

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

Regular Meeting

Monday, September 19, 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. 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. Kris E. Hamrick	(Ward 5 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

None

LEGISLATION AGENDA

None

REGULAR BUSINESS

The Clerk of Council presented the following Meeting Minutes for Council's disposal:

- September 6, 2016 Public Hearing
- September 6, 2016 Regular Meeting

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

CITY MANAGER'S REPORT

- **Fire Department Fitness Equipment**

The City Manager requested an ordinance to enter into an agreement with Cybex International, Inc. through Rehab Solutions, Inc. in an amount not to exceed \$52,365.15, in accordance with State Purchasing Pricing for the purchase of Fitness & Exercise Equipment for use by employees in the Fire Division. Funding will be paid through the Permanent Improvement Fund and reimbursed through a F.E.M.A. Grant. Mr. Pugliese moved, Mrs. Cook seconded to approve the City Manager's request; motion CARRIED.

- **Street Light Electric Provider Agreement**

The City Manager requested an ordinance to enter into an agreement with AEP Energy of 225 West Wacker Drive, Suite 700, Chicago, IL 60606 for the purpose of providing electric energy for Street Lights located within the City of Ashtabula for a period of two years effective November 1, 2016 through October 31, 2018 for a fixed price of 0.03427 \$/kWh. Funding for this expenditure will be taken from the General Fund. Mr. Pugliese moved, Mrs. Cook seconded to approve the City Manager's request; motion CARRIED.

- **Northeast Ohio Public Energy Council (NOPEC) Agreement**

The City Manager requested an ordinance to enter into a grant agreement with NOPEC of 313670 Solon Road, Suite 33, Solon, OH 44139 for the purpose of providing funding to repair the roof at the Fire Department located at 4326 Main Avenue, Ashtabula, OH. The grant award was in the amount of \$38,970.00. This will be a reimbursable expense funded through the Permanent Improvement Fund. Mr. Pugliese moved, Mrs. Cook seconded to approve the City Manager's request. Discussion: At the President's request the City Manager announced the savings to be "a couple tenths of a cent per kilowatt hours." The motion CARRIED.

- **Fire Department Roof Replacement**

The City Manager requested an ordinance authorizing an agreement with Tallmadge Roofing of 4618 State Route 43, Kent, OH 44240 as best and most responsible bid for the roof replacement at the Fire Department Building located at 4326 Main Avenue, Ashtabula, OH, in the amount of \$29,950.00, for the main roof, and \$2,900.00 for the garage roof, for a total contract amount of \$32,850.00. Funding for this expenditure will be taken from the Permanent Improvement Fund and reimbursed through a NOPEC Grant. Mr. Pugliese moved, Mrs. Cook seconded to approve the City Manager's request; motion CARRIED.

- **Obsolete Equipment**

The City Manager requested legislation to deem certain Fitness/Exercise Equipment from the Fire Division obsolete as noted on the attached list. Mr. Pugliese moved, Mrs. Cook seconded to approve the City Manager's request; motion CARRIED.

- **Halloween Trick or Treat**

The City Manager reported October 31, falls on a Monday this year. He suggested the City's observance of the holiday take place on Saturday, October 29, from 5:00 p.m. to 7:00 p.m. He said were it held on Monday, October 31, the actual holiday day parents would have to rush to get their children fed, settled down and in bed for school the following day. City Council members were in agreement.

- **Yard Waste Bag Pick Up**

The City Manager announced yard waste bag pick up would resume on Monday, October 3, starting in the "Harbor", and followed by the wards that are not included in that area the next week.

Questions / Comments for City Manager

- **Curbside Recycling Update:** The President asked if there was an update to report since the last regular council meeting. The Manager responded, no, that the hauling contract is out to bid.

CITY SOLICITOR'S REPORT

- No Report

FINANCE DIRECTOR'S REPORT

- **August Financials**

Due to the cancellation of the September Finance and Personnel Committee meeting, August Financials were emailed to Council for their review and inquiry. She reported that the overall fund balance at the end of August was \$5.57 million, with \$1.01 million of that being the General Fund; mainly because the 2nd half property tax revenue was received in August. She reported that Income Tax continues to come in higher than what was budgeted; and that any excess revenue will go to our Carryover Balance; the amount for which will be known at the end of the year.

- **Income Tax Letters Sent**

The Income Tax Department cross-referenced our list of income tax filers with the State income tax filing list and sent letters to anyone on the State's list that is not flagged in our system as not required to file and who did not file a local income tax return. Questions may be directed to the department or to her directly at 992.7197. The Finance Director said the best thing to do is reply to the letter and send the requested information so the City's records may be updated.

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 week, and that the following has taken place:

- **Parks & Recreation Board and Parks & Recreation Levy Campaign** meetings were combined and held on Tuesday, September 13. The meeting was solely devoted to putting the finishing touches on the Parks & Recreation Levy campaign flyer and other levy issues. The flyer has gone to print and yard signs have arrived and will begin to be seen throughout the community.

Town Hall Meetings: There will be three town hall meetings. The first is scheduled for Wednesday, September 28, from 6:00 p.m. to 8:00 p.m., at the Ashtabula County District Library. The other two will be Thursday, October 13 and Thursday, October 27, with the locations to be determined.

The next Levy Campaign meeting is scheduled for Wednesday, September 21, at 5:00 p.m.

- **Meeting Cancellation:** The CD/ED/P&R Committee's October 11, meeting is cancelled.
- **Parks & Recreation Board:** The Board will meet on Tuesday, October 11, at 6:30 p.m. in Pre-Council Chambers.
- **St. Peter's Episcopal Church 200 Year Celebration:** The public is invited to a Festival Eucharist and Reception celebrating the church's 200 years of worship and service in Ashtabula. The event is scheduled for Sunday, September 25 at 10:00 a.m. The Chair said this church is the site of many community events; they work with My Neighborhood Collaborative; and host many events for young people.

FINANCE & PERSONNEL (F&P) - (Mr. Ducro IV/Mr. Pugliese) - The President announced the committee did not meet in August, the Finance Director emailed the financials for Council's review and comment, the next committee meeting is scheduled for Friday, October 14, at 8:00 a.m.

PUBLIC WORKS/PUBLIC UTILITIES/CABLE/SCHOOLS (PW/PU/C/S) - (Mr. Pugliese/Mr. McClure)
The Chair announced the committee's Friday, October 7, meeting is cancelled.

SAFETY FORCES (SF) - (Mr. Hamrick/Mrs. Misener) - The Chair announced the committee's Monday, September 26, meeting is cancelled due to there being no pending agenda items to discuss.

Questions / Comments for Safety Forces Committee

- **East 46th Street & State Road:** The President reported that at this evening's Pre-Council meeting it was asked if Police Chief Stell would have a report on concerns Ms. Regina Tackett expressed at the October 3, Regular Council meeting, pertaining to traffic violations frequently occurring at the corner of East 46th Street and State Road, such as the repeated ignoring of the 3-way stop sign. The Police Chief reported he had not received the request. The President said her request was for more traffic signalization, which may not be economically practical, but asked if the intersection could be monitored.
- **Speeding:** The Ward 4 Councilor asked the City Manager if the Police Chief could comment on the increase in traffic citations Council was told has occurred. The Councilor said she is really concerned about the amount of speeding and loud vehicles throughout the City. She believes if a few of violators are stopped on a regular basis it might serve to curb the activity because word spreads. The Chief said his department has done a number of traffic enforcement details over the past several months – on Main Avenue specifically due to complaints from merchants and the public. He said the violations stop for a while and then picks up again, and said it is an on-going battle. The Chief said, overall, traffic citations have increased by 21% over this time last year. He said while he realizes it might be the “same ole song and dance” patrolmen cannot be everywhere and are doing what they can. The Councilor asked if a more concentrated focus may be placed on Main Avenue. The Chief reiterated it has, said they will continue to do so, and that once the weather cools down some of the activity will slow down.
- **Police Presence in Ward 5:** The Ward 5 Councilor commended the Police Chief for the step up of patrol presence in his ward. He said he has received calls asking what is going on because so many patrol officers are being seen “and they don't like it.”
- **Speeding:** The President said he saw a patrol officer sitting in the West Avenue Plaza, which he has not seen for awhile. This is an area the Ward 2 Councilor has said speeding regularly occurs. The President said it is amazing how the presence of a patrol officer is able to change habits. The Ward 2 Councilor said when the road is wide open and void of traffic signalization, motorists treat it like it is Route 11. He, again, suggested the City Manager see about purchasing, renting, or borrowing a traffic signal device that shows motorists their speed, in an effect to change behaviors. The Vice President said he witnessed a traffic signalization device on Route 45, north of Route 84, that displays the speed accompanied by what appears to be flashing police lights, and that it is very effective. The Manager said there is a speed limit sign that will flash the speed limit on the bottom of the sign. They cost between \$2,500 and \$5,000, and have no data storage capabilities. The Manager agreed that West Avenue would be a good trial area. The Ward 5 Councilor reported on the City of Willoughby Hills traffic enforcement program where occupied and unoccupied patrol vehicles are placed throughout the City; both of which have served to curb their speeding problems.

LEGISLATION AGENDA

- **Public Discussion**
None

- **Consent Agenda Format**

Mr. Pugliese moved, Mr. Hamrick seconded to dispose of the Regular Legislation Agenda in consent agenda format; motion CARRIED.

- **Legislation Reading**

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

ORDINANCE

2016-129 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH COMPASS MINERALS AMERICA, INC. FOR PURCHASE OF ROCK SALT FOR WINTER ROAD DE-ICING PURPOSES. (City Manager)

ORDINANCE

2016-130 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO CHANGE ORDER NO. 1 TO A CONTRACT WITH GPD GROUP FOR AN ADDITIONAL \$15,375 FOR THE PURPOSE OF PAYING FOR PLAN REVISIONS TO THE WALNUT BEACH REVITALIZATION PROJECT REQUIRED BY U.S. EPA'S GREEN INFRASTRUCTURE REQUIREMENTS. (City Manager)

ORDINANCE

2016-131 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CYBEX INTERNATIONAL THROUGH ITS AGENT, FITNESS & REHAB SOLUTIONS, INC., TO PURCHASE FITNESS & EXERCISE EQUIPMENT FOR THE USE OF THE EMPLOYEES OF THE FIRE DIVISION, IN AN AMOUNT NOT TO EXCEED \$52,365 IN ACCORDANCE WITH STATE PURCHASING PRICING, TO BE REIMBURSED THROUGH A F.E.M.A. GRANT. (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. Roskovics, Mr. Pugliese, Mrs. Misener, Mrs. Cook, Mr. Hamrick, Mr. McClure, Mr. Ducro IV voted yea; motion CARRIED.
On the roll call to adopt the legislation: Mr. Roskovics, Mr. Pugliese, Mrs. Misener, Mrs. Cook, Mr. Hamrick, Mr. McClure, Mr. Ducro IV voted yea; motion CARRIED.

UNFINISHED BUSINESS

None

NEW BUSINESS

- **Alleys:** The City Manager reported he has instructed GPD (the City's contracted engineering firm) to begin putting a bid package together for alley resurfacing chip seal/fog seal program to obtain pricing. The rough guesstimate is about \$130,000, which would take care of all the alleys in the City. He emphasized asphalt would not be used. He said the product he likes the most is used on secondary streets in the City's of Geneva and Conneaut. It has an estimated 8 year lifespan, so should do well for many years in our alleys. He said he hopes to have the bid package ready and out to bid by the end of this week, and hopes to have the work performed in October or November. The Wards 2 and 4 Councilors thanked the Manager, at which time he cautioned everyone to wait until the prices come in. The Ward 4 Councilor said residents are not parking in their alley parking areas because the alleys are so bad. The Manager said the most alleys are in Ward 4. The Vice President suggested sanitation pickup be removed from alleys and placed on the road. The Manager said alleys are no longer used for sanitation pickup. The Ward 4 Councilor said it was changed a few years ago to try and preserve the alleys as much as possible. The Ward 2 Councilor said because eastside residents petitioned to have sanitation pick up remain in the alleys, it was never changed. The City Manager said he would find out for sure.

MISCELLANEOUS

- **Ashtabula County District Library:** The Ward 2 Councilor reported he and the City Manager attended the library's grand opening after being remodeled and expanded. He said it is a great investment in Ashtabula City and thanked voters who said yes to the levy which made it possible. He encouraged citizens to visit. He said he hopes this is just a "benchmark for what's to come down here in Ashtabula on Main Avenue." The President concurred.
- **Walnut Beach Clean Up:** The City Manager thanked the 14 to 16 volunteers who showed up on this past rainy Saturday to participate in the Coastal Clean Up of the Beach; including a special thank you to event organizer, Camille Licate. He reported eighty-one pounds of trash was picked up. The type of trash was required to be logged. The President thanked merchants who generously donated food, beverages, and coupons for their business. He said he has never been to a clean up where he felt he received more in value from the donations than he did from his cleanup efforts. The Ward 4 Councilor said the most picked up items were cigarette butts and plastic tips from cigars.
- **Blue Lives 5K Matter March:** The Ward 5 Councilor announced the March would take place Saturday, September 24, from Noon until 3:00 p.m. It will begin at the Police Station and end in the City Hall parking lot.

GENERAL PUBLIC DISCUSSION

Ms. Patricia Blum 1540 West 17th Street:

- Asked if the traffic obstruction located on the south side wall of the Spring Street Bridge when attempting to turn right or left onto 46th Street, from West 48th Street, could be eliminated. The Manager said no because the obstruction is part of the bridge.
- Reported sanitation trucks are travelling without coverings
- Commented on the trash that is piling up at the Lake Avenue recycling location by Lake City Plating. The Manager said they are accumulating scrap towards the back of the site and might be waiting until they get enough to see a financial return.
- Expressed frustration with people using her property as a short cut to Lake Avenue. She asked if she could install cameras. The Police Chief told her she had a right to protect her property. He told her if persons could be identified, he would follow up.

Mr. Dennis DeGennaro, 1716 West 5th Street : reported that:

- On March 19, 2015, the Ohio Environmental Protection Agency (OEPA) met with the general public at Kent State University Ashtabula (KSUA) to talk about Ashtabula Energy, a company who wanted to build a facility to process natural gas into diesel fuel. Mr. DeGennaro said he wrote a letter to Ohio Senator Sherrod Brown, and read the following excerpt from the letter: Ashtabula Energy would like to build a plant in Ashtabula Township that processes natural gas into diesel fuel. It would then discharge one million six-hundred twenty-five gallons (1,625,000,000) of wastewater into Lake Erie every day, which comes out to a little less than 600 million gallons a year. The discharge would include lead, mercury, cyanide, toluene, benzene, and other known carcinogens. Even in small amounts these chemicals are highly toxic, and the accumulative affect over time could be catastrophic to Lake Erie. Lake Erie is the greatest resource we have. Nothing is greater than clean water for drinking, bathing, washing, fishing, swimming, boating, and tourism. There are alternate sources of energy but no alternative for clean water. As far as the EPA and what they would do to try to protect Lake Erie, to me, the EPA has not always been vigilant or diligent in doing its job as it should have. At times, regulatory agencies have had too close a relationship with the industries they are suppose to be regulating. And, after working for a regulatory agency, regulators then go to work for the industries they've just been regulating." He said he spoke with an EPA representative at the meeting they held at KSUA, about big corporations who spend lots of money lobbying congress to make sure they pass laws to weaken environmental regulations. The representative repeatedly said, "We can only enforce the laws on the books."
- **CONCERN:** The water they will draw in from Lake Erie to process natural gas into diesel fuel is then going to be treated and discharged into Lake Erie. He asks, "If that water is so pure why don't they just use it again. That would be less expensive than continually drawing water from Lake Erie, using it, treating it, and the discharging it into the Lake." He believes the answer is that "the water just isn't pure enough."

- He asked the City Manager, Council President, and Ward 1 Councilor to explain why they believe the project being placed on hold is disappointing to them, as reported in a Star Beacon newspaper article.
- Manager: It actually was pretty disappointing with the amount of time and effort we put into it. The property's actually located in Ashtabula Township. The reason we were at the table is because if we actually ran a sewer line down to the plant, we would be part of a Joint Economic Development District (JEDD)). Although they applied for a permit to discharge into the Lake, we were in extensive discussion about running a line down there so our plant could take it. We would then monitor the discharge going out to the Lake, so our plant, would get rid of those pollutants that you're talking about, which is what happens with everything else we take in. We would report on the findings, not some other company. All wastewater treatment plants and all places that have a line that discharges out to the Lake are permitted to discharge certain levels through EPA and PDS permits; and the levels are not as high as what you may think. But, levels of copper, chrome and mercury are being lowered. With the newest permits we are getting, some of our limits have actually tightened up, which means we are tightening up more on the industries we serve. We also felt that it was safer for that discharge to come to us than it being "self-reported", as you claimed. As far as recycling it, they were weighing the cost of building that line to us versus having a recycling plant on their facility. If I recall correctly, that was an 81 million dollar facility, at the time. At the time that that project was being sought after, it was to change natural gas into diesel. Since then, and before this announcement was even made, they had reverted their process and gone into waxes – creating waxes. The discharge and pollutants would be a much different chemical base make up than what the discharges were when processing natural gas into diesel fuel. From what we understand, the project is on hold. And, it sounds like it is on hold, indefinitely. In my opinion, through speaking with others, I don't think it's going to happen in the future, even if markets change. I believe more than 40 jobs were proposed to be created, and an 81 million dollar construction project in Ashtabula Township.
- President Ducro: The things Mr. Timonere referenced were also my understandings of the project. I have a very strong belief in the importance, significance, and value of clean, fresh water. I don't want to mortgage the future for a short term return. I do not have much faith in self-reporting. But I would think that if we could capture material at the plant, as we do for other industrial entities within the City, I would feel much more confident. This is why I was disappointed to hear it had not been able to move forward.
- Ward 1 Councilor: I don't think I have anything to add, Denny; I feel pretty much the same. I don't think it is going to be something we are going to have to worry about for quite awhile; I just don't think it's going to be something that will happen. We've had these things before - they're going to come to town, they're going to do this and that, then it doesn't come to fruition.
- Mr. DeGennaro: There are companies that look for communities with economic problems. They go to the leaders and promise jobs and the communities jump at the chance of getting more jobs. He said a company like Ashtabula Energy is going in the wrong direction.

They are going from using a fossil fuel... and natural gas, in case you don't know, contributes to the "greenhouse effect" or what people call "global warming", 25 to 30 times more than carbon dioxide does. You think we would go in the opposite direction and try to find renewable energy; realizing this might not be a viable alternative "around here". He said, "This isn't the kind of industry and these aren't the kinds of jobs that you want to create." He said he pretty much wrote the same letter to the editor (*of the Star Beacon*) that was written to Senator Brown. He said, "We don't need any more chemical plants in the area."

- **Manager:** Another reason we were at the table is because of the amount of natural gas they would have needed. People would be surprised, in our area, to know we have a real natural gas shortage in the northeast quadrant of Ohio. We lose opportunities to attract businesses constantly because we can't provide the flow of natural gas needed for these jobs. So, there was a ton of discussion going on. And, I do understand what you mean by trying to attract the right companies and the right ones in areas next to us. And, although there are companies that seek out areas like us who they believe will not do their homework so they can go in, do their damage, and be gone before it is realized - the people that were at the table vetted this company pretty extensively to the extent that we knew one of their agents was not going to be with them and probably was going to be convicted of something before this project even took off. That person is no longer with them and is being investigated. Ashtabula County has some very intelligent and strong people in the economic development realm. And, we don't chase after projects we don't feel are right for our area or that are not a good fit. Having said that, we will always be at the table and we will always have discussion, because what we don't want to give is that image that we don't need you. Because as that goes, these people do talk. And, so we want to do what we can to listen, hear, get them on board, and we are very careful who we spend a lot of time with.

CLOSING REMARKS

- **Regular Meeting**

The President announced the next Regular Council Meeting is scheduled for Monday, October 3, at 7:00 p.m.; Pre-Council is at 6:00 p.m.

- **ADDA Roundtable w/City Manager Jim Timonere**

On, Wednesday, September 21, from 5:30 p.m. to 6:30 p.m., in Council Chambers, He Ashtabula Downtown Development Association (ADDA) will sponsor a round table discussion, for its members, with Ashtabula's City Manager, Jim Timonere. He will give an update on what is happening in Ashtabula.

- **St Peter's Episcopal Church 200 year celebration**

The President issued a reminder that the public is invited to attend the Church's Festival Eucharist and Reception, scheduled for Sunday, September 25, 10:00 a.m.

EXECUTIVE SESSION

None

ADJOURNMENT

Hearing no further business to come before this Council, the President issued a reminder to "Remember to Keep Believing in Ashtabula", and adjourned the meeting at 8:10 p.m.

DATE APPROVED: October 3, 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