

**ASHTABULA CITY COUNCIL MEETING MINUTES
CITY OF ASHTABULA, OHIO
4717 Main Avenue, Ashtabula, OH 44004**

Regular Meeting

Monday, November 2, 2015

CALL TO ORDER: Council met in a **REGULAR MEETING**. The Vice President of Council called the meeting to order at 7:00 p.m.

OPENING CEREMONY (Prayer/Pledge/Moment of Silence): The Ward 1 Councilor offered the opening prayer, and the Pledge of Allegiance was recited.

MEMBERS PRESENT:	Mr. Richard F. Balog	(Ward 1 Councilor)
	Mr. August A. Pugliese	(Ward 2 Councilor)
	Mrs. Alice T. Cook	(Ward 3 Councilor)
	Mrs. Josephine Misener	(Ward 4 Councilor)
	Mr. Kris E. Hamrick	(Ward 5 Councilor)
	Mr. Christopher J. McClure	(Vice President)

MEMBER(S) ABSENT:	Mr. J. P. Ducro IV	(President)
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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
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EXCUSED ABSENCE(S):	<u>Mrs. Misener moved, Mrs. Cook seconded to excuse the President from this meeting; motion CARRIED.</u>
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SUNSHINE LAW:	The Clerk of Council certified conformity to the Sunshine Law.
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PRESENTATION(S):	None
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EXECUTIVE SESSION:	None
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RECONVENE OPEN MEETING:	N/A
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ACTION RESULTING FROM EXECUTIVE SESSION:	N/A
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CONSENT AGENDA

The Consent Agenda is a means whereby Council is able to efficiently conduct business by grouping 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 following meeting minutes for Council's disposal:

- October 05, 2015 Regular Meeting
- October 19, 2015 Regular Meeting

Mr. Balog moved, Mrs. Cook seconded to waive the reading of the minutes; motion CARRIED. Hearing no corrections the minutes were approved as presented.

FORMAL LEGISLATION REQUESTS – None

PUBLIC DISCUSSION (Consent Agenda Legislation Only)

The Vice President presented a brief outline of the legislation agenda. The Ward 4 Councilor asked the City Solicitor to provide a brief explanation of the six (6) Housing ordinances.

The City Solicitor reported, "The purpose of the legislation is to ensure that no person would be subject to prosecution, punishment or fine simply for refusing to allow an inspection by a City Housing Inspector. A Housing Inspector can be told that he needs to get an Administrative Search Warrant, which is not difficult to obtain in the area of inspections. And, we just wanted to clarify that we don't prosecute people for exercising their constitutional rights".

The Vice President said the City continues to conduct housing inspections, that there is a fee of \$75.00 (*to obtain an occupancy permit*), and housing inspections are scheduled through our Planning & Community Development Department.

LEGISLATION READING

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

ORDINANCE NO.

2015-129 AN ORDINANCE REPEALING, IN ITS ENTIRETY, CODIFIED ORDINANCE SECTION 1363.02, ENTITLED "ISSUANCE OF CERTIFICATE; REVOCATION" FOR THE PURPOSE OF ENACTING REPLACEMENT LEGISLATION THAT ENSURES COMPLIANCE WITH APPLICABLE STATE AND FEDERAL LAW. (Housing)
(City Solicitor & City Manager)

ORDINANCE NO.

2015-130 AN ORDINANCE ENACTING NEW CODIFIED ORDINANCE SECTION 1363.02, ENTITLED "ISSUANCE OF CERTIFICATE; REVOCATION" FOR THE PURPOSE OF ENACTING REPLACEMENT LEGISLATION THAT ENSURES COMPLIANCE WITH APPLICABLE STATE AND FEDERAL LAW. (Housing)
(City Solicitor & City Manager)

ORDINANCE NO.

2015-131 AN ORDINANCE REPEALING, IN ITS ENTIRETY, CODIFIED ORDINANCE SECTION 1361.07 ENTITLED, "INSPECTIONS; CERTIFICATE OF OCCUPANCY; FEES" FOR THE PURPOSE OF

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ENACTING REPLACEMENT LEGISLATION THAT ENSURES COMPLIANCE WITH APPLICABLE STATE AND FEDERAL LAW. (Housing) (City Solicitor & City Manager)

ORDINANCE NO.

2015-132 AN ORDINANCE ENACTING NEW CODIFIED ORDINANCE SECTION 1361.07 ENTITLED, "INSPECTIONS; CERTIFICATE OF OCCUPANCY; FEES" FOR THE PURPOSE OF ENACTING REPLACEMENT LEGISLATION THAT ENSURES COMPLIANCE WITH APPLICABLE STATE AND FEDERAL LAW. (Housing)
(City Solicitor & City Manager)

ORDINANCE NO.

2015-133 AN ORDINANCE REPEALING, IN ITS ENTIRETY, CODIFIED ORDINANCE SECTION 1361.99 ENTITLED, "PENALTY" FOR THE PURPOSE OF ENACTING REPLACEMENT LEGISLATION THAT ENSURES COMPLIANCE WITH APPLICABLE STATE AND FEDERAL LAW. (Housing)
(City Solicitor & City Manager)

ORDINANCE NO.

2015-134 AN ORDINANCE ENACTING NEW CODIFIED ORDINANCE SECTION 1361.99 ENTITLED, "PENALTY" FOR THE PURPOSE OF ENACTING REPLACEMENT LEGISLATION THAT ENSURES COMPLIANCE WITH APPLICABLE STATE AND FEDERAL LAW. (Housing) (City Solicitor & City Manager)

ORDINANCE NO.

2015-135 AN ORDINANCE REPEALING, IN ITS ENTIRETY, CODIFIED ORDINANCE SECTION 174.03 ENTITLED "COMPENSATION; TERMS; VACANCIES" FOR THE PURPOSE OF REDUCING THE APPOINTMENT TERM OF PARKS AND RECREATION BOARD MEMBERS FROM SEVEN YEARS TO FOUR YEARS. (Clerk of Council)

ORDINANCE NO.

2015-136 AN ORDINANCE ENACTING NEW CODIFIED ORDINANCE SECTION 174.03 ENTITLED "COMPENSATION; TERMS; VACANCIES". (Parks & Recreation Board) (Clerk of Council)

ORDINANCE NO.

2015-137 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO DISPOSE OF OBSOLETE AND UNNEEDED VEHICLES, EQUIPMENT, ITEMS AND/OR MATERIALS.
(City Manager)

ORDINANCE NO.

2015-138 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION IN ORDER TO REPAIR U.S. ROUTE 20 BETWEEN LAKE AVENUE AND SEYMOUR DRIVE.
(City Manager)

Mr. Balog moved, Mrs. Cook seconded to waive the reading of the legislation; motion CARRIED. Mr. Balog moved, Mrs. Cook seconded to waive the Charter requirement of two readings. On the roll call to waive the Charter requirement of two readings: Mr. Balog, Mr. Pugliese, Mrs. Cook, Mrs. Misener,

Mr. Hamrick, Mr. McClure voted yea; motion CARRIED. On the roll call to adopt the legislation: Mr. Balog, Mr. Pugliese, Mrs. Cook, Mrs. Misener, Mr. Hamrick, Mr. McClure voted yea; motion CARRIED.

(End of consent agenda)

REGULAR BUSINESS AGENDA

READING AND DISPOSAL OF MEETING MINUTES - None

CITY MANAGER'S REPORT

Nerone & Sons – Change Order No. 1 – WPC Electrical Improvements Project

The City Manager requested an ordinance to execute Change Order No. 1 for the Electrical Improvements project at the Water Pollution Control Plant (Contract “B”), with Nerone & Sons, Inc. of 19501 South Miles Rd., Warrensville, Heights, OH 44128 for the purpose of maintaining equipment for secondary treatment in the amount not to exceed \$6,451.15. Mr. Pugliese moved, Mrs. Cook seconded to grant the City Manager’s request; motion CARRIED.

ODOT SIB Loan – Route 20 Paving Project

The City Manager requested an ordinance to make application for funding for the Route 20 Roadway Improvement project through ODOT’s State Infrastructure Bank (SIB) in the amount not exceed \$300,000. This funding will be used to pay for the design engineering and right-of-way acquisition for the project. Mr. Pugliese moved, Mrs. Cook seconded to grant the City Manager’s request.

Discussion: The Ward 4 Councilor asked for the total project costs. The City Manager reported estimates are coming in around \$4 million. This project will be done with a Small Cities Grant, which normally requires a 20% match. We were able to secure a 5% match which could be taken directly from our Permanent Improvement funds. However, we would rather leave a contingency in the fund for other needs that may arise during the year, which is why this SIB loan legislation is being requested. The goal is to expedite the project by getting surveys and some other preliminary work done prior to snow fall. The concrete road will be totally dug out and replaced with asphalt rather than concrete, because there are State funds available to resurface asphalt, unlike for concrete. This is also why the concrete has not been ‘redone’ since it was laid in 1959. The project is scheduled for ODOT’s fiscal year 2018, which begins in July 2017 and goes through June 2018. The Manager said he is trying to get the project pushed up, but for sure would like to do what we can to get it on track for its scheduled time period. The motion CARRIED.

Utility Provider Supplier

The City Manager requested an ordinance to authorize him to negotiate and secure rates with utility suppliers for City of Ashtabula utilities. The rates for such services fluctuates daily and

making it almost impossible to lock in a good rate while waiting for Council approval. Mr. Pugliese moved, Mrs. Cook seconded to grant the City Manager's request.

Discussion: The City Manager reported that most of the time the quoted rates are only good for 3 to 10 days. Therefore, by the time Council's required ordinance process is completed the rates may rise or fall. This legislation will permit him to lock the rates in at the time they are presented. The motion CARRIED.

Housing Appeals Board

The City Manager requested the reappointment of the following individuals to the Housing Appeals Board: Richard Quaranta – effective immediately, term to end on October 3, 2017; Cindy St. Angelo – effective immediately, term to end on May 1, 2018; Debra Blair – effective immediately, term to end on April 1, 2018; Terry Hackathorn – effectively immediately, term to end on October 3, 2016. Mrs. Cook moved, Mrs. Misener seconded to grant the City Manager's request; motion CARRIED.

Trash Pickup

The City Manager announced trash pickup will remain on schedule the week of November 8, even though Veteran's Day Holiday is Wednesday, November 11.

Signature Health Trunk-or-Treat

The City Manager thanked Signature Health (SH) for putting on this event last Friday. He reported there was a wonderful turnout and that SH purchased 70,000 pieces of candy for the community. It was scheduled to begin at 5:30 p.m., with people lining up at 4:30 p.m. The event brought lots of traffic downtown; City Police and Fire Divisions were also present; and he said, "What a great corporate citizen to do an event like that for the residents."

Questions/Comments for City Manager

2016 Paving Requests: The Vice President reported receiving a letter asking that Edwards and Murray Avenues and the alleys be considered for paving next year. He asked if there is a schedule date for presenting 2016 paving needs and priority roads. The City Manager said he would like to get through the winter before making an assessment because he is sure there will be more roads to consider when winter is over – and that the list will be devised late winter or earlier spring. The Vice President noted that Lake and West Avenues will need to be paved, secondary roads and alleys might be able to be looked at, and that we have discussed a 'chip & seal' program for the alleys. The City Manager concurred.

2015 Paving: The Ward 2 Councilor asked when the remaining three (3) roads will be paved. The Manager said hopefully before the snow falls.

Ordinance No. 2015-139: The Vice President announced that the dollar amount in the ordinance (\$6,645.15) is different than the amount in the Manager's report (\$6,451.15). During this evening's Pre-Council meeting, it was decided that the ordinance would not be amended since it reads 'not to exceed'.

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CITY SOLICITOR'S REPORT

No Report

FINANCE DIRECTOR'S REPORT

Staffing: The Finance Director reported her department is 'severely understaffed', and are doing everything they are able to do to get the telephones answered. She said she may be contacted directly at 992.7197 or via email at dpinkert@ashtabulacity.com.

CITY COUNCIL COMMITTEE REPORTS and COMMUNICATIONS

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

The Chair reported:

Meeting: The committee will meet on Tuesday, November 10, at 4:00 p.m., in the Municipal Building 2nd floor conference room.

Parks & Recreation Board: The Board will meet on Tuesday, November 10, at 6:30 p.m., in Pre-Council Chambers, located in the Municipal Building.

Finance and Personnel - (Mr. Ducro IV/Mr. Balog)

The Vice President announced the committee is scheduled to meet on Friday, December 11, at 8:00 a.m.

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

The Chair announced the committee is scheduled to meet on Friday, December 4, at 8:00 a.m.

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

The Chair announced the committee will meet on Monday, November 23, if agenda items are submitted.

Work Session

The Vice President announced a Work Session has been scheduled for Monday, November 9, at 5:00 p.m., in the Municipal Building 2nd floor conference room, to discuss the 2016 budget. He noted that Ward 1 Councilor-elect Mr. John Roskovics will formally be invited to attend.

FORMAL LEGISLATION REQUESTS

None

PUBLIC DISCUSSION (Regular Agenda Legislation Only)

None

LEGISLATION READING

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

ORDINANCE

2015-139 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO CHANGE ORDER NO. 1 TO A CONTRACT WITH NERONE & SONS, INC., IN AN AMOUNT NOT TO EXCEED \$6,645.15 FOR THE PURPOSE OF PROVIDING SERVICES AND MATERIALS FOR THE WATER POLLUTION CONTROL ELECTRICAL IMPROVEMENTS PROJECT. (City Manager)

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

UNFINISHED BUSINESS

None

NEW BUSINESS

LIQUOR PERMIT TRANSFER

Briquettes Smokehouse LLC, DBA Briquettes Smokehouse, 405 Morton Drive, Ashtabula, OH 44004 (relocating from Bridge Street to Morton Drive), with the following permit types:

- D5L (Same as D5 Spirituous Liquor for on premise consumption only, beer and wine for on premise, and off premise in original sealed containers, until 2:30 a.m. – except sales until 1:00 a.m.). (Revitalization District)
- D6 Sale of intoxicating liquor on Sunday between the hours of 1:00 p.m. and Midnight.

The Ward 2 Councilor, nor the remaining members of Council and the administration, desired to entertain a motion to have a hearing on the advisability of issuing the permit.

MISCELLANEOUS BUSINESS

General Election: The Vice President reminded citizens that tomorrow is Election Day. Several local and state issues will appear on the ballot. Polling location information may be obtained by calling the Ashtabula County Board of Elections at 576.6915. He announced that

Veteran's Day: The Vice President announced Veteran's Day holiday is on Wednesday, November 11. He issued a reminder that trash pickup will not be interrupted. He then stated, "There wouldn't be a day tomorrow, if there weren't a Veteran's Day in place".

GENERAL PUBLIC DISCUSSION

Mr. Michael Wagner, West 38th Street: asked if a blighted house on Spencer Avenue will be demolished. The City Manager reported the house is a fire-damaged structure. He reported that Allocation Grant funding was awarded to demolish Todd Avenue church and a house on West Avenue. The project bids came in low; therefore this Spencer Avenue house was identified and will also be demolished with the same grant dollars. Because it was a fire-damaged home, asbestos abatement is

prohibited, and all the material has to be treated as contaminated. Quotes are being secured and hopefully someone will be awarded the contract by winter.

Mr. Wagner reported the intersection at West 44th Street & Park Avenue, where a two way stop sign in the east and west directions exists, is a hazard. He said he thought pedestrians have the right-of-way, but that a motorist almost hit him and a couple other people while attempting to cross the street. He suggested a 4-way stop sign or full signalization be installed. The Vice President reported the Ward 2 Councilor commented on this same intersection in tonight's Pre-Council meeting, and that this intersection has previously been discussed. The Manager said, "What we can do is look at the newer 'Yield to Pedestrian' traffic signs to put there. And, we'll see if we have any of those in stock or if we need to order them, and try to get those up as quickly as possible.

Mr. Wagner commended the City Manager and the Police Division for successful raids of unwanted activity in South Park. He said it is about time something was done.

Mr. Wagner said people complain about people in this town, but they do not vote or attend meetings, at some of which the public is able to speak. He encouraged residents to vote and get involved.

EXECUTIVE SESSION: None
RECONVENE OPEN MEETING: N/A
ACTION RESULTING FROM EXECUTIVE SESSION: N/A


CLOSING REMARKS

Meetings: The Vice President announced the next Regular Council Meeting is scheduled for Monday, November 16, at 7:00 p.m.; Pre-Council at 6:00 p.m.

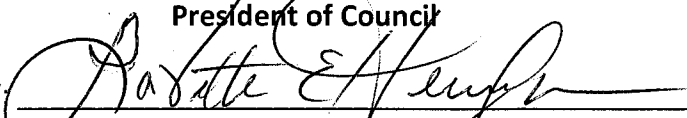
ADJOURNMENT

Hearing no further business, the Vice President issued a reminder to "Remember to Keep Believing in Ashtabula", and adjourned the meeting at 7:34 p.m.

DATE APPROVED: November 16, 2015

ATTESTED BY: 

**J.P. Ducro IV
President of Council**

ATTESTED BY: 

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