

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

Regular Meeting

Monday, October 19, 2015

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): 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. J. P. Ducro IV	(President)

MEMBER(S) ABSENT:

Mr. Kris E. Hamrick	(Ward 5 Councilor)
Mr. Christopher J. McClure	(Vice President)

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(S): Mr. Pugliese moved, Mrs. Cook seconded to excuse the Ward 5 Councilor and the Vice President from this meeting; motion CARRIED.

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

PRESENTATION(S): None

EXECUTIVE SESSION: N/A

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 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 – None

FORMAL LEGISLATION REQUESTS – None

Ashtabula City Regular Council Meeting
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PUBLIC DISCUSSION (Consent Agenda Legislation Only) - None

LEGISLATION READING - None

(End of consent agenda)

REGULAR BUSINESS AGENDA

READING AND DISPOSAL OF MEETING MINUTES

The President announced the October 5, 2015 Regular Council Meeting minutes will be presented at the next regular meeting. He entertained a motion to remove them from consideration at this evening's agenda. Mr. Balog moved, Mrs. Cook seconded the President's request; motion CARRIED.

CITY MANAGER'S REPORT

ATB US 20 Pavement Rehab – Ohio Department of Transportation (ODOT) PID 94073

The City Manager requested an ordinance to enter into an agreement with ODOT for the purpose of providing funding for pavement rehabilitation on US Route 20 from Seymour Drive to Lake Avenue. Funding for this project will be taken from ODOT's Small Cities fund (\$1,680,312.00) and District Preservation (\$420,078.00). The cost to the City of Ashtabula will be 5% of the project cost, plus engineering design fees, to be taken from the Permanent Improvement Account. Mr. Pugliese moved, Mrs. Cook seconded to grant the City Manager's request.

Discussion: The City Manager reported Small Cities funding was applied for a few months ago, and that we were awarded the funding. Typically ODOT projects are 80% ODOT/20% City funding. Because of the way in which this funding was applied for, coupled with the District Preservation cost from ODOT, our responsibility will only be 5%. This is a major rehabilitation project that will cost upwards of \$4 million. The City's portion will be between \$200,000 and \$300,000 once engineering, design, and project costs are factored in. All the concrete will be removed, the base will be redone, and the street built back up. The project is scheduled for ODOT's fiscal year 2018, which begins July 2017. Because ODOT knows the condition of the road we are trying to get the project moved up one year.

The President commended the Manager's staff for securing this loan at such a great percentage rate, because it allows the project's scope to be widened, and work to be performed that otherwise would have been cost prohibitive. The motion CARRIED.

Ohio Development Services Agency – Targets of Opportunity Discretionary Grant

The City Manager requested an ordinance to repeal Ordinance No. 2015-119 and request a new ordinance to file an application with the Ohio Development Services Agency "Targets of Opportunity Discretionary Grant" program in the amount of \$175,000.00 (previously \$150,000) to assist a business located at 1023 Bridge Street. The increase is required in order to include fees for Prevailing Wages as part of the grant process. Mr. Pugliese moved, Mrs. Cook seconded, to grant the City Manager's request; motion CARRIED.

A.F.S.C.M.E. Local 1197 Memorandum of Understanding (MOU) Finance Clerk Pay Scale

The City Manager requested an ordinance to enter into an MOU with A.F.S.C.M.E., Local 1197 Union for the purpose of amending the compensation schedule for the position of Finance Clerk in the Finance Department.

Comment: The Ward 2 Councilor reported that because Youngstown A.F.S.C.M.E. Local 1197 union representatives and the City Manager negotiated the MOU, and Youngstown recommended the agreement be accepted, he would move to approve the City Manager's request. Mrs. Cook seconded the approval; motion CARRIED.

Payroll Ordinance Repeal

The City Manager requested an ordinance to repeal Payroll Ordinance No. 2015-24 and enact a new payroll ordinance for the purpose of adjusting the hourly rates of pay for Finance Clerk. Mr. Pugliese moved, Mrs. Cook seconded to grant the City Manager's request; motion CARRIED.

Payroll Ordinance – Enact New

The City Manager requested an ordinance to authorize compensation, salaries and wages to all City Employees of the City of Ashtabula, Ashtabula Municipal Courts and the Ashtabula City Health District. Mr. Pugliese moved, Mrs. Cook seconded to grant the City Manager's request; motion CARRIED.

Community Reinvestment Area Tax Abatement (CRA) – 902 Brookdale

The City Manager requested an ordinance to transfer the remaining years of CRA to the new owner of the premises known as 902 Brookdale, Ashtabula, OH. Mr. Pugliese moved, Mrs. Cook seconded, to grant the City Manager's request.

Discussion: The Manager reported the CRA is for the new Aqua, OH building located in the City's Route 11 Industrial Park. Aqua decided to purchase the building from the developer. The motion CARRIED.

Obsolete Equipment

The City Manager requested an ordinance to dispose of obsolete equipment in the Public Works and Fire Departments, as designated on the attached list. Mr. Pugliese moved, Mrs. Cook seconded, to grant the City Manager's request.

Discussion: The President read the list of items to be disposed of (see below). The Ward 2 Councilor noted that the 2004 'Lincoln' Crown Vic should be a Ford. The Manager reported the traffic signals were removed during the recent Traffic Signalization project, for which many requests to purchase have been received. The Clerk of Council asked if the school flashing lights operate, noting there used to be one located across the street from her State Road residence, which she believes slowed traffic way down. The Manager responded, they do, but they do not meet today's code. The President asked

if they are forbidden to be erected if they do not meet code. The Manager responded, "I don't believe so. It's the size, and tint of the yellow light, and the reflectivity of the sign." The motion CARRIED.

INVENTORY OF OBSOLETE PROPERTY FOR DISPOSAL

<u>Quantity</u>	<u>Description (Make/Model)</u>	<u>VIN#</u>	<u>Comments</u>
1	1996 Leaf Vacuum – ODB with Ford Motor	E6NN9425 BCIV033682	\$3,000.00 reserve
1	1996 Leaf Vacuum – Gibson/Stewart with New Holland Motor	37301203	\$3,000.00 reserve
1	1999 Chev. Impala - Sedan	2G1WF52E2Y9208180	
1	2004 Lincoln Crown Vic	2FAFP71W14X150987	
1	1992 Int'l Dump Trk.	1HTSDPPR9NH455452	
1	1992 Chev. 1500 Trk.	1GCEX19V2XE126930	
1	1992 Mack Trk.	2M2P267Y5PC0113882	
1	1997 Ford Ranger Trk.	1FTCR10A4VTA72164	

INVENTORY OF TRAFFIC RELATED OBSOLETE PROPERTY FOR DISPOSAL

Quantity	Description (Make/Model)	Model #	Comments
28	Black "Walk" Lights		
13	Yellow "Walk" Lights		
60	Yellow Signal Lights		
3	School Flashers		
100	Miscellaneous Traffic Signs		Estimated # signs
1	Paint Machine (walk behind)	No #'s available	
1	Portable Air Compressor	# 24010	
8	55 gallon drums of Yellow Paint		
1	HP Computer - Fire Department		

Halloween Trick-or-Treat

The City Manager announced Halloween Trick-or-Treat for the City of Ashtabula will be observed on October 31, from 5:00 p.m. to 7:00 p.m. He reminded motorists to remember pedestrian safety and asked that pedestrians be very careful.

Proclamations

The City Manager announced the following proclamations were issued this month:

Extra Mile America Organization – November 1, 2015, designated to acknowledge citizens in our community who “go the extra mile” to make a difference in our community.

Pancreatic Cancer Action Network – Supporting the observance of “World Pancreatic Cancer Day” on November 13, 2015, in our community.

Questions/Comments for City Manager

Street Sweeping: The Ward 4 Councilor reported it has recently been revealed that the street sweeper is unable to be as effective as it could be in cleaning streets due to the amount of vehicles on the road. She said the Clerk of Council shared with her how the process by which vehicles are removed from Los Angeles and San Diego roads, on a weekly basis, for effective sweeping. The Clerk told the Chair that signs instructing motorists of ‘No Parking 7a-9a Wednesdays’ are posted on one side of the road and the same sign is posted on the opposite side of the road for the next day.

The Clerk also said that when she moved to Ashtabula in 1991, she noticed signs posted throughout town which read, "No Parking 3am to 6am Daily". She was told they were posted so vehicles could be moved off the road to allow for street sweeping and snowplowing. The signs were removed due to the inability to have a street sweeping schedule because of the lack of manpower. The Clerk said she suggested to the Ward Councilor 4 Councilor that perhaps this may be done in our town, or that a noticed could be issued at a council meeting and placed in the newspaper to let residents know where the sweeper would be, and when.

The Manager said excessive amounts of toys, but not much dirt, were found in East 45th Street storm drains, and that a bag of toys removed from the road's storm drains are in his office, which he showed the Clerk. The Manager said he would like to devise a street sweeping schedule; however the limited number of staff members to do the work creates challenges. He announced crews are sweeping in Ward 1 "right now". He said the Public Works' operation is a 'day-to-day' operation – given the shortage of manpower. The present goal is to get caught up on repairing catch basins and performing winter preparations, and that it might be possible to announce the Ward. He said scheduling a 3rd shift crew has been discussed. The crew would be dedicated to street sweeping for a month to hit ever street in the City, at which time the possibility of enacting night parking bans for better road clearance would be helpful. He said, "We definitely will look at it".

Halloween Costumes: The President reported a popular costume this year is ALL BLACK, so safety is going to be a factor during night time trick-or-treating. It was suggested that costumes be illuminated.

CITY SOLICITOR'S REPORT

Housing Inspections Changes: The Solicitor reported he presented and discussed suggested changes to the City's Housing Inspection Program. The changes are driven by concerns regarding recent federal court litigation against a city in another district. The Solicitor said, for the record, "In the 7 ½ years I've been Solicitor my office has never prosecuted anyone for refusing permission to grant a housing inspection. And, I'm quite sure that since Mr. Timonere has reorganized the Housing Division into the Planning & Community Development Division, no such threat has been made. Nonetheless, there are, on our books, some references to penalties, which could be construed to include penalties for refusing to allow an inspection. Everyone has a right, under the 4th Amendment, that we secure an administrative search warrant, and we do when we need to. We do that when someone wants us to go through that extra step, and is not something someone should be penalized for." The President entertained a motion to formally request the amended Housing Inspection legislation. Mrs. Misener moved, Mr. Balog seconded to approve the suggested amendments; motion CARRIED.

FINANCE DIRECTOR'S REPORT

Then and Now Certification Payments: The Finance Director reported that when purchases of \$3,000 or more are made without first securing a purchase order and without having said purchase order certified, Council approval is required to issue the payment. The following were presented for approval:

VENDOR	DESCRIPTION	AMOUNT	Certificate/PO Date	Obligation Date
Mazanec, Raskin & Ryder Co.	Legal Services	13,490.62	9/17/2015	7/15/2015
GPD Group	Engineering	36,401.65	9/3/2015	8/3/2015
Security Technologies	Annex Fire Alarm System	4,554.75	9/22/2015	7/29/2015

Mr. Balog moved, Mrs. Cook seconded to approve the above payments; motion CARRIED.

Appropriations Requests: The Finance Director requested an ordinance to make supplemental appropriations in the Parking Deck, Street Lights, Probation and Law Enforcement Trust Funds.
Mr. Balog moved, Mrs. Cook seconded to approve this request; motion CARRIED.

Staffing: The Finance Director reported staffing levels in her division are low; work is being done to fill vacant positions; she realizes persons have experienced difficulty getting through on the phone; and encouraged calls be made directly to her at 992-7197, and she will ensure the caller is directed to the appropriate person to assist with sewer billing, income tax, or accounts payable.

Income Tax Renewal: The Finance Director issued a reminder that the City's Income Tax renewal will appear on the Tuesday, November 3, General Election ballot. She reported changes in the language are required due to changes made to the Ohio Tax Code by the Ohio Legislature. She offered to assist the public in answering their questions regarding the City's income tax renewal and the State's changes.

CITY COUNCIL COMMITTEE REPORTS and COMMUNICATIONS

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

The Chair reported the following:

Parks & Recreation Board: The Board met on Tuesday, October 13, at 6:30 p.m., at City Hall. They welcomed newly appointed member, Mr. Christopher McCain.

Term Lengths: The Board voted to lessen a member's Board term from seven (7) years to four (4) years. The Chair moved to have legislation drafted to enact this change. It was agreed upon that from this point forward the new term length will commence with the appointment of new members.
Mrs. Cook seconded the request, and the motion CARRIED.

Park Levy: The Board is in discussion about the possibility of placing a Park Levy before the electorate. None of the present park levy funding is coming to our City. Green space is important for quality of life, adds property values, and prospective home buyers ask about it.

Donation Bin Permits: Legislation to regulate the number of donation bins permitted throughout the City was pulled a few council meetings ago, so the City Solicitor could draft legislation amending the 'permitting' procedure. Council agreed to the following permit process, and the legislation will be presented this evening for a vote of Council:

(a) No person, corporation, association, trust, church, foundation or other entity shall place any donation bin as defined in this chapter in any location within the corporate limits of the City of Ashtabula without first obtaining a permit therefore from the Director of Planning & Community Development.

(b) No person, corporation, association, trust, church, foundation or other entity shall solicit donations of used or unwanted articles of clothing and small household goods through the use of a donation bin in any location within the corporate limits of the City of Ashtabula unless the charitable organization that owns or operates the bin has obtained a permit therefore from the Director.

(c) A permit for the placement of any donation bin within the City of Ashtabula shall only be issued to a charitable organization as defined in this Chapter.

The City Solicitor reported that the placement of a donation bin on private property is the decision of the property owner on whose property the bin is placed; with the City's approval.

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

The Chair reported a Budget Work Session will be schedule in place of the Committee's November meeting. The City Manager will present the 2016 City budget to the full City Council by the end of the month. The Clerk of Council will schedule a work session to discuss the 2015 financials, and to begin the 2016 budget discussion.

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

The President announced the committee will not meet in November.

Questions/Comments for PW/U/Schools Committee

Leaf Pickup: The Ward 4 Councilor asked in what ward are crews picking up yard waste bags; the Manager said the Harbor. The Councilor then asked if yard waste bags may still be deposited at Public Works; the Manager said yes.

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

The Chair reported the following:

Report: Due to no committee meeting, there was no report.

Meeting: He is doubtful the committee will meet on October 26, as regularly scheduled, but that Head Start's concern with semi-tractor trailer trucks damage to their building and Police Levy hires might be noteworthy of a meeting.

Regarding Head Start: The Chair asked the City Manager if he made contact with Mr. Norris, the Director of Head Start. The Manager responded no, but that he spoke with both furniture stores to see if they had input. He said he believes there was some discussion that Mr. Norris believes the semi-tractor trailer trucks could go all the way through the alley. The Manager said he found out that certain trucks can, but not particularly the long ones that usually deliver. Other alternatives were discussed, but no conclusion has been reached.

Police Levy Hiring: At the request of the Chair, the City Manager provided an update on hiring police officers with levy funding. He said background checks on entrance examination applicants are completed and have been sent to the polygrapher. Once this step is completed, they will be returned and interviews would begin – all of which should take about 2 weeks.

Work Session

The President reported that a 2016 Budget Work Session will soon be scheduled and announced.

FORMAL LEGISLATION REQUESTS – None

PUBLIC DISCUSSION (Regular Agenda Legislation Only)

The President provided a brief recap of this evening’s legislation. There were no public comments.

CONSENT AGENDA DISPOSAL

The President entertained a motion to dispose of the Regular Business Legislation Agenda in a consent agenda format. Mr. McClure moved, Mrs. Cook seconded to grant the request; motion CARRIED.

LEGISLATION READING

The Clerk of Council presented the following legislation for consent agenda disposal:

ORDINANCE

2015-113 AN ORDINANCE ENACTING NEW CODIFIED ORDINANCE CHAPTER 739, ENTITLED DONATION BINS. (City Manager)

ORDINANCE

2015-122 AN ORDINANCE AUTHORIZING THE TRANSFER OF THE REMAINING YEARS OF COMMUNITY REINVESTMENT AREA TAX ABATEMENT TO THE NEW OWNER OF PREMISES CURRENTLY KNOWN AS 902 BROOKDALE, ASHTABULA, OHIO.
(Aqua Ohio – Route 11 Industrial Park) (City Manager)

ORDINANCE

2015-123 AN ORDINANCE REPEALING, IN ITS ENTIRETY, PAYROLL ORDINANCE NO. 2015-24, ENACTED ON FEBRUARY 17, 2015, FOR THE PURPOSE OF ADJUSTING THE HOURLY RATES FOR THE FINANCE CLERK. (City Manager)

ORDINANCE

2015-124 AN ORDINANCE AUTHORIZING COMPENSATION, SALARIES AND WAGES TO ALL EMPLOYEES OF THE CITY OF ASHTABULA, THE ASHTABULA MUNICIPAL COURT AND THE ASHTABULA CITY HEALTH DISTRICT. (City Manager)

ORDINANCE

2015-125 AN ORDINANCE APPROVING A MEMORANDUM OF UNDERSTANDING WITH A.F.S.C.M.E. LOCAL 1197 AND AUTHORIZING AN AMENDED COMPENSATION SCHEDULE FOR THE POSITION OF FINANCE CLERK, GRADES ONE (1) THROUGH FIVE (5), IN THE FINANCE DIVISION. (City Manager)

ORDINANCE

2015-126 AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS IN THE PARKING DECK, STREET LIGHTS, PROBATION AND LAW ENFORCEMENT TRUST FUNDS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF ASHTABULA, STATE OF OHIO, FOR THE PERIOD JANUARY 1 THROUGH DECEMBER 31, 2015. (Finance Director)

ORDINANCE

2015-127 AN ORDINANCE REPEALING, IN ITS ENTIRETY, ORDINANCE NUMBER 2015-119, FOR THE PURPOSE OF INCREASING THE AMOUNT OF A GRANT APPLICATION TO COVER ANTICIPATED COSTS OF PAYING FAIR & PREVAILING WAGES ON THE UNDERLYING PROJECT. (Fitzgerald Wine Bar – Bridge Street) (City Manager)

ORDINANCE

2015-128 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO MAKE APPLICATION TO THE STATE OF OHIO DEVELOPMENT SERVICES AGENCY FOR A “TARGETS OF OPPORTUNITY DISCRETIONARY” GRANT IN THE AMOUNT OF \$175,000.00 TO ASSIST WITH A PROJECT LOCATED AT 1023 BRIDGE STREET. (Fitzgerald Wine Bar – Bridge Street) (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. Ducro IV voted yea; motion CARRIED. On the roll call to adopt the legislation: Mr. Balog, Mr. Pugliese, Mrs. Cook, Mrs. Misener, Mr. Ducro IV voted yea; motion CARRIED.

UNFINISHED BUSINESS - None

NEW BUSINESS - None

MISCELLANEOUS BUSINESS

GENERAL PUBLIC DISCUSSION – None

Ashtabula City Regular Council Meeting
Monday, October 19, 2015

EXECUTIVE SESSION: None

RECONVENE OPEN MEETING: N/A

ACTION RESULTING FROM EXECUTIVE SESSION: N/A

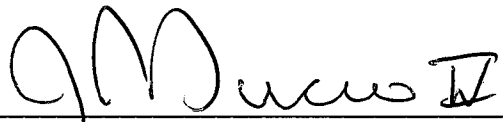
CLOSING REMARKS

Meetings: The President announced the next Regular Council Meeting is scheduled for Monday, November 2, at 7:00 p.m.; Pre-Council at 6:00 p.m.

ADJOURNMENT

Hearing no further business, the President asked to "Remember to Keep Believing in Ashtabula" and adjourned the meeting at 7:56 p.m.

DATE APPROVED: November 2, 2015

ATTESTED BY: 
J.P. Ducro IV
President of Council

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