

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

Regular Meeting

Monday, April 4, 2016

Council met in a **REGULAR MEETING**. The President of Council called the meeting to order at 7:20 p.m.

Elder Christopher McCain of People's Baptist Church, offered the opening prayer, and the Pledge of Allegiance was recited.

A Moment of Silence was observed for:

Dominic Volpone who passed away on Monday, March 14. He was an Ashtabula native, business owner, former Chamber President, and community advocate & friend.

Walt Perry who passed away on Monday, March 21. He was an Ashtabula native, teacher - Ashtabula Area City Schools, Ohio Department of Transportation Engineering Department, and owned Perry Park News for 25 years.

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| MEMBERS PRESENT: | Mr. Kris E. Hamrick | (Ward 5 Councilor) |
| | Mr. John S. Roskovics | (Ward 1 Councilor) |
| | Mr. August A. Pugliese | (Ward 2 Councilor) |
| | Mrs. Josephine Misener | (Ward 4 Councilor) |
| | Mrs. Alice T. Cook | (Ward 3 Councilor) |
| | Mr. Christopher J. McClure | (Vice President) |
| | Mr. J. P. Ducro IV | (President) |

MEMBER(S) ABSENT: None

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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

EXCUSED ABSENCE(S): None

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

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, and disposing of or enacting them by one motion, a second, and one vote.

APPROVAL OF MEETING MINUTES

The Clerk of Council presented the February 29, 2016 Special Meeting and March 21, 2016 Regular Meeting minutes for Council's consideration. Mr. Pugliese moved, Mrs. Cook seconded to waive the reading of these 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 - None

REGULAR BUSINESS AGENDA

MEETING MINUTES READING & DISPOSAL - None

CITY MANAGER'S REPORT

Route 20 Paving Project Development

The City Manager requested an ordinance to enter into an agreement with GPD Group of 100 Federal Plaza East, Suite 200, Youngstown, OH 44503 for the purpose of providing project development and final engineering for the Route 20 Rehabilitation Project in the amount not to exceed \$236,726.00. Funds for this expenditure will be provided through the Ohio Department of Transportation's State Infrastructure Bank loan and paid through the City of Ashtabula's Capital Fund. Mr. Pugliese moved, Mrs. Cook seconded to grant the City Manager's request; motion CARRIED.

Discussion: The Manager reported the Project's funding cycle is ODOT's Fiscal Year 2018, which actually begins July 2017 and runs through June 2018. Because of this the project start date has to coincide with ODOT's fiscal year, which is when the funds will be released. The Project is also being funded partially through a Small Cities grant. He reported the Project is approaching \$4.5 million, with the City of Ashtabula only having to contribute \$300,000.

The Ward 2 Councilor asked if concrete will be placed back on the road. The Manager responded, no. He said the road will be dug out, the base rebuilt, the catch basins and under drains redone, and then asphalt will be laid. He said one of the reasons funding has not been secured for Route 20 is because it is concrete. Once it is replaced with asphalt funding will be more accessible for future repairs. The President asked if this is because concrete is more expensive. The Manager said ODOT has a program for asphalt replacement, which is offered more frequently.

Walnut Beach Concessionaire 2016-2019

The City Manager requested an ordinance to enter into an agreement with Goodwill Industries of Ashtabula, Inc. of 621 Goodwill Drive, Ashtabula, OH 44004 with a mailing address of P.O. Box 2926, Ashtabula, OH 44005 for the purpose of accepting the position of Concessionaire at Walnut

Beach for the summer seasons beginning 2016 through 2019 in accordance with the proposal. Mr. Pugliese moved, Mrs. Cook seconded to grant the City Manager's request.

Discussion: At the request of the Ward 4 Councilor, the Manager reported the proposal only requires the stand to be open a minimum of six (6) hours per day. He met with Goodwill today and discussed options. He told them to keep the operations simple (e.g., hot dogs, hamburgers, French fries, ice cream, pop, water). He told them many people like to have breakfast on the beach, suggested breakfast is offered Friday through Sunday, to begin with, to see how it goes. Their breakfast sales would determine if more breakfast days would be added. The Manager said Goodwill has been encouraged to post hours and maintain them, unless it is pouring rain. They will be responsible for taking care of the restrooms, will pay a small portion of the utilities, and \$200 per month rent. They have some equipment, are anxious to get in and get started, a tour of the facility is scheduled for next week, and they plan to be ready to go by Memorial Day.

The Ward 2 Councilor asked if Goodwill operated the concession stand a few years ago. The Manager said they did many years ago.

The President said it seems like it would be a good fit for Goodwill. The Manager said he was impressed with the two people Goodwill sent to meet with him. They are the ones who will oversee the project. Both have extensive experience in the food, catering, and service industries. Also, Goodwill's office is only a few minutes away from the beach, giving them immediate access, if necessary. The motion CARRIED.

Vehicle Purchase – Police Vehicles

The City Manager requested an ordinance to enter into an agreement with Nassief Ford Toyota-Hyundai of 1059 State Route 46 N, Jefferson, OH 44047 in accordance with the State Purchasing pricing in the amount not to exceed \$36,400.00 to purchase two vehicles for the Police Department. Funds for this expenditure will be taken from the City of Ashtabula's Capital Fund. Mr. Pugliese moved, Mrs. Cook seconded to grant the City Manager's request; motion CARRIED.

Joint Economic Development District (JEDD) – Ashtabula Township – Fourth Amendment

The City Manager requested an ordinance to enter into a fourth amendment to the JEDD contract with Ashtabula Township. Mr. Pugliese moved, Mrs. Cook seconded to grant the City Manager's request; motion CARRIED.

Commercial Trash Pickup – Ashtabula Towers

The City Manager requested an ordinance to enter into an agreement with Olympic, Inc. of 325 West 48th Street, Ashtabula, OH 44004 for the purpose of commercial trash pickup at the Ashtabula Towers for a period of two years commencing retroactive to April 1, 2016 and continuing through March 31, 2018. Mr. Pugliese moved, Mrs. Cook seconded to grant the City Manager's request; motion CARRIED.

Questions/Comments for City Manager

Paving West 44th Street: The Ward 4 Councilor asked if this road would be paved this year.

The Manager said it is not scheduled at this time; that he is looking at the availability of capital funding to get it paved, and would like to have the work performed soon after the library expansion is completed.

Harbor Yard Waste Bag Pick Up: The Clerk of Council asked the City Manager to explain what areas are considered “Harbor” versus the “Wards”. The Manager said the “Harbor” route is Walnut Boulevard south to West 19th Street (Carpenter Road) and Ashtabula River west to the City Limits, “with Saybrook”. “Wards” are considered to be any other area not picked up in the “Harbor” route. The Clerk asked if the “Harbor” description encompasses Wards 1, 2 and part of 3 – it does. It was noted that because the whole City is broken out into Wards, but in this case does not include all wards, it’s confusing.

CITY SOLICITOR’S REPORT – No Report

FINANCE DIRECTOR’S REPORT – No Report

CITY COUNCIL COMMITTEE REPORTS and COMMUNICATIONS (Chair/Vice Chair)

COMMUNITY DEVELOPMENT/ECONOMIC DEVELOPMENT/PARKS & RECREATION (CD/ED/P&R) (Mrs. Misener/Mr. Roskovics) – The Chair reported:

- The committee will meet on Tuesday, April 12, at 4:00 p.m., in the Municipal Building 2nd floor conference room. Don Iannone, CEO of Growth Partnership for Ashtabula County will provide a Dashboard update. The Harbor Historic District Sign Regulations amendments will be reviewed and a recommendation will be voted on, which will then be brought to the full council.
- The Ashtabula City Parks & Recreation Board will meet the same evening at 6:30 p.m., in the in the Municipal Building Pre-Council Chambers.

Questions/Comments for CD/ED/P&R Committee

Ward Clean Ups: The President asked the Ward 4 Councilor for particulars on her clean up day. The Councilor reported it will be May 7, from 9:00 a.m. until 1:00 p.m. She will distribute flyers to the areas in which the cleanup will be concentrated. The activity will center on trash and yard debris pick up and trimming bushes and trees. She reported one resident cleaned up her front yard, which now really looks nice, but dumped it all in her backyard. More details about the cleanup day will be announced and a sample flyer presented at the April 18 Regular Council Meeting.

The President said, “I know there’s no way the City could handle roll-off dumpsters to do a free dump or a cleanup, and that’s not practical”. But, if there’s going to be a concerted effort to do trash and yard waste pickup in a concentrated area perhaps it could be coordinated with the Ward yard waste bag pickup schedule.

The Manager announced yard waste bag pick up will be in the Wards May 2 thru 6. The Manager said, "We still need to discuss the clean up – I'm sure we can come up with something if that's the day you're going to keep it". The Councilor suggested she and her husband could help transport waste to Public Works. The Councilor said in the case of inclement weather, it might be scheduled for a later date.

FINANCE & PERSONNEL (F&P) - (Mr. Ducro IV/Mr. Pugliese) - The Chair announced the committee will meet on Friday, April 8, at 8:00 a.m., in the Municipal Building 2nd floor conference room.

PUBLIC WORKS/PUBLIC UTILITIES/CABLE/SCHOOLS (PW/PU/C/S) - (Mr. Pugliese/Mr. McClure)
The Chair reported on the committee's Friday, April 1, meeting, as follows:

Request for Stop Sign on East 44th Street at Valleyview Boulevard in Both Directions

The committee reviewed Police Chief Robert Stell's recommendation to a citizen's request for these stop signs due to excessive speeding around a very sharp and dangerous curve. The committee chose to honor the Chief's recommendation not to post stop signs, as requested because stop signs may not be used solely to slow speed. The Manager said with the increased police presence, he will instruct officers to try and keep an eye on the area.

Request for Poplar Avenue to become a Dead End Street

The Ward 5 Councilor was asked to provide the committee with a petition signed by resident, including the church, for review and consideration.

Pond on Samuel Avenue & West 58th Street

The Manager told the committee the pond is about 8 to 10 foot deep compared to the reported 60 to 80 foot; the Ward 5 Councilor disagreed, and said he saw it being dug. This evening the City Manager said we talked to the owner today; the owner said the pond IS in the City; a meeting has been requested with him to discuss "if there is potential for him to secure the property and to discuss the concrete debris that's around the property".

Permissive Tax (Auto Licenses) - Proposed Increase

The Finance Director told the committee the State of Ohio permits a maximum of \$20 to be charged for vehicle license taxes, per year. Our current tax is \$15. The annual revenue, if increased to the maximum allowable amount, would be \$60,000 to \$80,000. Everyone with a vehicle would contribute. We have until July 1 to get the enacted legislation to the state. This item will be discussed at the committees May 6, meeting. In the meantime the committee will review a chart outlining what other municipalities in our area do.

2016 Paving

The Manager told the committee it might be possible to have a small paving program this year. He also spoke about chip sealing the alleys. The Chair said it was performed years ago and seemed to hold up well and for a long time. The chip seal would be contracted out. He said this is good news for residents whose property abuts an alley, especially on the east side of town, which he knows, for sure, needs attention.

Potholes Filling: The Manager told the committee the pothole patrol is out. They identified over 65 areas, all of which have been addressed.

West 58th Street: This evening the Chair asked the City Manager if Aqua Ohio had been contacted about this pothole. He said they were contacted again, he drove by today, did not notice the hole, and will follow up with Public Service Superintendent Larry Meaney tomorrow.

Waste Water Treatment Plant (WWTP)

The Ultra Violet Disinfection (UV) construction project is underway. This is a project to convert the system from chlorine disinfection to an ultra violet disinfection process.

The City Manager told the committee language needs to be drafted in order to finalize the easement for a line running from the WWTP to Kinder-Morgan's (KM) property, which is KM's responsibility to address. KM has moved the line and the City has received payment.

Public Services

Pedestrian signs were installed at West 44th Street & Park Avenue.

The solar lit signs on Lake Avenue, by Lake City Plating, are working again.

There is an on-going issue with the flashers by the former Thomas Jefferson Elementary School; which the Manager said will be corrected.

Conforming Boundaries

The President reported conforming the City's boundaries had previously been discussed, and perhaps should be again. This committee chair said he is not in favor of conforming boundaries.

The Chair announced the committee will meet again on Friday, May 4, at 8:00 a.m.

Questions/Comments for PW/PU/Cable/Schools Committee

School Zone Signs: The Vice President reported seeing the newly installed "End School Zone" signs on Wade Avenue. They were placed directly under the 45 mph speed signs. The Manager said they were installed shortly after the last meeting.

SAFETY FORCES (SF) - (Mr. Hamrick/Mrs. Misener)

The Chair reported on the committee's Monday, March 28, meeting, as follows:

Repeal and Replace Codified Ordinance Section 1329.04 – Assignment of Numbers

The Fire Department suggested to the committee that our code regarding the height of numbers on residential and commercial structures is brought in line with the Ohio Building Code which requires building numbers and letters to be 4 inches high; our code is currently 3 inches.

Mr. Hamrick moved, Mrs. Misener seconded to repeal and replace our code to coincide with the Ohio Building Code. At the request of the Clerk, the President clarified the Chair's motion was to bring the City ordinances in line with the State Fire Code, essentially requiring the size of numbers on properties to be 4 inches in height as opposed to 3 inches in height.

The Clerk reported it was also noted in the meeting that the Fire Department is concentrating their enforcement efforts on new construction and existing structures which have no displayed address. Properties that currently have a displayed address will be grandfathered; therefore will not get notification that a change is required. The motion CARRIED.

Proposed New Codified Ordinance Section 1501.19 - Liquefied Petroleum Gas/Propane Tanks; Permit Required

The Fire Inspector told the committee that, six months ago, when he began his inspector duties, he came upon a list of propane exchange lockers located in the City. Because there is currently is on no permit requirements, the City is unable to keep an accurate record of this activity. The Department was also concerned that not all locations where propane tanks are located have vehicle crash protection barriers. The Department suggested the enactment of a permitting process that would be the responsibility of the Fire Inspector to oversee. Mr. Hamrick moved, Mr. Misener seconded to have a permit required for all liquid petroleum gas propane tank exchanges. The Vice President asked if there will be a permit fee; the Chair responded no. The Ward 2 Councilor asked whose name the permit would be in. The President said he was not sure; that all the Fire Department said they would do is issue the permit. The Manager said, "I believe it would be permitting the location; and those at that location would be responsible for installing the barricades or making sure that it's far enough away from vehicular traffic or an accident if it didn't require those barricades". So, they would basically be approving the area and the equipment that would need to be installed along with the lockers or the exchange, before the company was able to place them there. The Manager said some of the companies the Fire Department has spoken to have complied already. Others say the company who provides the tanks provides the barricades and does the work - and that it usually is not the store owner. The President called the motion "enacting a new Codified Ordinance Section 1501.09 titled Liquefied Petroleum Gas/Propane Tanks; Permit Required; motion CARRIED.

New Police Officers: When asked for a status report of new officer's in training. The Police Chief reported 2 have completed training and 2 have about one more week.

LEGISLATION AGENDA

- **Formal Legislation Requests** - None
- **Legislation Review:** The President provided an overview of the Legislation Reading.
- **Public Discussion** (Legislation Only) - None
- **Consent Agenda Format:** The President entertained a motion to dispose of the Legislation Reading in a Consent Agenda Format. Mr. McClure moved, Mr. Pugliese seconded to have the legislation presented in consent agenda format; motion CARRIED.
- **Legislation Reading:** The Clerk of Council presented the following legislation for Council's consideration:

ORDINANCE

2016-55 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH OLYMPIC, INC., FOR THE PURPOSE OF COMMERCIAL RUBBISH REMOVAL AT 325 WEST 48TH STREET (ASHTABULA TOWERS) FOR A PERIOD OF TWO YEARS COMMENCING RETROACTIVELY TO APRIL 1, 2016, AND CONTINUING THROUGH MARCH 31, 2018. (City Manager)

ORDINANCE

2016-56 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A FOURTH AMENDMENT TO THE JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT WITH ASHTABULA TOWNSHIP, OHIO. (City Manager)

ORDINANCE

2016-57 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO PURCHASE TWO (2) VEHICLES FROM NASSIEF FORD TOYOTA HYUNDAI IN AN AMOUNT NOT TO EXCEED \$36,400 IN ACCORDANCE WITH STATE PURCHASING PRICING. (City Manager)

ORDINANCE

2016-58 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO DISPOSE OF THE OBSOLETE AND UNNEEDED KIP 3000 LARGE FORMAT PRINTER. (City Manager)

ORDINANCE

2016-59 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE PURPOSE OF PROVIDING A STATE INFRASTRUCTURE LOAN TO FUND THE DESIGN ENGINEERING FOR THE ROUTE 20 IMPROVEMENT PROJECT IN AN AMOUNT NOT TO EXCEED \$302,000.00. (City Manager)

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

UNFINISHED BUSINESS

Wine and Walleye Festival: The President reported he has been in contact with the Ashtabula Greater Chamber of Commerce. They are scheduled to meet this week. They are very concerned about the City's position regarding the trademarking of the name "Ashtabula Wine and Walleye Festival" and are considering changing the festival's name. "I think that would be a very negative thing to happen to the festival. I think it would definitely decrease the likelihood of the festival returning to the community, to the City limits proper, certainly, if it's being run by the Chamber of Commerce. And, I would like to provide some reassurance for them, that at least at

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this point and time, and at least this year, if the festival is to be relocated to Lakeshore Park, as it seems that that is their intent, although we do have a meeting in the works to discuss the possibility of resolving some of the concerns of why they wish to move the festival, I would like to provide that reassurance to them and some sort of security to prevent them from changing the name of the festival. So, I would like to make some sort of suggestion we request an ordinance or we vote on an ordinance to grant permission at this point and time for the Chamber to use the trademark name Ashtabula Wine and Walleye Festival, which has been trademarked by the City.

And, obviously we always have the ability at a future point and time to repeal that, if we wish. I would like to provide some assurance to them we're not looking to sue them for the use of the name for the festival that they have effectively run for the last seven years. So, I'll put that out for discussion."

Ward 2: The Councilor told the audience we were late getting started this evening because we had a long discussion about the festival. He said it's going to be taken away from Bridge Street, which is where it originated from, and brought to Lakeshore Park. Bridge Street merchants depend on the crowds which have been up to 5 to 10 thousand people, the last few years. It's only a two day event now, was three and is going to be taken away. How's it going to affect the merchants in that area. It may help some of the merchants get through the winter time, which is a tough time for them. The decision to move it was made late last fall, as proven by the January 2016 magazine put out which reported the location as Lakeshore Park. A couple weeks later the announcement was in the newspaper, which is when we found out about it. Nobody that I know of knew about it; nobody said anything about it that I know of. I'm tired of finding out things by reading the newspaper. We should be on top of what's going on. It made us look like fools. Nothing was said and nothing has been said since, until tonight's Pre-Council meeting when we brought it up again to see what we can do about it. The meeting that is going to try and be arranged with the Chamber I have no faith in, but hopefully something can be done. The reason I'm upset is no one told the City what was going to happen; we were notified by reading the notice in the newspaper. Now it's too late; well, I feel that it's never too late; we should try to do something to correct a mistake that is going to be made, that's going to hurt our community and our merchants.

Ward 5: I think it would be a show of good faith on the City's part to allow them to use the name this year, and have our meetings, and try to work out the differences, and see if we can't bring the festival back, next year, to Bridge Street, if we can't bring it back this year.

President: Or, potentially to Walnut Beach or some other venue back in the City.

Ward 5: Correct.

V. President: Everybody agrees we like the Wine and Walleye Festival – as a Council; as a community. I think we also agree it's appropriately named – you have Wine and there's Walleye, so it makes sense. In effect, it's developed its own brand. So, forward thinking on the Solicitor's part to trademark that, I think changing its name would hurt the festival. Undoing what is planned, I think would be detrimental to the festival; which we agree we all like. But, beyond this year, I think there's a lot of ground we have to cover. So, I don't know if you're requesting a resolution or an ordinance. We can also license the trademark for one year for a fee of thirty-nine cents, or whatever. But, let's come to some conclusion.

President: The trademark is in perpetuity, unless it's removed; correct, Mr. Franklin.

Solicitor: No, it's not. I can't tell you the timeframe, but I want to say it's something like 10 years.

V. President: We own it and can determine what we want to do with it – such as permit it to be used with no fee attached or for a fee.

Solicitor: Yes. I'm not sure I would recommend that you throw in that bargaining chip before you come to the table with everyone who has an interest in this matter. I think you might want to withhold that.

Ward 2: Mr. Solicitor it expires February 8, 2021.

President: My reasoning, Mr. Franklin, is that I expect they're going to have a meeting to make a decision and vote on it before this other meeting actually takes place. I would hate to have that decision become finalized. They have said they put off doing a great deal of the promotion and marketing because they have been debating whether to change the name, based on the revelation of the trademark and potential lawsuit against them. It would be like any other ordinance or resolution that could be repealed and replaced if it's deemed we aren't getting a fair shake, or we can't come to a resolve. Seeing how they have been effectively running the festival since its inception, I thought it was fair to ask that they have the authority to do so with the effort made in good faith by the City to do everything in our power to eliminate the hurdles they have for why they felt the festival had to be moved and to try to move forward with returning the festival back to the community as soon as possible.

Solicitor: I don't want to get too deeply into legal advice at this point, but if the City makes the statement, "We're giving you permission to use the name this year" the City incurs potential liability if the City then unilaterally withdraws that permission at a later time – before the festival, or whatever it is, is held. So, again, I would recommend that this be one of the things that be brought to the table for discussion at the meeting that I sincerely hope will take place.

President: Hearing no second to the motion then it just drops

V. President: Was there a motion.

Clerk: It was really just discussion

Ward 4: Mr. Franklin, you brought up a liability for them to use the name "Ashtabula Wine and Walleye".

Solicitor: If the City issues a ordinance or resolution saying it's okay to use the name "Wine and Walleye Festival" this year, and the Chamber goes out and spends some thousands of dollars on promotional advertising and then the City withdraws that permission before the festival is held, there is at least an argument that the Chamber

in detrimental reliance upon the promise of the City, incurred expenses that it would not otherwise incurred, and it might try to hold the City responsible for that. It's an equitable theory of recovery called "detrimental reliance", and there are five or six hoops they have to jump through. I'm just suggesting you not expose the City to that liability at this point.

President: Let me be clear. The intention of my proposal would be that we would have no intent of revoking that [*permission*] for this year if that's what the Chamber decided to move forward and do this year; they could do so without the threat of liability or litigation against them. So, I wouldn't have any expectation or intent that we would revoke... and I would hope that we would draft into the legislation something to the affect that they could be reassured of that; that they could be given at least a six month notice or some reasonable period of time before that permission would be taken away from them prior to the festival occurring. I don't know what the reasonable time would be, but something that would be acceptable.

Solicitor: Understanding that, then the legal affect of the resolution would be to authorize the Chamber to hold the Ashtabula Wine & Walleye Festival at Lakeshore Park.

President: This year.

Solicitor: It would be an approval of that action.

Ward 4: Okay, we just brought up this issue about liability. Had none of this conversation taken place tonight and they hold the festival then that liability's there.

Solicitor: Why. Have you in word or action... has this City Council given them permission to use that name.

Ward 3: No.

Solicitor: You're missing the point, I think.

Ward 4: Okay.

Solicitor: If you pass this resolution saying, fine go ahead and use the name and then withdraw it... but Mr. Ducro's made it clear he's not looking to do that. He's asking for an ordinance to be prepared or a resolution to be prepared (and correct me if I'm wrong Mr. Ducro), that would say for this year, Chamber Foundation, we agree you may use the name, in a gesture of good faith. What I've said is, in my opinion that concedes the issue for this year. You're approving the holding of the festival at Lakeshore Park because you've removed any legal impediment - any concerns - any objections, basically, without ever coming to the bargaining table, the Chamber gets everything it wants.

V. President: They can change the name and get everything they want now, possibly.

Solicitor: I would ask for an executive session before I gave any opinions on that.

V. President: We could have that. I'd be interested in an executive session. We're right on the edge of this rabbit hole. We're either going to go down it or we're going to kick the can down the street. I think I understand the guise of the executive session, but I'd like to hear it.

President: I'd be happy to call for that. As a courtesy I'd like to proceed to the Public Discussion since some members of the public have been present since this evening's Pre-Council meeting.

Ward 1: Are we going to vote after we come out of executive session.

Clerk: If there's something to vote on.

Ward 2: Mr. President. I think, like Mr. Franklin said, if there's a meeting held maybe something could come out of that meeting that's agreeable to everyone, before any vote or other action is taken. Right now everything is status quo, as far as I'm concerned. The meeting should be soon.

Clerk: After speaking with the LBCA members here this evening, and knowing the City Manager is unavailable on Monday, April 11 possible meeting dates were provided with the intent of having the meeting on a chosen day at 8:00 a.m., at Rennick's.

NEW BUSINESS - None

MISCELLANEOUS BUSINESS - None

GENERAL PUBLIC DISCUSSION

Mrs. Patricia Blum, 1540 West 17th Street

Mrs. Blum commented on the Chamber's decision to move the Wine and Walleye Festival to Lakeshore Park without speaking with the City first. She also reported only one Lake City Plating staff member ignored the no parking regulations during the last snow fall. The President responded to the comments regarding the festival. Mrs. Blum offered to circulate petitions or help how she's able to.

Reverend Kenneth Wolfgang, 4203 Ann Avenue (seeing impaired citizen)

Mr. Gerald Cox, 5408 Samuel Avenue (hearing & seeing impaired citizen)

Mr. Wolfgang reported he runs a ministry for the blind. In 2008 he asked for audible walk signals. Some of the work has been done, but there are problems. He asked why tactile buttons are only available for crossing north/south on most of the intersections, such as West Avenue and Route 20/Prospect Avenue. He said he keeps being told tactile push buttons are going to be installed when the weather is good, and wanted to know when it might happen.

The Manager believed they were installed. He said the Ohio Department of Transportation is responsible for the project. He will follow up with them for an explanation.

Mr. Cox said he is 73 years old and has a difficult time traversing many of our sidewalks because they are in poor condition. The President asked the Solicitor if there is legislation requiring property owners to replace old sidewalks with new ones if the sidewalk is in a particular condition. The Solicitor responded, "Yes". He said the legislation has not been enforced because of the sheer impracticality of doing so at this point. There are literally thousands of properties within the City that are boarded by sidewalks that are uneven, broken, or missing. If we want to address this intelligently we should identify the high traffic areas that have not been residewalked. The Solicitor said the City has done more in terms of new sidewalks in the last five to eight years than it did in the time I've lived here, before that. He said a lot of grant money has been obtained and a lot of sidewalk has been installed - new sidewalk." The President said a long stretch of Lake Avenue was residewalked. The Solicitor noted a long stretch of West 6th Street, as well. He also said many handicapped ramps have been installed at crosswalks. He said the process would require:

- Identifying the high traffic areas because those are the ones where people are most at risk
- Identifying the worst properties in those areas, and
- Developing a timeframe from the time the letter is issued to the property owner informing them of the need to fix the sidewalk, to taking action in court.

Since there are thousands of properties other office work would have to be put aside or the office size would have to be expanded in order to bring those actions. The Solicitor said the City has tried hard to rely on the voluntary actions of property owners through the Sidewalk Repair/Replacement Program through which the City provides financial assistance for addressing sidewalks. The Ward 2 Councilor said it has not been since the late 1950s and early 1960s that the City has had a sidewalk program like what is needed. He said the program used to be such that every year the City would:

- Look up all the property owners on 5, 10 or 15 streets
- Send notices to property owners on those streets
- Contract the work out
- Send the property owners a bill, and
- If the bill was not paid it would go on their property taxes.

The Ward 2 Councilor said that's the only way it will get done now. He said roots of big trees are the main reason for the condition of our sidewalks. Mr. Wolfgang said he gave a list of trees to the City's Planning and Community Development Department and the City Manager's office.

Municipal Building Public Restroom: The Vice President asked that the first floor public restroom be repaired and opened. The Manager said nothing is wrong with the restroom; but there is something wrong with the people who use it, and with what they leave behind. The Vice President then asked that the restroom be open on Council meeting nights. The Manager agreed to do so.

EXECUTIVE SESSION

Mr. McClure moved, Mrs. Misener seconded to convene into an executive session to discuss with the public body attorney matters concerning disputes subject to pending or imminent court action. On the roll call to convene the executive session: Mr. Hamrick (yea), Mr. Roskovics (no), Mr. Pugliese (yea), Mrs. Misener (yea), Mrs. Cook (yea), Mr. McClure (yea), Mr. Ducro IV (yea); motion CARRIED by a 6 to 1 vote.

Reentry into public portion of meeting: At 9:07 p.m., the President announced reentry into the public portion of the meeting.

Pres: I would like to make a motion that we grant the Ashtabula Area Chamber of Commerce permission to use the name "Ashtabula Wine & Walleye Festival" for the festival to be held in the 2016 year, at this point and time.

VP: I'll second.

Pres: Any discussion.

VP: The trademark name "Ashtabula Wine & Walleye" is what you're referring to. I mean, I think we need to be specific to say that the usage of the trademark name by the City of Ashtabula for the "Ashtabula Wine & Walleye Festival" – giving permission for the 2016 year, is what you're talking about.

Pres: Yes, I would say that's correct.

VP: I don't want any second guessing that that's what we're talking about.

Clerk: And, so, Mr. President, may you restate your motion, please.

Pres: I would like to make a motion that the City of Ashtabula grant the Ashtabula Chamber Foundation the permission for usage of the trademark name "Ashtabula Wine & Walleye Festival" for the festival to occur in the year 2016.

VP: And, I'll second that motion.

Pres: Any further discussion.

No further comments were made

Pres: I need a roll call.

Clerk: Mr. Hamrick (yes); Mr. Roskovics (no); Mr. Pugliese (no); Mrs. Misener (yes); Mrs. Cook (yes); Mr. McClure (yes); and Mr. Ducro IV (yes). The motion CARRIED with a vote of 5 to 2.

CLOSING REMARKS

- The President announced the next Regular Council Meeting is scheduled for Monday, April 18, at 7:00 p.m.; Pre-Council is at 6:00 p.m.

ADJOURNMENT: Hearing no further business to come before the Council, the President extended a reminder to "Remember to Keep Believing in Ashtabula", and adjourned the meeting at 9:12 p.m.

DATE APPROVED: April 18, 2016

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

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