs. Harley seconded to approve the Manager’s request; motion CARRIED.

- Request Legislation Agenda Presentation by Consent Agenda: Mr. McClure moved, Mr. Pugliese seconded to present the Regular Business Legislation Agenda in consent agenda format, with the exception Ordinance No. 2018-76, which is a first reading; motion CARRIED.
- Public Discussion (on legislation only): None
- **Legislation Reading**

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

- **1st Reading**

ORDINANCE NO. 2018-76, AN ORDINANCE AMENDING THE TRAFFIC CONTROL MAP AND FILE TO PROHIBIT PARKING ON BOTH SIDES OF WEST 48TH STREET BETWEEN KAIN AND BENEFIT AVENUES. (City Council) Mr. Quaranta moved, Mrs. Harley seconded to waive the reading of the ordinance. The Vice President asked if letters to residents in the area were sent. The Manager reported letters were issued, feedback was provided and officers studied the request. The motion to waive the reading CARRIED. The ordinance was placed on its first reading.

The Clerk of Council presented the following legislation by Consent Agenda:

ORDINANCE NO. 2018-71, AN ORDINANCE REPEALING IN ITS ENTIRETY, PAYROLL ORDINANCE NO. 2017-146, FOR THE PURPOSE OF INCREASING THE PAY OF THE ASHTABULA CITY MUNICIPAL COURT DRUG COURT ADMINISTRATOR FROM \$20.00 PER HOUR TO \$25.00 PER HOUR, EFFECTIVE SEPTEMBER 1, 2018, IN ACCORDANCE WITH THE AMENDED MUNICIPAL COURT SALARY AND WAGES JOURNAL ENTRY. (Municipal Court Judge/Acting Finance Director)

ORDINANCE NO. 2018-72, AN ORDINANCE AUTHORIZING COMPENSATION, SALARIES AND WAGES TO EMPLOYEES OF THE ASHTABULA CITY MUNICIPAL COURT AND PROBATION DIVISIONS. (Municipal Court Judge/Acting Finance Director)

ORDINANCE NO. 2018-73, AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS IN THE POLICE AND FIRE PENSION FUNDS AND COURT SPECIAL PROJECTS FUND FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF ASHTABULA, STATE OF OHIO, FOR THE PERIOD JANUARY 1, 2018 THROUGH DECEMBER 31, 2018. (Acting Finance Director)

Mr. Speelman moved, Mr. Quaranta seconded to waive the reading of the legislation. The Ward 2 Councilor announced he is not in favor of the legislation pertaining to the Ashtabula Municipal Court. The Clerk stated that while the vote to present the legislation by consent agenda was 7 to 0, given the Councilor's objection, suggested the legislation be presented individually; the President concurred.

ORDINANCE NO. 2018-71, AN ORDINANCE REPEALING IN ITS ENTIRETY, PAYROLL ORDINANCE NO. 2017-146, FOR THE PURPOSE OF INCREASING THE PAY OF THE ASHTABULA CITY MUNICIPAL COURT DRUG COURT ADMINISTRATOR FROM \$20.00 PER HOUR TO \$25.00 PER HOUR, EFFECTIVE SEPTEMBER 1, 2018, IN ACCORDANCE WITH THE AMENDED MUNICIPAL COURT SALARY AND WAGES JOURNAL ENTRY. (Municipal Court Judge/Acting Finance Director) Mr. Roskovics moved, Mr. Quaranta seconded to waive the reading; motion CARRIED. Mr. Speelman moved, Mr. Quaranta seconded to waive the Charter requirement of two readings. On the roll call to waive the Charter requirement of two readings: Mr. Speelman (yea), Mr. Quaranta (yea), Ms. Haines (yea), Mrs. Harley (nay), Mr. Pugliese (nay), Mr. McClure (nay), Mr. Roskovics (yea). The Clerk announced the Ashtabula Municipal Charter requires a minimum of 5 affirmative votes to waive the charter requirement of two readings, announced the motion FAILED by a 4 to 3 vote, and that the ordinance was placed on its first reading.

Motion to Reconsider

The Clerk issued the notice that the prevailing side of the vote could request a motion to reconsider the waiving of the Charter requirement of two readings. Mr. Roskovics moved, Mr. Quaranta seconded to reconsider the motion to waive the Charter requirement of two readings; motion CARRIED.

Mr. Speelman moved, Mr. Quaranta seconded to waive the Charter requirement of two readings. On the roll call to waive the Charter requirement of two readings: Mr. Speelman, Mr. Quaranta, Ms. Haines, Mrs. Harley, Mr. Pugliese, Mr. McClure, Mr. Roskovics voted yea; motion CARRIED. On the roll call to adopt the legislation: Mr. Speelman (yea), Mr. Quaranta (nay), Ms. Haines (yea), Mrs. Harley (nay), Mr. Pugliese (nay), Mr. McClure (nay), Mr. Roskovics (nay). The motion FAILED by a 2 to 5 vote.

Discussion

Ward 1: I want to point some things out that I didn't realize when we were in Pre-Council. Comparing Exhibit A before to Exhibit A for the amended, there are several other raises on here. We talked about it - this was just for the Drug Court Administrator. However, there are raises for the Probation Secretary, there are raises for the Court Administrator; there are raises for the Deputy Bailiff. There are raises for several other positions – and that's why I voted no.

Clerk: The journal entry and the title of the Repeal Ordinance 2018-71 provides the reason for the ordinance – Council is only voting on the drug court administrator's increase in pay.

President: Maybe we just need more information – why this was brought to us.

Ward 3: Why at this late time, when a budget is made up every year for the Court – some is required by state law – but, why at this late time all of a sudden there's a raise coming up.

Clerk: It was mentioned in Pre-Council that the Drug Court became certified and is why the increase is requested. If there's any more explanation, perhaps the Solicitor can give anything more than what was explained in Pre-Council or either the Judge would have to do so. Council's pleasure was sought in obtaining details from the judge.?

Ward 3: Restated his inquiry, ending with "why now".

Clerk: Because the certification just happened, and asked the Solicitor if it was a state process.

Solicitor: The certification is by the Ohio Supreme Court. The Drug Court basically is a creation of what is called a Specialized Docket where cases can be moved off of the General Docket onto the Specialized Docket. I'm on the Treatment Team (the advisory team), we can take a lot more time to deal with individuals admitted to Drug Court, and hopefully help guide them into recovery which is tied to the criminal acts which they are alleged to have committed or in some case they have been convicted of committing. So it's important and is working well. What I expressed in Pre-Council was the certification occurred at least a month ago. In the Treatment team we don't discuss financial issues, but I'm not aware of the connection between Ms. Kasputis' rate of pay and the certification process;

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this is the first I've heard of it; I did not know there was a tie between those. So, perhaps Council can direct an inquiry concerning that.

Vice President: For a 25% increase, what is the certification yielding in reduction in either manpower, efficiencies, the drug issues that we have. I don't expect the drug problem to go down 25%; I'm not that myopic in my view of what's going on in court. But, are we doing the job of 25% more efficacy because of that position. Typically, in the private sector, there would be an increase in productivity, responsibility, efficiency, etc. I have no idea what the certification is. I didn't know anything about this until about an hour and a half ago.

President: The Solicitor's remarks are on point... is there a relationship between what recently has happened and the need to do this. If we can get information, that would be helpful.

The Clerk referred to the initial and amended journal entries. The Ward 1 Councilor reported her reference is to the Exhibit A attached to the journal entries. The Clerk was instructed to obtain clarification from the Ashtabula Municipal Court.

Mr. Quaranta moved, Mr. Roskovics seconded to remove Ordinance No. 2018-72 from the agenda, as it is relative to Ordinance No. 2018-71; motion CARRIED.

Mr. Pugliese moved, Mr. Quaranta seconded to remove Ordinance No. 2018-73, from the agenda, as it is relative to Ordinance Nos. 2018-71 and 2018-72; motion CARRIED.

NEW BUSINESS

Liquor Permit Request

NEW – RMM Provisions LLC dba Bushel & Peck, 1025 Bridge Street, Ashtabula, OH – Ward 2
Designations: C1 - Beer only in original sealed containers for carry out only until 1:00 a.m. and C2- wine and certain prepackaged mixed drinks in sealed containers for carry out only until 1:00 a.m. No requests for a hearing were made.

VOTE to SUPPORT Danielle DiGiacomo's Girl Scout Gold Award Project

Mr. Quaranta moved, Mrs. Harley seconded to support the project to be placed at the City Hall Annex/Justice Center; motion CARRIED.

Tell Us Something We Don't Know

1. August 29 at 7:30 p.m., there will be a public ceremony and display of the new Bascule Lift Bridge LED lights. The lights are now capable of being synchronize to music, as well. Mr. Kevin Grippi, the organizer of the fundraiser for the first set of lights is responsible for the upgrade. He was thanked for this project.
2. The Arts on Bridge Street (T.A.B.S.) is this Saturday and Sunday (8/25 and 26).

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3. Framed on Main will host an art show, Saturday, September 8, by local Photographer Joseph Childress.
4. Uncork'd Wine Fest is Friday and Saturday (8/24 and 25) at Lakeshore Park.
5. The Ashtabula Downtown Development Association's annual Art in the Alley Festival will take place Saturday, September 1, from 3:00 p.m. to 8:00 p.m., in the alley by Dublin Down Irish Pub and Eatery. Twenty-Seven artists are scheduled to show.
6. A new covered walkway has been installed by Dublin Down for the Festival.
7. Trash pick will be delayed one day the week of September 2, due to the observance of the Labor Day Holiday, Monday, September 3.
8. The next Regular Council meeting will be Tuesday, September 4.

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 8:05 p.m.

DATE APPROVED:

September 4, 2018

ATTESTED BY:

John S. Roskovics
John S. Roskovics
President of Council

ATTESTED BY:

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