

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

Regular Meeting

Monday, May 2, 2016

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

Elder Christopher McCain of People's Baptist Church, offered the opening prayer, the Pledge of Allegiance was recited, and a Moment of Silence was observed for the unexpected passing of City of Ashtabula Public Works Department Foreman, Reginald McHenry, due to natural causes.

MEMBERS PRESENT:

Mr. August A. Pugliese	(Ward 2 Councilor)
Mrs. Josephine Misener	(Ward 4 Councilor)
Mrs. Alice T. Cook	(Ward 3 Councilor)
Mr. John S. Roskovics	(Ward 1 Councilor)
Mr. Christopher J. McClure	(Vice President)
Mr. J. P. Ducro IV	(President)

MEMBER(S) ABSENT: Mr. Kris E. Hamrick (Ward 5 Councilor)

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 from this meeting; motion CARRIED.

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

PRESENTATION(S): The President announced that two Sundays ago members of Second Congregational Church on Lake Avenue unanimously voted for Christopher McCain to be their full time pastor. He said he was privileged to introduce Christopher, when he gave this evening's prayer, as the pastor of Second Congregational Church. He announced that Reverend Glen Warner will officially install Christopher on Sunday, May 8, at their 11:00 a.m. service. The President wished Reverend McCain the best, and thanked him for his regular presence at council meetings.

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 - None

FORMAL LEGISLATION REQUESTS - None

PUBLIC DISCUSSION (Consent Agenda Legislation Only) - None

LEGISLATION READING - None

REGULAR BUSINESS AGENDA

MEETING MINUTES READING & DISPOSAL

The Clerk of Council presented the April 18, 2016 Regular Meeting minutes. Mr. Pugliese moved, Mrs. Cook seconded to waive the reading of the minutes; motion CARRIED. Hearing no corrections, the minutes stood approved as presented.

CITY MANAGER'S REPORT

- **2016 Lifeguard Agreement**

The City Manager requested an ordinance to enter into an agreement with the Ashtabula YMCA of 263 Prospect Rd. Ashtabula, OH 44004 for the purpose of providing Lifeguards at Walnut Beach for the 2016 summer season in the amount not to exceed \$24,500.00. Funding for this expenditure will be taken from account 233-158-5320. Mr. Pugliese moved, Mrs. Cook seconded to grant the City Manager's request; motion CARRIED.

- **Codified Ordinance 975, Post Construction Water Runoff Quality**

The City Manager requested an ordinance to establish consistent technically feasible and operational practical standards to achieve a level of storm water management and erosion control in an effort to minimize damage to public and private property. Mr. Pugliese moved, Mrs. Cook seconded to grant the City Manager's request. The Clerk of Council asked if this request is for the enactment of new Codified Ordinance Chapter 975, which legislation is scheduled for a vote of Council this evening. The City Manager responded, yes. The motion CARRIED.

- **Codified Ordinance 977 - Construction Site Soil Erosion Sediment and Other Wastes and Storm Water Runoff**

The City Manager requested an ordinance to establish consistent technically feasible and operational practical standards to achieve a level of storm water management and erosion control in an effort to minimize damage to public and private property, by the enactment of new Codified Ordinance Chapter 977. Mr. Pugliese moved, Mrs. Cook seconded to grant the City Manager's request.

Discussion: The Manager said this legislation pertains to the City's MS4 Permit, which addresses storm water runoff, what is in our storm lines, and also for anything that has to do with construction in the City - the plans the contractors will have to follow in order to construct their site and eliminate or manage storm water runoff from those properties.

The President asked who requires the City to legislate the Permit. The City Manager said, "This all has to do with the MS4 Permit we apply for. I can't remember how many years our MS4 is good for. This is one of the action items we had not established; that should have been established a long time ago. Now that we finally have it all written down we were able to codify it." The President asked if we apply for the MS4 Permit from the Ohio Environmental Protection Agency (OEPA). The Manager said, "That's correct". The motion CARRIED.

- **Playground Equipment – Nature Works Grant**

The City Manager requested an ordinance to enter into an agreement with Snider Recreation, Inc. of 10139 Royalton Road, Suite K, North Royalton, OH 44133 as part of the State Purchasing Program for the purpose of providing playground equipment for the City of Ashtabula in the amount not to exceed \$49,045.00. The cost of this equipment is paid in part through an Ohio Nature Works Grant in the amount of \$38,000. Funding for this expenditure will be taken from Fund 290. Mrs. Misener moved, Mrs. Cook seconded to grant the City Manager's request.

Discussion

The President asked for the name of Fund 290. The Finance Director responded, CDBG (Community Development Block Grant) Grant Fund. The President asked where the additional funds will come from to make up the difference, or if the grant covers all costs. The City Manager reported the grant will cover \$38,000; the remainder is the City's contribution. The President asked if the City's contribution will be taken from the General Fund; the Manager said yes. The motion CARRIED.

The President asked the City Manager if the photos of the playground equipment will be on the City's website, or if a copy would be sent to the Star Beacon and Gazette newspapers for print. The Manager said he would send them to the newspapers. The City Manager reported that the \$10,000 cost to install the equipment was used to purchase more equipment; and that 20 to 25 volunteers will be supervised by the equipment manufacturer at no cost, to assemble it. The call for general public and service organization volunteers will be announced in the newspaper. He said because of the success with volunteers erecting the playgroup equipment at Clifford Kadon Presidential Park (West 58th Street), he felt the same could be done at the beach. He said it takes the manufacturer about 5 weeks to build.

- **Roto Rooter Change Order No. 1 – Sewer Line Replacement – Justice Center**

The City Manager requested an ordinance to execute Change Order No. 1 with Roto-Rooter of Post Office Box 524 Ashtabula, OH 44004 for the purpose of plan changes to the original scope of the project due to the location of an electric transformer. This Change Order will be in the amount not to exceed \$6,730.06 with a non-performance amount from the original agreement of \$1,850.00. Funding for this expenditure will be taken from Fund 504. Mr. Pugliese moved, Mrs. Cook seconded to grant the City Manager's request; motion CARRIED.

EXECUTIVE SESSION

The City Manager announced he would like a brief executive session at the end of the regular business to discuss the sale of property.

CITY SOLICITOR'S REPORT – No Report

FINANCE DIRECTOR'S REPORT

- **Department Update:** The department is in full tax season swing and is daily processing tax returns.
- **Then and Now Certification Payment Request:** Payment approval was requested for work performed at the Equalization (EQ) Basin by Notter Electric on September 2, 2015. The purchase order was secured on April 1, 2016. Mr. Pugliese moved, Mrs. Cook seconded to authorize payment; motion CARRIED.

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 announced the committee will meet on Tuesday, May 10 at 4:00 p.m. The Greater Ashtabula Chamber of Commerce is this month's scheduled guest. The Parks & Recreation Board is scheduled to meet the same evening at 6:30 p.m.

FINANCE & PERSONNEL (F&P) - (Mr. Ducro IV/Mr. Pugliese) - The Chair announced the committee's Friday, May 13 meeting will be rescheduled for Friday, May 20, if necessary.

PUBLIC WORKS/PUBLIC UTILITIES/CABLE/SCHOOLS (PW/PU/C/S) - (Mr. Pugliese/Mr. McClure) The Chair announced the committee's Friday, May 6, meeting has been cancelled.

SAFETY FORCES (SF) - (Mr. Hamrick/Mrs. Misener) - The Vice Chair reported on the committee's Monday, April 25, meeting, as follows:

Police Department

- **Monthly Blotter Report:** The March report was reviewed. Calls for service totaled 1,255 of which 428 generated reports (108 adult traffic arrests, 29 juvenile arrests, 79 adult physical arrests, and 30 crash reports). The number of juvenile arrests more than doubled from the February report. The number of calls increased by about 225.
- **Body Cameras:** The department is looking into the purchase of independent or vehicle integrated body camera systems. Police Chief Robert Stell prefers the integrated system because the camera would be linked to police vehicles, but also carries a higher price tag.

- **Noise Legislation:** The Ward 1 Councilor inquired about the City's noise legislation. The Vice Chair reported calls have begun about loud mufflers and boomboxes. The Police Chief reported the department's focus is on vehicles without mufflers. If an officer is able to hear music from a vehicle within 30 feet of the cruiser a citation may be issued. If cited multiple times the music system may be confiscated, which has been done.
- **Propane Exchange Tanks:** Last month the committee reported the Fire Department requested legislation to enact a permitting process for these tanks. Fire Inspector Steve Chase presented the committee with the proposed permitting application, for which there will be no associated fee. The permit will ensure the department knows where the tanks are located. The request was brought to the full council, a vote to have the legislation drafted was passed, and the Solicitor is working on it. As far as the vice chair knows all commercial businesses in the City of Ashtabula have safety barriers in front of their tanks.
- **Meeting:** The committee's next meeting is scheduled for Monday, May 23, at 8:00 a.m.

LEGISLATION AGENDA

- **Formal Legislation Request(s)** - None
- **Legislation Review:** The President provided an overview of the Legislation Reading, as follows:

2nd Reading

ORDINANCE

2016-61 AN ORDINANCE GRANTING PERMISSION TO THE GREATER ASHTABULA CHAMBER FOUNDATION FOR NON-EXCLUSIVE USE OF THE REGISTERED TRADE NAMES "ASHTABULA WINE & WALLEYE FESTIVAL" AND "WINE & WALLEYE FESTIVAL" AT AND FOR AN EVENT CURRENTLY SCHEDULED TO BE HELD AT LAKESHORE PARK IN AUGUST, 2016. (City Council)

ORDINANCE

2016-66 AN ORDINANCE REPEALING, IN ITS ENTIRETY, CODIFIED ORDINANCE SECTION 1329.04 FOR THE PURPOSE OF REVISING AND UPDATING THE CITY'S ASSIGNMENT OF HOUSE NUMBERS TO PROVIDE THAT DISPLAYED HOUSE NUMBERS BE A MINIMUM OF FOUR INCHES HIGH. (Fire Department)

ORDINANCE

2016-67 AN ORDINANCE ENACTING CODIFIED ORDINANCE SECTION 1329.04 AN ORDINANCE ENACTING NEW CODIFIED ORDINANCE SECTION 1309.04 ENTITLED ASSIGNMENT OF NUMBERS. (Fire Department)

ORDINANCE

2016-68 AN ORDINANCE ENACTING NEW CODIFIED ORDINANCE CHAPTER 975, ENTITLED POST-CONSTRUCTION WATER RUNOFF QUALITY. (City Manager)

- ORDINANCE
2016-69 AN ORDINANCE ENACTING NEW CODIFIED ORDINANCE CHAPTER 977, ENTITLED CONSTRUCTION SITE SOIL EROSION, SEDIMENT AND OTHER WASTES AND STORM WATER RUNOFF. (City Manager)
- ORDINANCE
2016-70 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO DISPOSE OF OBSOLETE AND UNNEEDED VEHICLES. (City Manager)
- ORDINANCE
2016-71 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO FILE APPLICATIONS AND EXECUTE DOCUMENTS FOR A DOWNTOWN REVITALIZATION GRANT, NEIGHBORHOOD REVITALIZATION GRANT AND AN ALLOCATION GRANT FOR THE DOWNTOWN DISTRICT AS WELL AS THE ADJACENT NEIGHBORHOOD. (City Manager)
- ORDINANCE
2016-72 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE ASHTABULA COUNTY Y.M.C.A. FOR LIFEGUARDS. (City Manager)
- ORDINANCE
2016-73 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE OPERATION OF THE WALNUT BEACH CONCESSION STAND FOR THE 2016-2019 SUMMER SEASONS. (City Manager)

- **Public Discussion** (Legislation Only)

Mr. Earl Tucker, Walnut Boulevard (Ashtabula City Parks & Recreation Board Chair): commented on how the last council meeting brought back visions of how city council “behaved” prior to 2009 - picking sides, insulting each other, making insinuations that others were not doing their job”. He said he had hoped those times had passed – noting City Council has done a good job of working together the last 8 years, with a few minor disagreements, but nothing that reached the level it has over the Wine & Walleye Festival. He said he believes the change in the festival’s venue was “ill done” and should have been discussed in open session prior to the Chamber Foundation making formal decisions so the issues which created the change in venue could have been worked on together and solutions found. He said the change has been made, the festival has been moved for 2016, and nothing will change that this year. He said he has been a festival concessionaire and volunteer and knows how much it takes to have a successful festival. Therefore, he believes there is no time to reconsider the festival remaining on Bridge Street this year, and that it must take place at Lakeshore Park. He believes Council’s consideration of granting permission to the Chamber Foundation to use the festival names is “proof positive that all of the interested parties involved are willing to sit down and work together to bring Wine & Walleye back to the City”. The Lift Bridge Community Association (LBCA), the City, and the Chamber working together is a much better solution rather than having the entities engaged in a “pointless battle that will only create additional acrimony and bruised egos and work truly against the future of our City.

I challenge each of you to put these past events to rest, forget the pettiness and who is right and who is wrong – it just doesn't matter. Think about who you are really representing with your vote. Is it your own interest or is it those of the City that you're going to give the best consideration. I hope it's going to be for the future of Ashtabula. Thank you."

- **Consent Agenda Format:** The President entertained a motion to dispose of the Legislation Reading in a Consent Agenda Format, with the exception of Resolution No. 2016-61, which will be presented separately. Mrs. Cook moved, Mr. Pugliese seconded the President's request; motion CARRIED.
- **Legislation Reading:** The Clerk of Council presented the following legislation for Council's consideration:

2nd Reading

ORDINANCE

2016-61 AN ORDINANCE GRANTING PERMISSION TO THE GREATER ASHTABULA CHAMBER FOUNDATION FOR NON-EXCLUSIVE USE OF THE REGISTERED TRADE NAMES "ASHTABULA WINE & WALLEYE FESTIVAL" AND "WINE & WALLEYE FESTIVAL" AT AND FOR AN EVENT CURRENTLY SCHEDULED TO BE HELD AT LAKESHORE PARK IN AUGUST, 2016, was presented for its seconded reading. (City Council).

Mrs. Misener moved, Mr. McClure seconded to waive the reading of the ordinance; motion CARRIED. Mr. McClure moved, Mrs. Cook seconded to adopt the ordinance. On the roll call to adopt the ordinance. The Manager requested and was granted permission to comment. He said, "In the meantime and since the last council meeting, I know there has been some discussion that certain people are not taking a vested interest in this and fought for the City to keep this festival. I can assure you that I have and I maybe have not done it as publically as some others, but some of the things I have been able to negotiate for the City I haven't had to do publically; I've been able to do those things behind the scenes without drawing a lot of attention to it. But, I would like to let Council know since our last meeting I did make an offer to the Chamber in which the City would take much more of an ownership role, as all of you have stated that there's a strong feeling that this festival does belong to the City. What I purposed, which obviously would have to be approved by you if it was accepted, was:

1. Agreeing to absorb a portion of any loss to the festival in oncoming years
2. Agreeing to mandatory volunteerism by City Officials
3. Agreeing to absorb some of the cost of the security
4. Accept a small percentage of any profit for the City so that we also could reap some of the benefits of the festival; and
5. Upon Mr. McClure's suggestion, possibly organize and provide fireworks at the festival.

I understand that was taken to their board, and unfortunately because of the position they're in right now and the planning that has gone on, they could not accept it, at this time. But, again, they did stress, as I suggested at our last joint meeting, they are very much willing to be a part of the discussion to remove or mitigate the obstacles that caused the move in the first place,

and would like to appoint a representative, as we discussed, to be part of that discussion to bring it back in 2017, and beyond.” The Vice President echoed the City Manager’s comments. He said, “I think the spirit most of us have is this is allowing them to use the name for a year and we want it back bigger and better. And, we’re going to work pretty hard to do that”. The President thanked the City Manager for reaching out and working through some opportunities with the Chamber to show them what the City is willing to do, and showing them our interest and passion and committing us to be involved to make sure we are always perceived as a partner. The Ward 1 Councilor asked the City Manager if the suggestions he enumerated where from the Chamber or his. The Manager said it was his offer to the Chamber to attempt to keep the festival in the City this year. The President asked for the roll call on the adoption of the ordinance: Mr. Pugliese (nay), Mrs. Misener (yea), Mrs. Cook (yea), Mr. Roskovics (nay), Mr. McClure (yea), Mr. Ducro IV (yea). The motion passed by a 4 to 2 vote, and will take effect in 30 days.

The Clerk presented the following legislation for disposal in consent agenda format:

ORDINANCE
2016-66 AN ORDINANCE REPEALING, IN ITS ENTIRETY, CODIFIED ORDINANCE SECTION 1329.04 FOR THE PURPOSE OF REVISING AND UPDATING THE CITY’S ASSIGNMENT OF HOUSE NUMBERS TO PROVIDE THAT DISPLAYED HOUSE NUMBERS BE A MINIMUM OF FOUR INCHES HIGH. (Fire Department)

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(City Manager)

ORDINANCE

2016-73 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE OPERATION OF THE WALNUT BEACH CONCESSION STAND FOR THE 2016-2019 SUMMER SEASONS. (City Manager)

Mr. Pugliese moved, Mrs. Cook seconded to waive the reading of the legislation; motion CARRIED. Mr. Pugliese 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. Pugliese, Mrs. Misener, Mrs. Cook, Mr. Roskovics, Mr. McClure, Mr. Ducro IV voted yea; motion CARRIED. On the roll call to adopt the legislation: Mr. Pugliese, Mrs. Misener, Mrs. Cook, Mr. Roskovics, Mr. McClure, Mr. Ducro IV voted yea; motion CARRIED.

UNFINISHED BUSINESS - None

NEW BUSINESS

- **LIQUOR PERMIT TRANSFER**

FROM: Diane Dorothy Carkhuff, dba JJS Beverage, 901 Bunkerhill Road, Ashtabula, OH 44004

TO: Brampton Investments LLC dba JJS Beverage, (same address)

Permit Designations

C1 Beer only in original sealed containers for carryout only until 1:00 a.m.

C2 Wine and certain prepackaged mixed drinks in sealed containers for carryout only until 1:00 a.m.

Neither objections nor a request for a hearing was made.

MISCELLANEOUS

- **Area Cleanups:** The President thanked the following groups and citizens for their help to clean our City:

My Neighborhood Group: Clifford Kadon Presidential Park and neighborhood trash pickup)

A100 Club & Ashtabula Exchange Club - Kevin Grippi, Steve Sergeant, Al Sidbeck, and other volunteers whose names he was not provided: Tannery Hill, Cedarquist Park/Little League Park, Gulf – trash & tire removal

Al Sidbeck: Assisted President on south side of Bunkerhill Road and along the stretch of Collins Boulevard from Main Avenue to Spring Street Bridge.

The President echoed the Ward 2 Councilor's sentiments that the trash that is being thrown in and around the community is really tragic. He said it is amazing what a dozen volunteers accomplished in cleaning up large areas; and how easy it would be to keep our community clean if everyone would take time to clean up their own space, even if they it is not their trash. He challenged citizens to take a moment to pick up garbage and debris; and said what a big difference it would make.

- **Resolution Request:** The Ward 2 Councilor requested a resolution acknowledging Hilmak Seafood Market's 50th anniversary; Mrs. Cook seconded; motion CARRIED.
- **Sign Ordinance:** The Ward 1 Councilor asked if the City has legislation regulating political signs. The Solicitor reported the City's legislation focuses solely on appearance and safety not on content or the duration a sign may be exhibited because of Supreme Court rulings. He said when a temporary sign, political or otherwise, becomes unsightly the owner may be asked to remove it. The City Manager announced signs are not permitted to be posted on telephone poles, PERIOD. Yard sale directional signs and lost cat/dog signs posted throughout the city are also prohibited and will be removed. The City's Code Enforcement Officer and others have been removing the 'bad credit' signs plaster around town. He gave permission for anyone to remove illegally posted signs.
- **Yard Sale Permits:** The City Manager announced yard sale permits are required, may be secured from the City's Planning and Community Development Department, and there is no fee. He said there are a limited number of yard sales permitted due to their abuse.

GENERAL PUBLIC DISCUSSION

Ms. Christine Seuffert, 6018 Hillcrest Avenue

- **Blessing of Fleet & Sock Burn:** On behalf of the Lift Bridge Community Association (LBCA) and in cooperation with Our Lady of Peace Parish/Mother of Sorrows Church, Ms. Seuffert issued an invitation to attend the 66th Annual Blessing of the Fleet on Sunday, May 22, at 11:30 a.m., on the public dock in the Harbor. The procession will begin at the church, after mass, which she assumes is at 9:30 a.m., thus ending at 10:30 a.m. It will end at the dock, where the blessing of the vessels ceremony will begin at 11:30 a.m. She invited folks to remain on Bridge Street to dine and shop, and to search for mermaids, "There will be some sightings". At 4:30 p.m., the first "Burning of the Socks" will take place on the public dock. She explained that one of the restaurant owners (who's not a local) said when he was on the east coast the boaters would welcome the summer season by getting bare footed and have a ceremonial toss the stinky, old winter socks into the fire. The public is encouraged to bring a sock to burn or simply be a spectator to say goodbye to the snow, sleet, and winter and welcome summer on Bridge Street and throughout the community.
- **Clean up:** Bridge Street clean up is scheduled for Wednesday, May 18, at 9:00 a.m. Volunteers may meet in front of Carlisle's Home Store and bring equipment.

- **Flowers:** On Wednesday, May 25, flower baskets will be hung.
- **Activities:** LBCA is looking forward to having a variety of activities on Bridge Street for families, the community, out of town guests. Preparations are in swing for an art festival, the Beach Glass Festival, and the Wine & Walleye Festival. Ms. Seuffert said, "We must survive down there so we have some good things planned when all of these people come into our town. So, hopefully, we'll see you on some level or another. You're always, always welcome to come down and help us out, our just celebrate with us. Thank you."

EXECUTIVE SESSION

At 7:45 p.m., Mr. Pugliese moved, Mrs. Cook seconded to convene an executive session to discuss the sale of property. On the roll call to convene the session: Mr. Pugliese, Mrs. Misener, Mrs. Cook, Mr. Roskovics, Mr. McClure, Mr. Ducro IV voted yea; motion CARRIED.

Reentrance into Public Meeting

At 8:03 p.m., the President announced the public meeting reconvened, and that no action, resulting from the executive session, is required at this time.

CLOSING REMARKS

Next Regular Meeting: The President announced the next Regular Council Meeting is scheduled for Monday, May 16, 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 8:04 p.m.

DATE APPROVED: June 6, 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