

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

Regular Meeting

Monday, June 20, 2016

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

The Ward 4 Councilor offered the opening prayer; the Pledge of Allegiance was recited.

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

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.

MEETING MINUTES READING & DISPOSAL

The Clerk of Council reported the transcription of the May 16, 2016, Regular Council Meeting minutes is not yet complete. She requested they be removed for consideration at this meeting. Mr. Pugliese moved, Mr. Hamrick seconded to approve the request; motion CARRIED.

LEGISLATION AGENDA

- **Formal Legislation Requests:** The Clerk of Council made a request to move the formal legislation requests to the Regular Legislation Agenda. Mr. Pugliese moved, Mrs. Cook seconded to approve the request; motion CARRIED.

- **Legislation Reading Review:** The Clerk of Council provided a brief overview of this evening's Consent Agenda Legislation Reading.
- **Public Discussion** (Consent Agenda Legislation Only) - None
- **Legislation Reading**
The Clerk of Council presented the following legislation for Council's consideration:

ORDINANCE

2016-81 AN ORDINANCE REPEALING, IN ITS ENTIRETY, CODIFIED ORDINANCE SECTION 1155.04 FOR THE PURPOSE OF REVISING AND UPDATING THE SIGN REGULATIONS FOR THE ASHTABULA HARBOR HISTORICAL DISTRICT.
(City Manager)

ORDINANCE

2016-82 AN ORDINANCE ENACTING NEW CODIFIED ORDINANCE SECTION 1155.04 CONTAINING UPDATED SIGN REGULATIONS FOR THE ASHTABULA HARBOR HISTORICAL DISTRICT. (City Manager)

ORDINANCE

2016-83 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR REPLACING AND/OR UPGRADING SIGNS ON STATE ROUTE 531 WITHIN THE CITY OF ASHTABULA. (City Manager)

ORDINANCE

2016-89 AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES OF THE CITY OF ASHTABULA, OHIO.
(Clerk of Council)

ORDINANCE

2016-90 AN ORDINANCE LEVYING A MUNICIPAL MOTOR VEHICLE LICENSE TAX PURSUANT TO SECTION 4504.172, OHIO REVISED CODE. (City Council)

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

REGULAR BUSINESS AGENDA

MEETING MINUTES READING & DISPOSAL – None

CITY MANAGER'S REPORT

- **Obsolete Equipment**

The City Manager requested an ordinance to deem obsolete and to scrapped the 1999 Dodge Dump Truck, VIN 3B6MF3652XM560666, previously utilized in the Lands & Buildings Department. Mr. Pugliese moved, Mrs. Cook seconded to grant the request; motion CARRIED.

- **Walnut Beach Playground Construction**

The City Manager thanked everyone who helped erect playground equipment at Walnut Beach on Thursday and Friday, June 16 and 17. The following companies made donations: Squire Shoppe, Dunkin Donuts, Harbor Perk, Giant Eagle, J.D.'s Pizza, the Crows Nest and Bridge Street Pizza. Lunch was purchased for volunteers at the concession stand operated by Goodwill Industries. Volunteers included Titans Baseball Team, Lakeside High School (LHS) Athletic program (mostly the football team accompanied by Coach Hall and staff), New LHS Athletic Director, Michael Cochran, Lion's Club, local Fraternal Order of Police, Fire Department, a few members of City Council, Ashtabula City Parks & Recreation Board, a couple of citizens, and YO (Youth Opportunities) Program participants. The equipment company representative that was on sight to supervise the project said when they go to areas they usually bring four people and the project takes about 2.5 weeks to install. The fastest they have seen equipment erected with volunteers is four days. We accomplished it in 1.5 days. It was truly an awesome community event. He asked that the equipment be respected.

- **Bands-on-the-Beach**

With the installation of new playground equipment and the Bands-on-the-Beach concert, the beach was packed.

- **Lifeguards**

New signage outlining beach rules will be ordered.

- **Festivals**

The festival season has begun with the Beach Glass Festival scheduled for this weekend. TABS (The Arts on Bridge Street) are scheduled for July. Portions of the Wine & Walleye Festival will also be on Bridge Street in August.

The City Manager reported the weekend was capped off with Father's Day and yesterday's Cleveland Cavaliers (CAVS) basketball championship – GO CAVS!

Questions / Comments for City Manager

- **Old Walnut Beach Playground Equipment:** The Ward 2 Councilor asked if the old equipment will be removed. The Manager said the intention is to remove it, mainly because the equipment is obsolete, does not meet today's standards, and from what he understands it was erected in the early 1990s and some of the wood has rotted.

- **Property along Greenway Trail:** The Ward 5 Councilor reported that a couple weeks ago “we spoke about a piece of property along the Greenway Trail and the paper street of Nathan Avenue”. He asked if anything was able to be determined because nothing has changed. He said he rode in the area today and almost got hit by a car because you cannot see due to high grass. The Manager apologized for not following up with the owner of the property. He will try to have an answer by the end of tonight’s meeting.

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 did not meet last Tuesday, but will meet on Tuesday, June 21 at 3:00 p.m., at the Municipal Building – mainly to review pending agenda items, clean up our calendar, make plans to invite specific organizations and/or individuals to future committee meetings and discuss future activities we would like to do.
- She attended last Wednesday’s Ashtabula City Port Authority meeting. A gentle reminder was issued to the City Manager that there are two member vacancies on that board; the board is anxious to get them filled.
- The Ashtabula City Parks & Recreation Board met last Tuesday, at 6:30 p.m., at Smith Field.
 - YMCA Director Trevor Sprague gave a report. He indicated the Y wants to interact more with the City. He asked what the Y is able to do for the City and what the City expects from them; perhaps a future meeting may be scheduled to have this discussion. The Walnut Beach lifeguard rescue equipment, the City purchased, arrived. The Manager said the cart used to transport the equipment arrived last week.
 - A couple weeks go the Coast Guard rescued a swimmer outside Walnut Beach’s swimming boundaries.
 - The Annual Lighthouse swim is scheduled for the end of July. Participants may register at the YMCA or online. The pre-registration fee is \$30.
 - The revival of an old event, the “Tribulathon” (swim, bike, run) is schedule for June 25. The entrance fee is \$40 per person; \$75 for a team.
 - My Neighborhood group reported their vegetable beds are in and the garden his planted.

- Last year the Lake Erie Correctional facility donated picnic tables and chairs. The seats are not usable. The Board is working with someone to have the seats replaced. They are stored in the City's West Avenue facility.

The committee Chair said, "It's no secret how important creating, maintaining and preserving green space is. Cities, in recognition of this need, are devoting space and dollars to providing an environment for its residents. It helps to bring neighborhoods together. It improves property values. And, it's even one of the first questions a prospective home buyer might ask. I think it's time that we ask our residents to support a small levy to help maintain and improve our own city parks. At this time I'd like to entertain a motion to place a 5 year, 1.5 mil levy for Parks & Recreation on the November ballot. On a \$75,000 home you're looking at approximately \$39 per year or \$3.25 a month." The Clerk asked the Chair to state just the motion, for the record. The Chair said "I would like to entertain a motion to place 5 year, 1.5 mil Park & Recreation Levy on the November ballot - Mrs. Cook seconded."

Discussion

The Vice President said, "There will be more to follow. To get behind this as a council we've got a good track record with the Police Levy. As far as I'm concerned this is something that we need to get behind. And, as the election comes closer we'll expect you as the quarterback of this to help push this forward with your committee, and at these meetings, and in this forum."

The Chair said once there are firmer figures and the Manager creates a pie chart to show where the funding will go and for what, that will be presented. The Chair praised the P&R Board for their diligence and hard work, and said they plan to do a lot of levy campaigning. "We, as a Council, have to get behind this effort and make it so people understand what it is for and what it can do for the community. It will relieve the City from taking funding for parks to be able to put into Public Works, which should make Mr. Pugliese happy. I'm optimistic and I think the need is there and I think the people will see it".

The Ward 2 Council said: "For the last 10 to 12 years, recreation in the City has been nonexistent. When I was in the office of City Manager I had a program for a couple years, but it had to be discontinued due to lack of funding. This is something that is definitely needed in the City of Ashtabula and a lot of other communities. As you know you don't see any of our youth out, at all, at night. In the evening you don't see anybody out. We have to find something for our youth to do other than playing with those games in the house; and especially in the winter time. I did bring this up last year - an ice skating pond. I think that would be a terrific idea right down at Walnut Beach, or wherever. But, I think this is a good idea. What will it cost you - \$38 per year. We throw \$38 away, anyway. I really would hope that the residents of the City would get out and support this and think of the youth of this City. We need to get them out doing things and give them things to do so they will not get in to any trouble. So, I think it's definitely needed."

The City Solicitor spoke to timing requirements. He said typically a levy of tax against property is preceded by two separate pieces of legislation. One is a resolution or ordinance of necessity, indicating it is the intention to impose the tax and seeking a certification of the amount the tax would raise from the County Auditor's office.

Ashtabula City Regular Council Meeting
Monday, June 20, 2016

Secondly, there is the formal resolution or ordinance to proceed with placing the issue on the ballot and indicating the language as it will appear on the ballot. If I understand what's happening this evening, this is a request for the preparation of the first of those two resolutions, which would then be voted on in the first meeting of July. And, the soonest the second ordinance could be voted upon would be the second meeting in July. So we are up against the August deadline for a November vote, just so everyone is aware of that.

The President said a special meeting may be called to consider the required legislation, if necessary.

The Clerk of Council reported customarily how it works is the first piece of legislation is enacted, sent to the County Auditor's office for certification dollar amount, that amount is returned to the Clerk who forwards it to the City Solicitor for use in the second piece of legislation, and both pieces are sent to the Board of Elections, if enacted.

The Solicitor confirmed that the second step cannot be taken until certification is received from the County Auditor, and that the enactment of the first piece of legislation is what gets that certification. We know what the numbers are because information is generally available nowadays. But, Ohio's Tax Levy law is a bit antiquated, nonetheless it is a formal requirement of the law that has to be adhered to. It is also a formal requirement of the Ashtabula City Municipal Charter that you cannot vote on an ordinance unless it is in written form.

The Clerk of Council asked if the motion, as stated, covers both required pieces of legislation. The Solicitor responded yes.

The President reported there are park levies currently on our real estate taxes. They do not, in any way, fund City parks. City parks frequently used are: Kevin M. Cornelius Memorial Park (formerly North Park), South Park, Smith Field, Walnut Beach, Clifford Kadon Presidential Park, Point Park, Nappi Field, Highland Beach, Massucci softball field, and East 48th Street Park. Public Works staff is used to perform the limited amount of work we are able to do, given our manpower levels. It would be wonderful to have some dedicated resources to actually try to keep the parks maintained and try to make them more pleasant to use for citizens and visitors, alike.

The motion CARRIED to place a 5 year, 1.5 mil, Parks & Recreation Levy on the November 8, General Election ballot.

- Events:
 - Beach Glass Festival, Saturday / Sunday, June 25 & 26; 10:00 a.m. to 5:00 p.m.
 - Arts-in-the-Alley is coming up. More information will be provided at the next regular council meeting.

FINANCE & PERSONNEL (F&P) - (Mr. Ducro IV/Mr. Pugliese) - The Chair reported on the committee's Friday, June 17 meeting, as follows:

The Finance Director (FD) reported to the committee the following:

- No great surprises; most budget projections are being met

Ashtabula City Regular Council Meeting
Monday, June 20, 2016

- City Income Tax is slightly higher than projected and is attributed to withholdings
- Going back to 1983, the delinquent income tax amount was \$1 million; going back 3 to 4 years the amount is about \$180,000, and is realistically collectible; programs to try and collect more delinquent amounts were discussed
- The Finance Department was grateful for the time Louisville, Ohio's Income Tax Administrator Laurie Tournoux spent in the department sharing best practices and program information. Her time was at no cost to the City. Our City's gratefulness will be expressed to Louisville's Council
- The City's 2017 Tax Budget is being prepared for this committee's review, especially the 15% projected departmental operating budget decrease in order to make budget
- She is working with Municipal Court Judge Laura DiGiacomo to determine how much the Court is going to be able to contribute to the General Fund, as they have customarily done in past years
- It was suggested that "Unfunded Liability" accounts be established for each departments to provide a cushion for unexpected retirements or other expenditures; it is difficult to do when at very low financial and funding levels
- Nuisance Abatement Certification for unpaid trash invoices is coming up; delinquents will be listed in the newspaper as a "nuisance"; the President issued a reminder to pay delinquents in order to avoid the process; once the delinquent amounts are certified to the county they have to be paid to the county in order to remove the amount from tax duplicates
- Currently Codified Ordinance Section 951.081 ABATEMENT OF PUBLIC NUISANCE sets the nuisance abatement certification publish timeline at "within ten days of the last date of publication set forth". The Finance Department believes a more realistic timeline for publishing would be "within 30 days of the last date of publication". The Chair entertained a motion; Mr. Pugliese seconded to amend Codified Ordinance Section 951.081 to reflect a "within 30 days of the last date of publication" timeframe; motion CARRIED.
- 2016 and 2017 potential retirements; the City Manager would hope to replace the personnel, but timing and payouts would dictate what is actually feasible at the appointed time; and
- A Supplemental Appropriation Requests in the General, Law Enforcement Trust Balance, OWDA FEE Transfer, Workers Comp, JEDDs 1 and 2 Distributions and Escrow Payment Funds, in the amount of \$147,200. The Chair entertained a motion, Mr. Pugliese seconded for the full Council to approve the request; motion CARRIED.

City Manager reported the following to committee:

- Due to the unexpected passing of Reginald McHenry and the passing of Marvin (Butch) Keen and transitioning activity at the Waste Water Treatment Plant, bidding and bumping activity has been taking place in Local 1197 positions
- The Planning & Community Development Department are completing some grant applications due on June 17
- The City presently does not give pool fill credits; the Chair would like to continue this discussion without creating an expense or added work on a certain department; the chair is open to receiving ideas for a simplified process to allow residents to get a credit to fill their swimming pools at the beginning of swim season; the Finance Director will run a few calculations to determine various credit amounts; the City Manager will have the Water Pollution Control division look into the cost of water meters and the Clerk of Council will send a 'request denied' letter to the citizen who made the most recent inquiry.

Executive Session re: Assistant Finance Director

The Finance Director requested the committee convene an Executive Session to discuss the Assistant Finance Director's compensation. She reported Assistant Finance Director Carolyn Sheldon took a \$1,500 pay decrease to go from Human Resources & Payroll Administrator (HR/PA) to Assistant Finance Director, while taking on additional job responsibilities and giving up very few job responsibilities from the other position. The Chair reported Mrs. Sheldon has done "an exceptional job". The Chair moved, Mr. Roskovics seconded to adjust the Assistant Finance Director's salary from \$47,500 to \$49,500, which is essential a return to the previous rate of pay, please a \$500 increase for the additional responsibilities assumed. The motion CARRIED.

The committee discussed the pay rate of the HR/PA position, which is not currently filled. It was filled at a rate of \$47,500 because of the experience of the person who held the position. It was suggested that the rate of pay be reduced in case the position is filled in the future, thereby setting a base rate to start at. The Chair moved, Mr. Pugliese moved to modify the compensation for HR/PA from the current level of \$49,000 to \$45,000.

Discussion

The Clerk of Council explained that the present Assistant Finance Director (AFD) was in the position of HR/PA making \$49,000 annually. She applied for and was awarded the AFD position (a career advancement), but the salary for which was \$1,500 less than she was making as HR/PA. When asked why she took the position at a lower rate of pay, she responds that she had to in order to gain the experience. The committee's request is that the AFD's pay be restored to the amount she was making as HR/PA (\$49,000) plus a \$500.00 increase.

The Ward 4 Councilor asked if the funds are budgeted and if there are plans to fill the HR/PA position. The Finance Director said no budget adjustments are needed and there are no plans to fill the position.

The Finance Director reported there previously were three salaried personnel in Finance: Human Resources & Payroll Administrator, Assistant Finance Director, and Finance Director.

Ever since the switch was made from a City Auditor Department to a Finance Department the department has been evolving. As people retire or leave the City's employ, the department's make up is reviewed. When the former Assistant Finance Director accepted the Finance Director's position in Geneva, the opportunity, again, presented itself for the department's make up to be reviewed. So, instead of keeping it as it was, she spoke with the Council President, the City Manager and the staff and decided to combine the professional portion of the Human Resources and the Assistant Finance Director. The paraprofessional duties were given to an Accountant Assistant.

The Ward 4 Councilor said, "Carolyn Sheldon is a very dedicated employee; she does an excellent job. I don't know how she does it, but she does. We are lucky to have her". The President concurred.

The motion CARRIED to reduce the annual salary of the Human Resources & Payroll Administrator position from \$49,000 to \$45,000.

Questions / Comments for Finance & Personnel Committee

- **Municipal Court:** The Ward 4 Councilor sought clarification regarding the Municipal Court's funding. The Finance Director reported, "It's the first step in the budget process. Historically the Court contributes some of their Probation and Special Projects funds to the General Fund, for their wages and salaries. For as far back as I can research the Probation Fund has been doing it. But, it requires the approval of the Judge. So, in creating the Tax Budget I sent out the request to see what the intentions are for this year and have not received a response yet, to know what the contribution number will be. So, my first draft of the 2017 Tax Budget does not include any contribution from those Court funds."

PUBLIC WORKS/PUBLIC UTILITIES/CABLE/SCHOOLS (PW/PU/C/S) - (Mr. Pugliese/Mr. McClure)

The Chair reported the committee's next scheduled meeting is Friday, July 1, at 8:00 a.m., unless there is no need to meet. The Manager said he has something to report under New Business which may fall under this committee's purview.

Questions / Comments for PW/PU/C/S Committee

- **Outstanding Committee Agenda Items to Discuss**
 - The Clerk of Council reported it has been suggested that the topic of "Conforming Boundaries" again be taken up. The Chair said he has no interest in doing so.
 - The Clerk of Council reported the 2016 paving discussion remains outstanding for the committee to take up. The Chair said there will be no paving – there might be some chip and seal work performed. The Clerk asked the Chair if the item should be removed from the committee's consideration. The Chair said, "I would think; there's not going to be any paving this year". The Clerk reported she did not know there would be no paving; the last she recalls the City Manager was looking at what could be done. The City Manager said, "I didn't know that was a committee item. When I get something together I will present it to Council".

- The Clerk clarified that it would be presented to Council rather than the Committee. The Manager said he would do what Council prefers. The Chair asked the Clerk to schedule the July 1 meeting.
- The Clerk of Council reported the Ward 5 Councilor's request to make Popular Avenue a dead end road, is still pending. The Ward 5 Councilor said he still would like the committee to take up this matter; and that he is following up on the resident petition. He said, "So far everybody wants it but we haven't been able to get a hold of the church".

- **East 44th Street and 45th Street Alley**

The Ward 4 Councilor reported receiving calls regarding this alley. The Councilor reported informing the City Manager of a "cut across the alley on the east end that just has gravel in it – it's not been taken care of. She reported getting a couple of complaints about the potholes and asked if we planning to do anything with East 46th Street, East 45th Street and East 44th Street alleys. The Manager reported the first submission he received from GPD Group was for all the east side alleys. He said it is just a matter of trying to figure out the funds. Chip seal was planned for those areas, combined with whatever asphalt work can be performed. He asked if the cut was a utility or water cut. The Councilor responded, "You didn't know. You looked at it on your map – we don't know – nobody knows." The Manager asked if it is between East 45th Street and East 44th Street. The Councilor responded, yes – on the east end.

- **Alleys**

The Vice President asked if GPD Group has a comprehensive, citywide list of alleys. The Manager said, "In this particular run we were focused on the alleys on the east side". The Vice President said the west side also needs attention. The Manager said he is aware of them, as well. The Vice President said there is also an alley on 53rd Street in need of attention. The Ward 4 Councilor said the Manager satisfied her request for the holes in this alley be filled.

SAFETY FORCES (SF) - (Mr. Hamrick/Mrs. Misener) - The Chair announced there was no report and that the June 27 meeting is cancelled. The Clerk reported this committee's Chair has asked her to request the Police Department's May and June blotter reports; one received they will be forwarded to members of Council.

LEGISLATION AGENDA

- **Formal Legislation Requests & Legislation Agenda Review**

The Clerk of Council presented the following:

ORDINANCE

2016-92 AN ORDINANCE REPEALING, IN ITS ENTIRETY, PAYROLL ORDINANCE NO. 2016-35, ENACTED ON FEBRUARY 29, 2016, FOR THE PURPOSE OF CORRECTING A TYPOGRAPHICAL ERROR IN THE PAY RATE OF THE POSITION OF ANIMAL CONTROL OFFICER. (Assistant Finance Director)

ORDINANCE

2016-93 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. (Assistant Finance Director)

- **Public Discussion** - None
- **Request to Present in Consent Agenda Format:** Mr. McClure moved, Mr. Pugliese seconded to present the Regular Legislation Agenda in consent agenda format; motion CARRIED.

- **Legislation Reading**

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

2016-91

06/20/16

AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS IN THE GENERAL, LAW ENFORCEMENT TRUST, WATER POLLUTION CONTROL (WPC) CAPITAL, WORKERS COMPENSATION, JEDD 1, JEDD 2 AND FIRE ESCROW FUNDS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF ASHTABULA, STATE OF OHIO, FOR THE PERIOD JANUARY 1, 2016 THROUGH DECEMBER 31, 2016. (Finance Director)

2016-92

06/20/16

AN ORDINANCE REPEALING, IN ITS ENTIRETY, PAYROLL ORDINANCE NO. 2016-35 ENACTED ON FEBRUARY 29, 2016, FOR THE PURPOSE OF CORRECTING A TYPOGRAPHICAL ERROR IN THE PAY RATE OF THE POSITION OF ANIMAL CONTROL OFFICER. (Assistant Finance Director)

2016-93

06/20/16

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. (Assistant Finance Director)

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. 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 - None

NEW BUSINESS

- **West 13th Street:** The City Manager placed into committee a suggestion to decrease the speed limit on West 13th Street from Union Avenue to the west bound City limit, pass Kent State University, from 35 mph to 25 mph. He said he has been working with Saybrook Township on this issue due to a Saybrook Township resident's dog getting hit and killed by a speeding vehicle, the operator of which (from what can be assessed) was not paying attention. He said there have been numerous speeding issues just west of Kent State. He said Saybrook Township Trustees have already reduced the speed limit to 25 mph on the portion of West 13th Street, which is actually Atlanta Avenue, in their jurisdiction. They also installed a 4-way stop at Warrick Avenue and Atlanta Avenue. The City's stop signs are already in place at Treelane Avenue, Union Avenue and Norwood Avenue, so there is nowhere else to add stop signs in between those roads. He said most of the speeding, from what we can determine, is coming out of Kent State, and heading west.

The President confirmed that if speed limit signs are not posted the speed is automatically 35 mph.

This issue was placed in the Public Works Committee.

- **Liquor Permit Transfer**

From: Mahmud Farah & Kawihar Farah, DBA BBS Center Street Mini Mart, 515 ½ Center Street, Ashtabula, OH 44004

To: BBS Mini Mart Inc (same address)

Permit Designations:

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

C2 Wine and certain prepackaged mixed drinks in sealed containers for carry out only until 1a

Neither the Ward 4 Councilor nor anyone else voiced objection.

MISCELLANEOUS

- **Yard Waste Bags:** The Ward 2 Councilor reported there are several bags out and that the City's pick up of these bags will resume in October. He reported residents are permitted to take the bags to Public Works for disposal, year round. The City Manager pleaded that the bags be used for their intended purpose. He said their intended use is not for tires, metal, decking, construction material, garbage, ; nor should these items be deposited at the entrance to Public Works. Sanitation is the proper disposal site, when opened. The program costs a considerable amount of money. He would like to keep it going but compliance to the rules is essential to doing so. The Clerk of Council asked what happens to the yard waste bags that are placed on the treelawn for pick up but will not be picked up by the City. The Manager said for two weeks past the pickup cut off time City crews picked them up. He said bags continue to be placed out for pickup because they do not know the program has ended. He said we can try to do another sweep, but will only cause residents to continue to put the bags out.

He said he will work with Public Services Superintendent Larry Meaney to find a solution to this dilemma. The Clerk reported that at one time the President suggested Council may assist my leaving a copy of the law at properties where bags are on treelawns, but were advised not to do so because they are legislators. She asked when members of Council see bags on treelawns in their ward if they may go to the house and notify residents. The City Solicitor said, "As long as you don't necessarily want them to be cited into court, because it inevitably creates a level of complication because people claim I ran into so and so and he or she gave me permission to do this – he said this was the last time I would be permitted to do it. It's usually not true, but the allegation is made constantly that a public official gave or didn't give permission to someone to do it. So, if you go to the home just be very clear you're not involved in the enforcement of the law you're just advising them that they could be in violation". The Clerk stated she believes it is just a matter of educating those who are in violation because they honestly don't know. The President said his previous understanding was it was not wise to do it because it could impede the code enforcement process. However, he thought if Council were to have copies of the legislation that could be left at the home, it would serve to educate residents. The Solicitor said, "Then that is entirely up to you. Keep in mind if you read the Charter it is City Council's obligation and duty to create and amend and rescind the laws, as necessary, and to allocate the resources through the budgeting process for the enforcement of the laws. The enforcement of the laws is left to the City Manager and his subordinates and to my office. So, we try to do our best and it is not typically appropriate for us to cross lines, so to speak, or those of us who are involved in executing the laws or administering the laws to try and tell or participate in the legislative process as information is requested. Similarly it's not appropriate for people involved in the legislative process to get directly involved in the administration or enforcement of the laws. There's a division of responsibilities."

GENERAL PUBLIC DISCUSSION

Mr. John Ginnard, 4619 Main Avenue

- **Sidewalk Repair:** He thanked the City for having the sidewalk repaired in front of his business (e-comm Café).
- **Mural Painting:** He expressed his displeasure with a stop work order issued on Saturday due to the mural young artists were painting on the side wall of his business. He reported having prior approval to paint the mural. He distributed a photo of the wall, on which is a profane word, prior to the mural work commencing.

The City Manager noted the approval was for two different paintings, not the one that was being painted, which is why the stop work order was issued. He said Mr. Ginnard was told last Thursday that approval was required.

Mr. Ginnard read a March 12, 2009 email sent to him by former Engineering Department Administrative Assistant, Carl Corbissero, which says: "Dear Mr. Ginnard as long as you have the permission of the Salvation Army, City Manager Cantagallo has granted you permission to place your mural on said buildings".

The Manager asked what supporting documentation accompanied Mr. Corbissero's email; noting that it is not the City Manager's authority to provide permission. He said the process is to apply for an application. If the mural does not conform to what is in the ordinance, the building/business owner or citizen has the right to go to the Planning Commission or Administrative Board to request a variance, which is what the City did before the Smith Field mural was painted. He said because of his feelings about the arts, the staff's recommendation would have been to support the painting of the mural. He said the approved renderings were of a gondola and an arch with e-com Café written in it.

The President reported a rendering of the mural should be submitted for approval to ensure it is appropriate and provides continuity in the Downtown business district. He said this is not to hinder local artist's creativity but he believes it is under Council's purview through a process to make sure not just anything is placed on the side of a building. This is also the case with signs – there is a criterion that must be met.

The Clerk of Council reported Mr. Ginnard called her to ask if she remembered his request to vacate the alley. The Clerk said she did and provided Mr. Ginnard with the ordinance City Council enacted which did so. She said the ordinance states the Planning Commission had also heard the issue. She said today her research revealed the Planning Commission minutes of July 31, 2008, say Mr. Ginnard was at the meeting. Item No. 4 of that meeting was "Vacation of Semi-private alley next to e-comm Café, 4619 Main Avenue, John Ginnard owner explained his plans for the alley – motion passed unanimously. The details of the explanation were not provided. The Clerk reported being contacted by the Ward 4 Councilor, whose ward the wall is in, about this matter. The Clerk said she expressed the need to educate volunteer boards and commissions on the importance of providing content in meeting minutes so the reader can know how and why a decision was made. The Clerk said this is what the Ohio Sunshine Law also requires.

The Ward 4 Councilor asked what is needed for the work to again commence. The President asked if a rendering could be submitted.

Mr. Ryan Holiday, 4619 Main Avenue

- **Mural Painting:** He said he moved to Ashtabula in February to live his dream as a musician. He asked who was responsible for the Smith Field mural and the one on the building south of the Veteran's Memorial Park. He was told Christopher Raab did the one at Smith Field and the artist is unknown for the other one mentioned. He said, "I represent peace and we represent love. These artists express themselves the way I play music with my heart."

The President asked if it was possible for a rough draft of the mural; Mr. Holiday responded yes.

The City Manager reported the work may not proceed until a permit is applied for and a rendering is submitted. He also reported Mr. Ginnard was granted the vacation of the alley but never filed the appropriate paperwork with the County Recorder so the property actually is still in the City of Ashtabula's name.

Mr. Ginnard asked why the property owner has to file the paperwork. The Manager said because they were given free land. Mr. Ginnard said because he received previous approval to paint a mural on the side of his building, he would proceed as planned. The City Manager noted this to be an example of the inability to work with Mr. Ginnard.

Mrs. Pat Blum, 1540 West 17th Street

- **Road Work:** She thanked the City for the work performed on her road.
- **New Property Owners:** She said the new owners of property on her road did a terrific job; the property looks nice.
- **Garage Explosion:** She asked when the garage on East 51st Street and Crystal, which caught fire due to an explosion, was going to be razed. The Manager said he would check with the Fire Department and explained how the fire escrow process works.
- **No Parking Regulations:** Mrs. Blum said Lake City Plating is doing a terrific job adhering to the recent "no parking" regulation.

EXECUTIVE SESSION - None

CLOSING REMARKS

- **Next Regular Meeting:** The President announced the next Regular Council Meeting is scheduled for Tuesday, July 5, at 7:00 p.m.; Pre-Council is at 6:00 p.m.
- **Public Hearing:** The President announced Council will meet in a PUBLIC HEARING on Monday, July 5, at 5:45 p.m., to present the City of Ashtabula 2017 Tax Budget. The public is encouraged to attend and participate. The Tax Budget will be on display in the Finance Department and on the City's website from June 21 through July 5.

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 8:56 p.m.

DATE APPROVED: July 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