

ASHTABULA CITY COUNCIL
REGULAR MEETING MINUTES

Monday, October 6, 2014

Call to Order: Council met in a **REGULAR MEETING**. The President of Council called the meeting to order at 7:00 p.m.

Opening Ceremony (Prayer/Pledge/Moment of Silence): Pastor Doug Wright of First Baptist Church, Park Avenue, offered the opening prayer and the Pledge of Allegiance was recited.

Members Present:

Mrs. Josephine Misener	(Ward 4 Councilor)
Mr. Kris E. Hamrick	(Ward 5 Councilor)
Mr. Richard F. Balog	(Ward 1 Councilor)
Mr. August A. Pugliese	(Ward 2 Councilor)
Mrs. Alice T. Cook	(Ward 3 Councilor)
Mr. Christopher J. McClure	(Vice President)
Mr. J. P. Ducro IV	(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: None

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

Presentations: The Council President passed around a “beautiful” booklet recently published titled, ‘Ashtabula County, Ohio - Where Great Things Happen’. It was published Ashtabula County Commissioners: Daniel Claypool, Peggy Carlo, and Joseph Moroski, to encourage economic development in Ashtabula County, and tells of the many wonderful things there are to do in our county.

Executive Session: None

Reconvene Open Meeting: N/A

Action resulting from Executive Session: N/A

CONSENT AGENDA

The Consent Agenda is a means whereby Council is able to more efficiently conduct business by grouping together routine items and disposing of or enacting them by one motion, a second, and a vote.

APPROVAL OF MEETING MINUTES

The Clerk of Council presented the September 15, 2014 Regular Council Meeting minutes for disposal. Mr. Balog moved, Mr. Pugliese seconded to waive the reading of the minutes; motion CARRIED. Hearing no corrections, the minutes stood approved as presented.

FORMAL LEGISLATION REQUESTS - None

PUBLIC DISCUSSION (Consent Agenda Legislation Only) - None

LEGISLATION READING

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

ORDINANCE

2014-152 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH WARREN FIRE EQUIPMENT, INC., IN AN AMOUNT NOT TO EXCEED \$13,692, FOR THE PURPOSE OF PROVIDING THE CITY OF ASHTABULA FIRE DIVISION WITH NECESSARY EQUIPMENT. (City Manager)

RESOLUTION

2014-153 A RESOLUTION SUPPORTING THE PASSING OF THE ASHTABULA COUNTY METROPARKS 0.5-MIL, 5 YEAR, OPERATING AND IMPROVEMENT LEVY. (City Council)

Mr. Balog moved, Mr. Pugliese seconded to waive the reading of the above Consent Agenda Legislation; motion CARRIED. Mr. Balog moved, Mr. Pugliese seconded to waive the Charter Requirement of two readings of the above Consent Agenda Legislation. On the roll call to waive the Charter Requirement of two readings: Mrs. Misener, Mr. Hamrick, Mr. Balog, Mr. Pugliese, Mrs. Cook, Mr. McClure, Mr. Ducro IV voted yea; motion CARRIED. On the roll call to adopt the above Consent Agenda Legislation: Mrs. Misener, Mr. Hamrick, Mr. Pugliese, Mr. Balog, Mrs. Cook, Mr. McClure, Mr. Ducro IV voted yea; motion CARRIED.

(END OF CONSENT AGENDA)

REGULAR AGENDA

READING AND DISPOSAL OF MEETING MINUTES – None

CITY MANAGER'S REPORT

Water Pollution Control – Industrial Pretreatment Program Consultant

The City Manager requested an ordinance to enter into an agreement with CT Consultants of 8150 Sterling Court, Mentor, OH 44060, for the purpose of providing professional services to administer the Ashtabula City Water Pollution Control Industrial Pretreatment Program in the amount not to exceed \$31,000.00, as best and most responsible proposal. Funds for this expenditure will be taken from Account Number 503-150-5320. Mr. Pugliese moved, Mr. Balog seconded to grant the City Manager's request; motion CARRIED.

Water Pollution Control – Generator Purchase

The City Manager requested an ordinance to enter into an agreement with Kraft Power Corporation of 4039 Millennium Blvd., Massillon, OH 44646, for the purpose of providing a generator for the Water Pollution Control department in the amount not to exceed \$14,887.00. Funds for this equipment will be taken from Account Number 503-150-5500, titled Capital Improvements. Mr. Pugliese moved, Mrs. Cook seconded to grant the City Manager's request. The Manager reported the generator will run on natural gas. It is also less costly to purchase a new generator than it is to repair the existing one. The equipment will be moved from the interior of the building to the exterior. The motion CARRIED.

Main Avenue Property Transfer

The City Manager requested an ordinance to transfer the following property parcels to the Ashtabula Township Park Commission for the purpose of gaining access to Indian Trails Park: 05-205-00-002-00, 05-207-00-023-00, 05-207-00-022-00, and 05-207-00-021-00. Mr. Pugliese moved, Mrs. Cook seconded to grant the City Manager's request. The Manager explained these parcels are immediately south of the former Sardi's club, with the exception of the property located directly next to it the former club. The Manager said the property transfers will also cause there to be a renewed focus to get the North Shore Trail completed. The motion CARRIED.

Halloween Trick or Treat

The City Manager announced Halloween Trick or Treat, for City of Ashtabula residents, will take place on October 31, from 5:00 p.m. to 7:00 p.m.

Questions/Comments for the City Manager

2014-2016 Paving Program Update: At the President's request the Manager provided the following update: The Paving Program is on track, lots of asphalt will be laid this week, milling of roads that area scheduled to be paved next will continue, coordination of work with subcontractors for curbing, aprons, catch basin, and manhole repair/replacement is going very well. The Manager said a ton of construction is happening throughout the City', such as: paving, GreatWave's (formerly Suite224/Conneaut Telephone Company) fiber optic installation on Lake Avenue, our Traffic Signalization Project, and the West 9th Street Tributary (televising and cleaning). He said right now he is very happy with the paving project and asked motorist to be patient.

The President asked if how long the paved roads should last is able to be predicted. The Manager said while there is no prediction he believes the roads now being paved should last at least 25 to 30 years. The reason being is because it has been discovered these roads were not milled before an inch and a half section of asphalt was layed over the top of what was existing, and they have lasted for 25 to 30 years (which was the last time they were paved). Therefore because the roads now being paved are being milled prior to paving (during which manholes are being discovered), and because several catch basins and manhole repairs/replacements are being performed, the roads should last another 25 to 30 years. The Manager added that the City has to be diligent in creating a crack seal program, executing the program for roads paved from 2007 through the current paving project, and addressing problems as they occur.

The President asked if there is recourse when 'delamination' occurs, such as was the case on Gladding Avenue. The Manager said it will depend on the circumstances. He said because of the size of our paving project, the contractor selected, and the use of a consultant hired by the City who is with the contractor as they are paving, he believes something would be able to be worked out. But, he said nobody gets a 'guarantee slip' when roads are layed. He said undoubtedly something will happen, but as much as possible it is trying to be mitigated. He reported that prior to the paving project beginning, Aqua Ohio water company was provided with a roster of streets that would be paved. He said they have assisted by installing laterals in such a way that if something were to happen they could abandoned those and run new mains in the treelawn rather than the road. City representatives will also meet with Aqua Ohio representatives tomorrow to discuss repairs to street cuts they made on other roads.

The Manager noted comments about the paving project are being made. He reminded everyone that this paving project was a year in the making, during which time comments could have been made. A public meeting was also held specifically to explain the project and to allow the public to ask questions; it was attended by a few.

Former West Avenue School – Fire Damaged Structure: At the request of the President, the Manager provided the following update: The EPA has begun to raze the structure and remediate the site. They have requested the City close the sidewalks and parking lot for spectator safety. The Manager asked pedestrians to avoid the area. He said the demolition is very methodical because when it was determined there was asbestos present and the asbestos could not be remediated due to the fire, every piece of material has to be treated as if it contains asbestos. The goal is to have the property clean and ready to sell within the next couple of weeks, at no cost to the City. There are parties interested in purchasing the property. When the EPA was working at the former Ashtabula Iron and Metal site they inquired as to what was going to be done with the burned property. At that time we pleaded for their assistance because neither the property owner nor the City had the funds to remediate it. The EPA believes it is going to take \$600,000 to address the property. The City Manager thanked the EPA for their assistance. He also thanked the City Solicitor for working out the legal details so the City could obtain the property in order to provide the EPA access onto the property. The President echoed the Manager's appreciation to the many people who came together to make the project happen; including the Manager.

CITY SOLICITOR'S REPORT - No Report

FINANCE DIRECTOR'S REPORT

The Finance Director reported a larger sewer and trash billing and income tax customer service window was installed. She reported the sewer and trash window is 'unofficially' open all day, again, to take payments and provide service. January 2015 it will be official.

CITY COUNCIL COMMITTEE REPORTS and COMMUNICATIONS

Community/Economic Development/Parks & Recreation (Mrs. Misener/Mr. McClure)

The Chair reported the following:

Committee Meeting: The committee would not meet in October due to the Columbus Day holiday.

Parks & Recreation Board: The Board will meet on Tuesday, October 14, at 6:30 p.m., in the Pre-Council Chambers.

Events:

Karen Flack Tree Planting: The ceremony is scheduled for Saturday, October 11, at 11:00 a.m., in South Park.

Fall Festival: My Neighborhood will host the festival at Clifford Kadon Presidential Park on Saturday, October 11, from 3:00 p.m. to 5:00 p.m.

Downtown Treat-or-Treat: Ashtabula Downtown Merchants Association (ADDA) will host the affair on Saturday, October 25, from 11:00 a.m. to 1:00 p.m.

South Park Cleanup: After School Discovery (ASD) will host the cleanup on Friday, October 24, from 2:00 p.m. to 6:00 p.m. Several young people are scheduled to participate. Speakers are scheduled to talk with them about character traits, skills, and what it takes to become an entrepreneur.

Finance and Personnel - (Mr. Ducro IV/Mr. Balog): The Chair reported:

Next Meeting Date: The Committee will meet on Friday, October 10, at 8:00 a.m., in the Municipal Building 2nd floor conference room.

Policies: The Finance Director reported the proposed Internal Control and Card Purchasing policies that were distributed at the September committee meeting will be discussed.

Public Works/Utilities/Schools – (Mr. McClure/Mr. Pugliese)

The Chair reported on the committee's Friday, October 3 meeting, as follows:

Removal of Old Utility Poles: Several old FirstEnergy utility poles have been replaced but remain standing next to the new ones. FirstEnergy reports all their equipment has been moved to the new poles, and that it is the responsibility of the Windstream and Time Warner Cable to remove theirs. The responsibility for taking down the pole belongs to the last company to remove their equipment. FirstEnergy asked the City to report to them where the double poles are located. It is the committee's position that it is these three companies responsibility to determine where the poles are and get the project completed. Reports of double poles may be called into the City Manager's office, and he will turn them over to FirstEnergy.

2014-2016 Paving Program: The weather will determine how the Program progresses. Newly hired Public Services Superintendent (PSS) Larry Meaney will work with the County to see what ditching assistance they are able to provide starting next year.

Public Works Department: The newly hired PSS's first 30 days have been spent familiarizing himself with the existing systems. He will reinforce a 'grid' type system for storm drain jetting and cleaning, street sweeping, and snow plowing. The PSS is also reviewing how trouble tickets are handled. He reduced the 300 backlogged tickets to 50, and the manner in which the tickets are handled was discussed. The Manager noted the department had a software program which was "being extremely underutilized until this point". The Chair reported the PSS will tweak the existing processes and procedures on an as need basis. He lastly reported the PSS said the order in which roads will be snowplowed will be the mains, the secondaries, and then the side streets.

Yard Waste Bag Pickup: The City's yard waste bag pickup will resume today and continue through December, is free, and will coincide with sanitation routes.

Waste Water Treatment Plant (WWTP): The Plant's Superintendent, Mr. Craig Pierce, provided the committee with an extensive project and needs update. He said he is making progress on the Industrial Pretreatment Program's project list.

The Chair said the remainder of the matters discussed at the meeting was covered during this evening's Manager's Report.

Next Meeting: The committee will meet in November.

Safety Forces – (Mr. Balog/Mrs. Misener)

The Chair reported on the committee's Monday, September 22, meeting, as follows:

Ohio Bureau of Investigation: Representatives called the afternoon of the meeting to cancel their visit due to their attention being needed on a major incident. The Chair asked the Ward 5 Councilor to reschedule their visit.

Speed Limit Signs: The speed on residential streets, when not posted, was discussed and thought to be 25 mph. The Chair asked the Solicitor to comment. The Solicitor reported the default speed in a residential district is 35 mph, and 25 mph in commercial. He said logically it should be the other way around, but is not. The Chair told the City Manager we may want to revisit some of the major roads, such as Ohio Avenue, and post them at 25 mph. The Manager said legislation would be required, and suggested the Police department weigh in on where they believe the 25 mph postings should be. The Chair directed the Clerk of Council to leave this item on the committee's agenda roster.

Former West Avenue School: The update was provided during this evening's Manager's report.

Police Division Blotter Report: Police Chief Robert Stell has provided the committee with the report for the last few months. At this meeting the report for the period July 18 through September 21, was reviewed. During that time there were 2755 calls for service, generating 1035 police reports. The committee has been discussing loud music violations, both moving and stationary. During this report period there were 51 complaints, and 6 citations were issued. What it would take to get a few more citations issued was discussed. The Police Chief told the committee that typically a warning will be issued for the first offense, which usually works. If they have to return to a location a citation will be issued. The committee requested more attention be given to loud music coming from vehicles.

Police Department Annual Report: The report was reviewed and thought to be very well done. Being a former Ashtabula City Fire Chief, he knows the Ashtabula City Charter requires the Fire Division to provide an annual report. He said the report is good to have for historical purposes; and suggested a report from all of our departments would be good, for the same purpose.

Civil Service Rules & Regulations: The Civil Service Commission continues to look at the fire and police chief hiring process. The largest change being proposed "is to go to an assessment center testing, and we're going to have a little more chance to pick from those competing for the Chief's job. We hope to be able to pick from the top three candidates."

Agenda: The committee removed some long standing items from their agenda.

Next Meeting: The committee's monthly meeting has been moved to the 4th Monday of each month, at 4:00 p.m. The next meeting will be October 27.

Questions and/or Comments to Committee

Loud Music Citations: The Ward 4 Councilor asked if the citations were given for moving or stationary violations. The Chair said the blotter report did not contain that information. The Councilor asked the Solicitor if a person who is cited goes to court. The Solicitor responded, yes. There are two different but somewhat similar excessive noise ordinances. One involves 'what I would call stationary music – music that is generated on a property. The other one involves mobile music – music generated from a car.

There is a crossover circumstance where a car is parked stationary in someone's driveway, and the sound system is turned up to the point that the neighbors are complaining. And, in that case, it's a matter of the officer's discretion as to what section he cites under. But, they're very similar." He reported that a first offense is a minor misdemeanor, and a fine must be paid. On repeat offenses 'I believe it starts going up'. There is also a point at which the sound system may be forfeited.

Work Session – No Session/No Report

FORMAL LEGISLATION REQUESTS - None

PUBLIC DISCUSSION (Regular Agenda Legislation Only) – None

CONSENT AGENDA DISPOSAL: Mr. Balog moved, Mr. Pugliese seconded to dispose of the Regular Agenda Legislation by Consent Agenda format; motion CARRIED.

LEGISLATION READING

The Clerk of Council presented the following legislation for consideration:

ORDINANCE

2014-154 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CT CONSULTANTS FOR THE PURPOSE OF PROVIDING PROFESSIONAL SERVICES TO ADMINISTER THE CITY OF ASHTABULA'S INDUSTRIAL PRETREATMENT PROGRAM. (City Manager)

ORDINANCE

2014-155 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH KRAFT POWER CORPORATION FOR THE PURPOSE OF PROVIDING A GAS GENERATOR FOR THE WATER POLLUTION CONTROL FACILITY. (City Manager)

Mr. Balog moved, Mr. Pugliese seconded to waive the reading of the above Regular Agenda Legislation; motion CARRIED. Mr. Balog moved, Mr. Pugliese seconded to waive the Charter Requirement of two readings of the above Regular Agenda Legislation. On the roll call to waive the Charter Requirement of two readings: Mrs. Misener, Mr. Hamrick, Mr. Balog, Mr. Pugliese, Mrs. Cook, Mr. McClure, Mr. Ducro IV voted yea; motion CARRIED. On the roll call to adopt the above Consent Agenda Legislation: Mrs. Misener, Mr. Hamrick, Mr. Pugliese, Mr. Balog, Mrs. Cook, Mr. McClure, Mr. Ducro IV voted yea; motion CARRIED.

UNFINISHED BUSINESS – None

NEW BUSINESS

Liquor Permit (Transfer) Request - (Ward 2)

From: Iroquois Lounge Inc., d/b/a Iroquois Lounge, 1st Floor & Basement & Garden,
1128 Bridge Street & Patio, Ashtabula, OH 44004

To: Iroquois Lounge LLC, d/b/a Iroquois Lounge, 1st Floor & Basement & Garden,
1128 Bridge Street & Patio, Ashtabula, OH 44004

Permit Designations Requested:

- D5 Spirituous liquor for on premises consumption only; beer and wine for on premises and off premises in original sealed containers until 2:30 a.m.
- D6 Sale of intoxicating liquor on Sunday between the hours of 1:00 p.m. and Midnight

Neither the Ward 2 Councilor nor any members of Council objected to the request.

Former Degees Renames: The Vice President commented on the name change at the former Degees bar, and asked if they have to request a liquor permit change. The Manager said if the name of the bar changed a liquor permit change would be required. He believes a tenant is operating a different business on the premise, but he will check.

MISCELLANEOUS – None

GENERAL PUBLIC DISCUSSION

Mr. Doug Monroe, 5650 Woodman Avenue, Lot 61: voiced concern with the way in and frequency with which the owner of the mobile home park he resides in is billing tenants for sewer and trash. He asked if, as the owner of his mobile home, he could receive the sewer and trash bill. The Finance Director reported the City bills bi-monthly; the water company monthly. She said the bill has to be sent in the name of the company who owns the park. She said she is very aware of Mr. Monroe's concern, her department has spoken with the park owner many times, and she will try and reach out to the owner again.

Mr. Monroe suggested the new Water Pollution generator be housed in an enclosed structure, in order to keep it safe and secure.

Mr. Monroe said a white East 6th Street house, on the right hand side of the road, near Joseph Avenue going towards Goodwill Drive, which always has tall grass, was on the front page of the Star Beacon newspaper. He said it is supposed to be razed but remains standing.

He said the front door is always wide open, that he hopes it is razed soon, which might rid the area of roaches. The Manager said, "I believe what happened with that newspaper article was the grant that Ashtabula County Land Bank (ACLB) applied for, in which we submitted 99 properties within the City to be torn down. I believe what the paper did was look at that list, and took some photographs of those homes that could have the potential to come down." The Manager issued a reminder that the ACLB was awarded a \$500,000 grant for demolition activity. The City will have nowhere near the funds to remove all 99 homes, because the grant funds are for the county-wide demolition program. "Therefore, as the properties go through the foreclosure process, and then are acquired by the ACLB, we will be notified in which order and where the properties are, and ACLB will determine which ones come down based on our recommendations. The Manager said the City will take a look at the house and secure it.

Garbage Can Billing: The President reported someone insisted they are being billed for a residential City garbage can, and believes this is only true for commercial garbage dumpsters. The Manager confirmed this to be true.

Scams: The Vice President reported there is an abundance of telephone scams occurring, including an IRS scam. He said the callers are bold and threatening, and asked residents to beware.

Ms. Pat Blum 1540 West 17th Street: reported she called Windstream about extra telephone poles, and said they were nice, checked the entire street, and removed the old poles.

Ms. Blum reported the yellow signs with white blinking lights by Lake City Plating would be idea for stop signs on dark roads.

Ms. Blum expressed frustration with the condition of the office of Doctors Nag and Rag. She said she does not know what is going on with the building, but wishes the property would be cleaned up.

Ms. Blum reported she heard 1508 West 17th Street is up for Sheriff's sale. She said there is a big limb and other debris on the property, and whoever owes the property should clean it up.

Ms. Blum reported there are several weeds, trash and animals at 1535 West 17th Street.

Ms. Blum said deer are eating her flowers and asked what could be done to reduce the deer population.

Ms. Blum reported the grass at the City's Equalization Basin is high again.

Ms. Blum commended Koski on the road work they are doing on West 17th Street, and said they are very considerate of the residents.

Ashtabula City Regular Council Meeting
Monday, October 6, 2014

EXECUTIVE SESSION: None

RECONVENE OPEN MEETING: N/A

ACTION RESULTING FROM EXECUTIVE SESSION: N/A

CLOSING REMARKS

Next Meeting: The President announced the next Regular meeting is scheduled for Monday, October 20, at 7:00 p.m.; Pre-Council at 6:00 p.m.

Tag Line: The President reminded everyone to “Remember to Keep Believing in Ashtabula!”

ADJOURNMENT

Mr. Pugliese moved, Mr. Hamrick seconded to adjourn the meeting at 7:58 p.m.

DATE APPROVED: _____

ATTESTED BY: _____

J.P. Ducro IV, President of Council

ATTESTED BY: _____

LaVette E. Hennigan, MMC, Clerk of Council