

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

REGULAR MEETING MINUTES
Monday, October 15, 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)
Ms. Jane E. Haines (Ward 5 Councilor)
Mrs. Kym A. Harley (Ward 1 Councilor)
Mr. August A. Pugliese (Ward 2 Councilor)
Mr. Richard A. Quaranta (Ward 3 Councilor)
Mr. John S. Roskovics (President)

MEMBER(S) ABSENT: Mr. Christopher J. McClure (Vice President)

OFFICER(S) PRESENT: Mr. James M. Timonere (City Manager)
Mr. Michael Franklin (City Solicitor)
Ms. Traci Welch (Director of Finance)
Mrs. LaVette E. Hennigan, MMC (Clerk of Council)

OFFICER(S) ABSENT: None

EXCUSED ABSENCE(S): Mr. Speelman moved, Mr. Pugliese seconded to excuse the Vice President from this meeting; motion CARRIED.

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

AGENDA APPROVAL: None

PRESENTATION(S): None

EXECUTIVE SESSION: None

CONSENT AGENDA

The Consent Agenda is a means whereby Council is able to efficiently conduct business by grouping routine items for consideration and disposal.

PRESENTATION OF MEETING MINUTES

None

LEGISLATION AGENDA

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

REGULAR BUSINESS

PRESENTATION OF MEETING MINUTES

At the Clerk's request, Mr. Pugliese moved, Ms. Haines seconded to remove the presentation of the October 1, Regular Council Meeting minutes from this agenda; they will be presented November 5. The motion CARRIED.

ADMINISTRATIVE REPORTS and COMMUNICATIONS

CITY MANAGER

The City Manager presented the following:

Halloween Trick or Treat

Halloween Trick or Treat for City residents will be observed October 27, from 5:00 p.m. to 7:00 p.m.

Former Carlisle's Building (Main Avenue)

The City has been working with the U. S. Environmental Protection Agency (USEPA) for a little over two years. They have performed tests on the inside of the structure. Airborne asbestos (termed "friable", was found in the building. So, the USEPA is sealing up the windows and doors for health and security purposes. The goal is to be finished by the end of next week.

The building is a "zombie" property", for which there are no demolition funds. It has gone through all the foreclosure processes and has been forfeited to the State of Ohio. Because of the building's condition and because so many buildings have been forfeited to the State of Ohio, they will not take ownership of the structure. So, the City is left to figure out what can be done with it until we get it demolished.

2018 Paving Project

This weekend the project was completed. The northbound side of the West Avenue overpass is exactly how it should be. It was ground, and intermediate and surface courses were laid. There is only an intermediate course on the southbound side, for the time being. The portion from the bridge's south side to Route 20 will be paved next year; the City and Aqua Ohio will share in this cost.

Route 20 Paving Project

The project is progressing, will go clear to Home Depot in Ashtabula Township, and is scheduled to be completed by the end of this month.

Curbside Recycling Program (Enacted in Wards 1 and 2 Only)

Inquiries are being made about the new program. A page specifically for recycling education purposes has been created on the City's website (www.cityofashtabula.com). Friday, November 9, will be the first recycling pickup and will be in Ward 1. Recycling pickup will take place Saturday, November 17, for the first time in Ward 2. Pickup will take place every other Friday, thereafter.

Recyclables may be delivered to the Transfer Station or any County drop-off sites all year-round.

The City's curbside program was enacted because the City of Ashtabula's participation is key to Ashtabula County meeting the Ohio EPA mandate of 90% access to recycling.

The Manager believes it is ultimately going to be good for the City, but needs to be given a chance. He would like to get to the point where recycling has to be picked up weekly versus every other week. "Our landfill bill is hundreds of thousands of dollars". Recycling is predicated to reduce landfill costs by 25%, if everyone participates. If successful, it could mean we could reinstate City-wide clean ups or at least permit residents to deliver a certain weight to the Transfer Station, free of charge. The savings could also mean new equipment purchases. The program should reduce worker injuries due to the use of flippers v. manpower pickup.

He asked that residents be patient while the bugs are worked out. The elderly and physically challenged will be assisted if they make their needs known.

Questions/Comments for City Manager

The Ward 2 Councilor reported receiving complaints about a semi truck driver who resides on Walnut Boulevard by the tennis courts, and runs his truck all night.

The President received confirmation from the Manager that Wards 1 and 2 residents should hold on to the plastic and aluminum garbage cans they no longer will use until the Manager provides disposal instructions at a later date. The Manager said he uses them to house his children's balls in his garage. He said they could be used as rain barrels, as well, but will announce what to do with them at a later date.

The Manager said not all plastics numbered 1 through 7 are recyclable, such as picnic coolers which also contain Styrofoam. Also not recyclable are plastic grocery bags. He stated when it is all said and done, plastic garbage cans may not be an item the City is able to dispose of for residents.

The Ward 5 Councilor inquired about the missing West 58th Street sidewalks. The Manager reported Aqua Ohio will install new sidewalks by the end of the year.

The Ward 5 Councilor reported a stop sign at the corner of Adams & West 57th Street has been spray painted with "lovely words".

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The Ward 4 Councilor asked when Rooter Roto is going to repair the Valleyview Boulevard road cut they made several months ago. The Manager said he spoke with them today and was told it will be done.

The Ward 2 Councilor reported the spray painting of Chris, Kevin and 2.9, city-wide, continues.

The President suggested the gray blocks the USEPA will use to secure the front windows of the former Carlisle's building are perfect for painting a window display. The Manager said the brick was chosen because of the mural possibility.

CITY SOLICITOR

The Solicitor thanked City Council, on behalf of the staff who works in the City Hall Annex/Justice Center building, for doing what was necessary to allow the paving of the facility's public portion of the parking lot. It had not been paved for many years and was in horrible condition. Now it is in wonderful condition, with new stripping and has greatly improved the building's appearance; it feels a lot more like a courthouse. "It is my hope that people who come there will understand that we do take the business that goes on in that building very seriously."

DIRECTOR OF FINANCE

The Director of Finance reported:

- The City is doing well, we are fiscally okay; there are a couple concerns, most of which could be eliminated by closing open purchase orders and coming more in line with collected revenue. One primary concern to address is the City's monthly Health Insurance Consortium payment of \$225,000. Currently there are insufficient funds budgeted to get through the end of the year. She is working with staff and the City Manager to present an appropriation for the next regular Council meeting so the consortium payment may be made.
- She is fully aware there are Service Billing (sewer/trash) issues. She has faith in the staff who are diligently working to quickly get the issues resolved. In the meantime, she appreciates citizen's patience. The President noted this matter is scheduled to be discussed at the City Council work session scheduled for Monday, October 22, at 5:30 p.m.

CITY COUNCIL COMMITTEE REPORTS and COMMUNICATIONS

(Chair/Vice Chair)

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

(Roskovics/Speelman)

The Chair asked committee member Haines to report on the committee's Tuesday, October 9, at 4:00 p.m. meeting. She did so, as follows:

1. LEADERShip Ashtabula County – Laura Jones, Director; Kelli Jones and Stacey Stevenson, Program Directors were present. They reported the program is "dedicated to developing people who improve the quality of life in Ashtabula". There are two primary programs – Youth

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LEADERShip and the Signature program in which 30 adults, per year, participate. Their presentation about the happenings in Ashtabula County was very interesting.

2. Parks and Recreation Board

- The Board would like to know if the clearing of the hill behind Harbor Topky Library has been let for bid. The Manager said he knows the Board wanted the project done but has not been told they wanted him to move forward with it. He said, "If we need to put a bid packet together for that, we can do that." Later in the meeting the Clerk of Council reported this item remains unresolved with no direction given to the City Manager. She asked should the Manager move forward with getting bids to clear the property. The City Manager said the project will be over the amount he is permitted to spend before obtaining Council approval. He then said when it was first discussed; the scope of the project was "cleaning out all of the brush underneath and raising the canopy up. Was there more discussion or resolve in the western part of the hill behind the tennis courts area, such as removing all the trees to eventually put a look-out or a sledging hill at that point? So, is that going to be an alternate bid within the bid? It probably would be advantageous for us to do it that way. A base bid to clear it all out; and an alternate bid to remove certain portions of the western trees." The alternate would include removing the stumps and smoothing out the area. The Ward 2 Councilor believed there was a bid let a few years ago to get the stairs, behind the library, replaced and believes this project needs to take place, as well. The Manager said if anything is done with those stairs it would be to totally remove them. The Ward 2 Councilor said the replacement of those stairs was to be a special project. The Manager suggested he and the Councilor speak after this meeting. The President suggested erosion control will have to be included in the project because the trees help to control erosion. The Manager said once the bids come back the affordability of the project can be determined.
- The City Manager was thanked for the bicycle racks placed at Clifford Kadon Presidential Park (CKPP).
- The City Manager was asked for the status of the NatureWorks Grant for restrooms at CKPP? The Manager reported the Ohio Department of Natural Resources (ODNR) has not yet announced grant awards.

3. Walnut Beach

- The Board would like a better communication system at the beach. Currently there is no dedicated emergency call system for lifeguards to rely on. They use personal cells phones or leave their post to go to the callbox. The Manager said the callbox is working, and lifeguards are responsible to test it each morning. Last year, or the previous year, the City looked at some type of system that was more like a "call button". Also discussed [with them] was having one of our Fire Department radios for immediate response. But, those conversations have not taken place in over one year. The Manager reported, "I know that the system we were looking at, because of the contours of the beach and getting it back for a signal to an alarm system that would eventually have to be put into the concession stand, I believe we were around \$3,000 to \$5,000 for a system like that. And, it would require radio towers on the beach." The Ward 4

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Councilor announced this topic will be discussed at his October 22, Safety Forces Committee meeting. The Manager said walkie-talkies are currently provided for lifeguards but are not on our radio channel

- The Board's hope is to get bids for concession stand renovations, to include the roof, and perform the work in spring 2019. The Manager said specifications are being put together and he knows "we're a go".
4. The Board would like to know the balance of Parks & Recreation Funds and would like a breakdown of expenditures, thus far. The City Manager said this was provided to the Board "several times" over the last few months. The Clerk reported more than what has been requested her was asked for at the CD/ED/P&R Committee meeting, and was placed in the committee's meeting minutes as notice to the City Manager. Some of those items are:
- A monthly financial breakdown of funds used and for what they were used
 - P & R crew's monthly accomplishments and hours worked, and
 - A work progress chart showing what projects, outside of mowing and picking up trash, P & R crews accomplished each month.

The Ward 5 Councilor reported that at the August 14, CD/ED/P&R Committee meeting, the committee asked that harsher penalties be placed in Codified Ordinance Chapter 1361 "Administration and Enforcement" of the Housing Code, at Section 1361.99, such as making violations a "Misdemeanor One Felony", to coincide with the Fire Code. The Solicitor responded, "We, being any city, cannot create a crime that is a felony; only the State can do that. We also cannot make a crime, which is already on the books as a State crime, as a misdemeanor, a more serious misdemeanor. For example: In the City of Ashtabula, well, throughout the State, drunk driving is a 1st degree misdemeanor; at least on your first three offenses. We couldn't say in the City of Ashtabula it's a felony; we're not allowed to do that. Similarly, Criminal Trespass under the State Code is a 4th degree misdemeanor. We can't say it's a 1st degree misdemeanor in the City of Ashtabula. We have some limitations as to what we can do in terms of criminal penalties. So, I can look at any specific legislation that is requested and report whether or not I believe we are allowed to do it. But, we do have some limitations." The Clerk reported the action out of committee regarding this items was that the City Manager and the Planning and Community Development (PCD) Department would meet with the City Solicitor to talk about what can be done to enact harsher measures for repeat offenders; and that is where it was left. This was the meeting where PCD presented a PowerPoint presentation on deplorable housing conditions around town. The President said the committee's goal was to encourage landlords (property owners) to be timelier in repairs and replacements and to provide better housing accommodations. The Ward 4 Councilor asked if this is now a "non-issue, unless it can be enforced by the Fire Code, which has a stiffer penalty - we're kind of at an impasse; we can't change it." The Solicitor responded, "Correct. Captain Chase of the Fire Department and I were talking on a similar level about some issues we're having with intentionally damaging fire control apparatus inside a building, as some of our jail inmates sometimes think it's fun to do. It's a misdemeanor. Captain Chase went so far as to contact a legislative liaison whom fire inspectors work with to see about upping the penalties for that kind of vandalism and making it an automatic felony." The Ward 4 Councilor said then it would be advantageous if the City had at least one other Housing Inspector to help enforce the minimal

penalties. The Solicitor said he concurs and then said, "Code Enforcement is difficult when it's all being handled by one person because the more active that person is the more citations he or she writes, the more often he or she is going to be tied up in the Municipal Court testifying or waiting to testify. The Ward 5 Councilor said the hope, at the meeting, was that we could hire someone else. The Manager said at the meeting he reported they are working on it; that it is just a matter of getting the job description language together – realizing it can only be done as a part-time position, and then having negotiations with the unions on how it will play out. He said, "We actually do believe we can make this happen with a part-time person through the funds that we have in Code Enforcement without affecting the General Fund."

The President said he enjoyed the portion of Ms. Jones' presentation having to do with products that are manufactured in Ashtabula County that we use on a daily basis.

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

The Vice Chair reported on the committee's Friday, October 12, meeting, as follows:

- The Finance Director touched on the finances.
- The Municipal Court's (MC) pay was discussed, in particular the Scheduling Clerk position:
 - It was established under former MC Judge Albert Campese as a way to provide additional compensation to Deputy Clerks for taking on extra responsibilities (Assistant Director of Finance Carolyn Sheldon said MC Deputy Clerks perform the tasks that those holding the position of Administrative Assistant in the City perform, but are paid less per hour)
 - MC and Probation Divisions payroll Ordinance No. 2018-78, eliminated the Scheduling Clerk position
 - The Solicitor commented on the MC Judge DiGiacomo's journal entry announcing the day after Thanksgiving will be considered a holiday for Court staff, and
 - At an information meeting held earlier this week and at this committee meeting it was determined that the Scheduling Clerk position should be reinstated.

Mr. Pugliese moved, Mr. Quaranta seconded to draft repeal and replacement payroll legislation to address the Scheduling Clerk pay, and to present this request and the request that only 26 Municipal Court pays are issued annually, to the full City Council for their consideration. The Ward 4 Councilor clarified that this motion, if passed, would mean there would be no journal entries awarding Municipal Court staff bonuses, stipends, etc., and the Court staff would only get paid 26 times a year. The motion CARRIED.

- The City Manager is going to meet with each JEDD Board to advise them of the State Audit findings.
- The President asked if the City will receive a resolution from the Auditor of State office for being 1 of 4 municipalities to get an Award of Distinction for their audit. The Director of

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Finance said a State Auditor's representative delivered the certificate; that they do not always make a formal presentation, especially if the award is received on a regular basis. The President suggested the award be presented to the Finance Department staff at the November 5, Regular Council meeting. The Director said she would not be a part of the award reception since she was not on board at that time.

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

The President announced the committee did not meet in October.

SAFETY FORCES - (SF) (Speelman/Harley)

The President announced the committee will meet Monday, October 22, at 8:00 a.m. The Chair urged citizens to vote for the Police Levy Renewal in November. He said it pays for 25% of our police force, who has been busy putting drug dealers in jail.

WORK SESSION

The President issued a reminder that City Council will convene a work session Monday, October 22, at 5:30 p.m., in the Municipal Building 2nd floor conference room. The topics will be Council Rules, a Charter amendment addressing a City Council ethics policy, review of vacant Council Boards and Commissions appointments, and Service Billing.

LEGISLATION AGENDA

- Formal Legislation Request(s)
- Form and Correctness: None
- Legislation Overview: The Clerk of Council provided a brief overview.
- Public Discussion (Legislation Only): None
- Consent Agenda Format: None

- **Legislation Reading**

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

ORDINANCE NO. 2018-89 AN ORDINANCE AMENDING THE TRAFFIC CONTROL MAP AND FILE TO PROHIBIT PARKING ON THE WEST SIDE OF ADAMS AVENUE BETWEEN WEST 52ND AND WEST 57TH STREETS. (Safety Forces Committee/City Council), was presented for its second reading. Mr. Pugliese moved, Mr. Quaranta seconded to waive the reading of the ordinance; motion CARRIED. Mr. Pugliese moved, Mr. Quaranta seconded to adopt the ordinance. On the roll call to adopt the ordinance: Mr. Speelman, Ms. Haines, Mrs. Harley, Mr. Pugliese, Mr. Quaranta, Mr. Roskovics voted yea; motion CARRIED.

RESOLUTION NO. 2018-93, A RESOLUTION STRONGLY URGING THE OHIO GOVERNOR AND MEMBERS OF THE OHIO GENERAL ASSEMBLY TO INVEST THE STATE BUDGET SURPLUS IN MUNICIPALITIES. (City Council) Mr. Pugliese moved, Mrs. Harley seconded to waive the reading of the resolution; motion CARRIED. Mr. Pugliese moved, Mr. Quaranta seconded to waive the Charter requirement of two readings. On the roll call to waive the Charter requirement: Mr. Speelman, Ms. Haines, Mrs. Harley, Mr. Pugliese, Mr. Quaranta, Mr. Roskovics voted yea; motion CARRIED. On the roll call to adopt the

resolution: Mr. Speelman, Ms. Haines, Mrs. Harley, Mr. Pugliese, Mr. Quaranta, Mr. Roskovics voted yea; motion CARRIED.

ORDINANCE NO. 2018-94, AN ORDINANCE REPEALING, IN ITS ENTIRETY, PAYROLL ORDINANCE NO. 2018-78, FOR THE PURPOSE OF PROVIDING COMPENSATION FOR THE POSITION OF SCHEDULING CLERK IN THE ASHTABULA CITY MUNICIPAL COURT. (Finance & Personnel Committee/City Council)

Mr. Pugliese moved, Mr. Roskovics seconded to waive the reading of the ordinance. Discussion:

The Ward 4 Councilor asked for clarification of what is being voted on. The Clerk explained that because a January Journal Entry from the Municipal Court Judge was attached to the last MC repeal payroll ordinance, the second pay for "Scheduling Clerks" was automatically repealed even though that was not City Council's intent. This ordinance is part of the process to reestablish the position in the MC payroll ordinance. The motion CARRIED. Mr. Pugliese 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, Ms. Haines, Mrs. Harley, Mr. Pugliese, Mr. Quaranta, Mr. Roskovics voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mr. Speelman (yea), Ms. Haines (yea), Mrs. Harley (nay), Mr. Pugliese (yea), Mr. Quaranta (nay), Mr. Roskovics (yea). The motion CARRIED by a 4-2 vote and will take effect in 30 days due to the lack of 5 or more affirmative votes.

ORDINANCE NO. 2018-95, AN ORDINANCE AUTHORIZING COMPENSATION, SALARIES AND WAGES TO EMPLOYEES OF THE ASHTABULA CITY MUNICIPAL COURT AND PROBATION DIVISIONS. (Finance & Personnel Committee/City Council) Mr. Pugliese moved, Mr. Quaranta seconded to waive the reading of the ordinance; motion CARRIED. Mr. Pugliese 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, Ms. Haines, Mrs. Harley, Mr. Pugliese, Mr. Quaranta, Mr. Roskovics voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mr. Speelman (yea), Ms. Haines (yea), Mrs. Harley (nay), Mr. Pugliese (yea), Mr. Quaranta (nay), Mr. Roskovics (yea). The motion CARRIED by a 4-2 vote and will take effect in 30 days due to the lack of 5 or more affirmative votes.

NEW BUSINESS

Tell Us Something We Don't Know

1. The President announced:

- Bridge Street was voted one of the top 4 destinations in the State of Ohio. The City Manager, Assistant Planning & Community Development Director Mary Church and Lift Bridge Community Association Chair Christine Seuffert received the award in Cincinnati.
- He watched a really neat hour presentation on Bridge Street that aired on Cleveland Channel 8.

2. The Manager announced:

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- The award Bridge Street won was the “1 out of 4 Great Places in Ohio” award, given by the American Planning Association. It is a testament to the hard work of the staff, the LBCA, the entrepreneurs and building owners.
 - He and the PCD staff are attending the Ohio Conference of Community Development. A couple years ago our PCD Department won the award for the best community development department in the State, at that time. We will provide an hour and fifteen minute presentation on best practices, specifically all the Bridge Street projects and the partnerships that have been forged.
3. The Ward 5 Councilor announced “Make A Difference Day” is Sunday, October 28. My Neighborhood Collaborative is hosting a Chili Cook-Off at Clifford Kadon Presidential Park. She is participating, she encouraged others to do so, and said her chili has won twice in Mentor. The Ward 3 Councilor announced he is bringing Italian chili.
4. The Ward 4 Councilor announced:
- He is participating in the Bridge-2-Bridge half marathon and 5K run, Sunday, October 28.
 - This past weekend Ashtabeautiful hosted a county-wide scavenger hunt with 19 places on the hunt. There were about 26 participants who went to each location, took their picture in front of the Ashtabeautiful sign and post it on social media to be placed in a drawing for prizes. He and his family did it yesterday and got to see some cool things in the County in which he was born. He thanked the Coblitz’ for doing a really good job.
 - Randy Jones, former United Way Director, now runs his own bicycle touring business, “Road Ahead Tours”. It’s an opportunity to bike to county wineries on a really fun tour.
5. The City Manager announced the weekend of October 7, a 100 mile race end on Walnut Beach. Runners parked at Walnut Beach, were then shuttled down south to the Ohio River, ran straight up Route 45 for two days (Saturday and Sunday), and end back at the beach. Ashtabula Distance Runner, Mr. Walter Anderson, ran the full race. Some of his club runners met up with he once he reached Ashtabula County, to accompany him on leg of the race back to the beach. The same race is scheduled for September 2019, but will a 200 mile race (from Walnut Beach to the Ohio River and back) has been added.

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 8:13 p.m.

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DATE APPROVED: November 5, 2018

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

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