

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

Monday, March 20, 2017

The President of Council called the meeting to order at 7:00 p.m.

The Ward 2 Councilor offered the opening prayer and the Pledge of Allegiance was recited.

MEMBERS PRESENT:	Mr. Michael D. Speelman	(Ward 4 Councilor)
	Mrs. Kristy L. Hosken	(Ward 3 Councilor)
	Mr. Kris E. Hamrick	(Ward 5 Councilor)
	Mr. John S. Roskovics	(Ward 1 Councilor)
	Mr. August A. Pugliese	(Ward 2 Councilor)
	Mr. Christopher J. McClure	(Vice President)
	Mrs. Josephine Misener	(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):	N/A	
SUNSHINE LAW:	The Clerk of Council certified conformity to the Sunshine Law.	
PRESENTATION(S):	The City Manager made the following presentation to Ms. Cheryl Johnson:	

RESOLUTION NO. 2017-33

**A RESOLUTION OF COMMENDATION
TO
CHERYL JOHNSON**

WHEREAS, it has come to the attention of this City Council and these Public Officials of the City of Ashtabula, Ohio that a very special recognition is in order; and,

WHEREAS, Cheryl Johnson, began her career with the Ashtabula County YMCA on November 26, 1980, as a Front Desk Receptionist, advancing to the positions of Membership Secretary and rounding off her career as Membership Director;

WHEREAS, Cheryl has worked with 13 Chief Executive Officers and countless Directors, and has assisted in every single department in the organization, including but not limited to Childcare, Fitness, Aquatic, and even Maintenance; and,

WHEREAS, Cheryl was instrumental in helping to implement the Porpoise Club and assisted swim instructors off-site to give the youth of our community the chance to learn to swim; and

WHEREAS, Cheryl has been on the front line greeting many members and visitors to the Y, with as much warmth as if they were guests in her home; she is considered the Y's "go to person", and remained at the Y out of her love for the organization and loyalty to its members.

NOW THEREFORE, BE IT RESOLVED that this City Council and these Public Officials of the City of Ashtabula, Ohio, do hereby **COMMEND and CONGRATULATE** Cheryl Johnson on her retirement after 36 steadfast years as a member of the Ashtabula County YMCA team. **THANK YOU** for loving the Y and what it stands for; and **THANK YOU** for opening up a special place in your heart for the organization and the community it serves.

CHERYL, THANK YOU FOR BELIEVING IN THE YMCA, ITS MISSION AND ITS MEMBERS; THANK YOU FOR BELIEVING IN ASHTABULA!

ADOPTED: _____

ATTEST: _____

Josephine Misener
PRESIDENT OF COUNCIL

LaVette E. Hennigan, MMC
CLERK OF COUNCIL

Christopher J. McClure
VICE-PRESIDENT OF COUNCIL

John S. Roskovics
WARD 1 COUNCILOR

August A. Pugliese
WARD 2 COUNCILOR

Kristy L. Hosken
WARD 3 COUNCILOR

Michael D. Speelman
WARD 4 COUNCILOR

Kris E. Hamrick
WARD 5 COUNCILOR

James M. Timonere
CITY MANAGER

Michael Franklin
CITY SOLICITOR

Dana D. Pinkert, FINANCE DIRECTOR

Ms. Johnson said, "I have been blessed to work for an organization that does so much for our community and our kids. It will always hold a special place in my heart; so thank you."

Mr. Pugliese moved, Mr. Roskovics seconded to adopt the resolution; motion CARRIED.

Mr. Trevor Sprague, CEO of the YMCA, said it will be tough because Ms. Johnson embodies what the Y does and believes in; she believes in their mission and cause-driven work. He is glad she is going to remain connected to the Y and will continue to give back. He said anyone who works at the YMCA will tell you they are not there for the money; but to give back to the community and make an impact in people's lives. "Cheryl has gone above and beyond to make sure that's happened for 36 years. I'm very grateful to have her in my life."

The President said the Y is an integral part of our community; that they are behind so many of the events. She said Mr. Sprague serves on the City's Parks & Recreation Board and looks after the City in so many ways.

EXECUTIVE SESSION - None

CONSENT AGENDA

The Consent Agenda is a means whereby Council is able to efficiently conduct business by grouping routine items for consideration and disposal by one motion, one second and one vote.

PRESENTATION OF MEETING MINUTES – None

LEGISLATION AGENDA – None

REGULAR BUSINESS

PRESENTATION OF MEETING MINUTES

The Clerk of Council presented the March 6, 2017, Regular Meeting minutes for Council's consideration. Mr. Pugliese moved, Mr. Speelman seconded to waive the reading of the minutes; motion CARRIED. Hearing no corrections, the minutes were approved as presented.

ADMINISTRATIVE REPORTS and COMMUNICATIONS

CITY MANAGER'S REPORT

- **Repeal Ordinance No. 2015-28**

The City Manager requested an ordinance to Repeal Ordinance No. 2015-28, authorizing him to contract with Andritz Separation. Mr. Pugliese moved, Mr. Speelman seconded to approve the Manager's request. Discussion: The City Manager explained that in 2015 it was decided that the Waste Water Treatment Plant's Centrifuge needed to be overhauled. Several projects were in the works at the same time. To save money we decided to remove the sludge from the Digesters ourselves. The amount of sludge that needed to be put through the Digesters would have put a lot of wear on to a totally refurbished Centrifuge, had the work been performed in 2015. So, it was decided not perform the work. The ordinance to now do the work is on this evening's agenda. The motion CARRIED.

Community Reinvestment Area Tax Incentive

The City Manager requested an ordinance authorizing continuation of nine Community Reinvestment Area Tax Incentive Agreements in accordance with the Tax Incentive Review Council's (TIRC) recommendation. Mr. Pugliese moved, Mr. Speelman seconded to approve the Manager's request. Discussion: The Manager said every year the TIRC reviews all existing commercial tax abatements in the City, by sending a questionnaire to each business. The questionnaire is compared to the company's original request to make sure they are meeting the agreement requirements on file. The TIRC is able to make modifications to, terminate, or continue the agreements. The motion CARRIED.

Ashtabula City Port Authority Reappointment

The City Manager requested the reappointment of Mrs. Janet Vettel as a member of the Ashtabula City Port Authority effective immediately with a term to expire January 22, 2021. Mr. Hamrick moved, Mr. Speelman seconded to approve the Manager's request. Discussion: The President reported Mrs. Vettel has served a long time, is anchor on the Port Authority, and is glad Mrs. Vettel is still willing to serve. The motion CARRIED.

Questions/Comments for City Manager

The Ward 2 Councilor reported garbage has already been placed on the treelawn next to the Salvation Army on Lake Avenue, for their weekly Thursday pick up. He said this a weekly occurrence. The Manager said he has noticed this has been taking place the last few weeks and does not know why. He said were contacted by the City's foreman. He said when one resident does it, others on the block follow. The Manager said it will continue to be looked into.

The Ward 2 Councilor somewhat jokingly suggested a dumpster should be placed on Ohio Avenue to save the City a lot of money from having to continually remove the trash from that area. The President suggested that more of what is not supposed to go into the dumpster would be placed in it, such as was the case during the Imagine Ashtabula clean up days.

CITY SOLICITOR'S REPORT – No Report

FINANCE DIRECTOR'S REPORT

The Finance Director reported:

- **Legislation Requests**

Several repeal and replace ordinances are required to improve efficiency and remove obsolete language as it relates to sewer and/or trash. Mr. Pugliese moved, Mr. Hamrick seconded to approve the Finance Director's legislation needs; motion CARRIED.

- **Property Tax**

The first half property tax revenue has been received. It included \$149,000 Parks & Recreation Levy funds.

Questions/Comments for Finance Director

- **Parks & Recreation Levy Hiring:** The President asked the Manager if hiring for summer parks work has begun. The Manager said the internal Public Works shift is happening now. He said advertising for part-time positions might happen by the end of this week.
- **Drive-Thru Air Tube:** The Ward 5 Councilor asked if the tube is operating. The Finance Director responded, yes, that the contractor was working out the bugs from the initial install.

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 on the committee's Tuesday, March 14, meeting, as follows:

- **Wine & Walleye Festival Update (July 29 & 30):** Ms. Christine Seuffert, LBCA Chair, provided an update and emphasized it is a community event. The committees are formed and planning is "becoming a fact". A 10" x 10" vendor space is \$100. The committee is fundraising, seeking sponsors and organizing events. Ashtabula Fire Department has been fundraising to financially support Festival fireworks, noting that fireworks have not taken place inside the City for several years. Parks & Recreation Levy funds will cover any shortage. Education excursions to the Ashtabula Lighthouse and back, and night cruises are being considered.
- **How to Open a Business in Ashtabula City:** The Ashtabula County Board of Commissioners (President Casey Kozlowski, J.P. Ducro IV and Kathryn Whittington) along with Chief Building Official Mr. Todd Nagy attended the meeting to discuss creating a booklet that would provide step-by-step instructions on how to open a business in the City of Ashtabula. The City Manager and Mr. Nagy will work together to create the booklet, consult City staff, and report back to the Committee. The Chair would like to get public input once the gentlemen have completed their

task. Nagy has already completed a Residential Submittal Packet that provides step-by-step instructions and standards for residential properties.

- **Domestic Farm Animals:** How to repeal this legislation has been discussed for months. With the guidance of the City Solicitor, an ordinance has been fashioned that defines farm and domestic animals, and fowl. The requirements for owning such animals inside the City are also spelled out, such as lot size, the number of these type animals someone may have and the proximity the animals may be to property lines. The legislation is intended to address our City Solicitor's concerns with our current legislation not being defensible in court because it restricts owner's rights to use their property. The legislation has been expanded with restrictions, while also protecting residents who are not interested in having animals. Not everyone will be satisfied. The legislation is a good compromise without overburdening our enforcement staff in their efforts to keep our City clean. Mrs. Misener entertained a motion to repeal and replace existing Codified Ordinance Section 505.01. Mr. Speelman moved, Mrs. Hosken seconded; motion CARRIED.

Parks & Recreation Board: The Board did not meet on Tuesday, March 14, at 6:30 p.m., as scheduled.

FINANCE & PERSONNEL (F&P) - (Mr. McClure/Mr. Pugliese)

The Chair reported on the committee's Friday, March 10, meeting, as follows:

- The Year-to-Date February Financials were reviewed; there were no surprises
- Income tax revenues are relatively close to budget projections
- 2016 JEDD revenues were reviewed; the City Manager gave a description of the Saybrook and Ashtabula Township JEDDS
- Leachate collection is going well – we have a \$40,000 credit balance at Water Pollution, which is offset by sludge hauling so funds are not actually exchanged
- The Finance Director requested a supplemental appropriation, adding an additional \$80,000 to the written request, for Walnut Beach
- The Finance Director provided an overview of Governor Kasich's proposal to centralize income tax collections; it is not known what stage the house bill is in. Mr. Pugliese moved, Mr. Speelman seconded to have legislation drafted to oppose House Bill (HB) 49, as suggested by the Finance Director; motion CARRIED.
- Ohio Treasurer Josh Mandel's Cleveland represented provided a demonstration of Ohiocheckbook.com, a government transparency program that municipalities may participate in by placing their financials online for free public access
- The Finance Director reported on the Auditor of State's Financial Health Indicators (FHI) Initiative. The Auditor of State is required to development guidelines for identifying fiscal practices and budgetary conditions. The Finance Director reported there are 17 categories; we are in two of them. Our FHI is based on our 2016 Comprehensive Annual Financial Report (C.A.F.R.)
- The City Manager requested a bed tax ordinance. Mr. Pugliese moved, Mr. Roskovics seconded to enact a 3% bed tax, the legislation, for which, is scheduled to be voted on this evening.

Discussion: The Manager clarified that he did not make the request for this matter to be revisited. He said he approached the idea in 2015 at which time Council voted against it.

The Vice President reported it was his idea; that it was to be discussed at the January 2017 Finance & Personnel Committee meeting, but it did not make the agenda, and there was no meeting in February. The motion CARRIED.

- **Sewer Rate Increases:** Rates have not been increased in 1.5 years. The Chair said he believes an increase is needed due to the 365 day, 24/7 Water Pollution Control operation. Equipment wears out and costs hundreds of thousands of dollars to replace. Ashtabula City's sewer rates are lower than many areas. For example, the U.S. EPA says an average household uses 300 gallons of water per day, which is 1200 cubic feet per month. The following are the numbers at 1200 cubic feet of billable usage:

- Conneaut = \$58.94
- Painesville = \$52.80
- Warren = \$49.86
- Ashtabula = \$44.04

The Minimum Sewer Charge will be increased by \$1.00. The rate will increase by five cents per year, for 3 years. Mr. Pugliese moved, Mr. Speelman seconded to approve the increase.

Discussion: At the Vice President's request the Manager confirmed this action neither increases or propose to increase our tap-in fees and that the Equalization (EQ) Basin is paid off. The motion CARRIED.

- **Trash Rate Increases:** The increase will be .50 (fifty) cents, bringing the monthly trash pick-up rate to \$15.50. We are the lowest rate. The equipment has to be maintained and a couple new sanitation trucks are needed. The Manager announced there will be a change in the amount of garbage permitted for pick-up. Currently the language reads 7 bags AND 3 containers. He believes the language was meant to read 7 bags OR 3 containers. Mr. Pugliese moved, Mr. Speelman seconded for legislation to enact the trash rate increase and the container language, effective May 1, 2017. The Finance Director announced the "fuel surcharge" is a fluctuating charge based on a federal fuel rate calculation. The motion CARRIED.
- **Swimming Pool Fill Credit:** The topic of allowing a sewer credit once a year to fill a swimming, was discussed. Pool top-offs will be excluded. All swimming pools require the issuance of a permit by the City's Planning & Community Development Department. The Chair expressed how important "ground faults" are for safety purposes.
- **Formal Legislation Requests**

Mr. Pugliese moved, Mr. McClure seconded to formally request ORDINANCE NO. 2017-19, AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS; motion CARRIED.

Mr. Pugliese moved, Mr. Roskovics seconded to formally request ORDINANCE NO. 2017-20, AN ORDINANCE REPEALING, IN ITS ENTIRETY, CODIFIED ORDINANCE SECTION 109.01, ENTITLED CITY MANAGER'S AUTHORITY; motion CARRIED.

Mr. Pugliese moved, Mr. Roskovics seconded to formally request ORDINANCE NO. 2017-21, AN ORDINANCE REPEALING EXISTING ORDINANCE SECTION 951.03, ENTITLED RATES, COLLECTION AND DISPOSAL IN ORDER TO IMPOSE NEW CHARGES FOR RUBBISH DISPOSAL IN THE CITY OF ASHTABULA EFFECTIVE MAY 1, 2017; motion CARRIED.

Meeting: The next committee meeting is scheduled for Friday, April 7, at 8:00 a.m.

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

The Chair announced the committee will meet on Friday, April 3, at 8:00 a.m. Ashtabula Area City School Superintendent, Dr. Melissa Watson, will be present. The Chair asked the Clerk of Council to see about getting a Spectrum cable representative to the meeting. The Clerk responded she has been trying.

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

- The Chair announced the committee will meet on Monday, March 27, at 8:00 a.m., in the Municipal Building 2nd floor conference room. The Clerk asked the Chair if he saw the Police Chief's email regarding body camera costs; he responded yes. She then asked if body cameras will be the only agenda item; to which the chair responded yes.

At the request of the President, the City Manager explained the change being requested to Codified Ordinance Section 109.01 is because currently any purchase over \$15,000 has to be placed in the newspaper as a legal bid. He has asked for the limit to be increased to \$30,000 because the cost to advertise is between \$700 and \$1,000. Most of the projects run between \$10,000 and \$30,000. The paper announcement has to be published for two weeks, thus delaying projects. The Manager said any purchase over \$10,000 has to be approved by Council, an amendment, to which, is being reviewed. Mrs. Misener moved, Mr. Pugliese seconded to formally request the repeal and replacement of Codified Ordinance Section 109.01; motion CARRIED.

WORK SESSION - None

LEGISLATION AGENDA

- **Formal Legislation Request(s)** – None
- **Legislation Overview:** The President reported this was performed during the above reports.
- **Public Discussion (Legislation Only)** – None
- **Consent Agenda Legislation:** Mr. Hamrick moved, Mr. Pugliese seconded to remove Ordinance No. 2017-18 pertaining to Excise Tax on Hotel Lodging, from the Consent Agenda presentation of legislation in order to present it separately; motion CARRIED.

1st Readings

ORDINANCE NO. 2017-23, AN ORDINANCE REPEALING, IN ITS ENTIRETY, CODIFIED ORDINANCE SECTION 937.02 ENTITLED LEVY OF CHARGES, FOR THE PURPOSE OF ENACTING NEW RATES, FEES AND CHARGES FOR WASTE WATER TREATMENT EFFECTIVE MAY 1, 2017. (Current Sewer Rates) (City Manager)
ORDINANCE NO. 2017-24, AN ORDINANCE ENACTING NEW ENTIRETY CODIFIED ORDINANCE SECTION 937.02 ENTITLED LEVY OF CHARGES, FOR THE PURPOSE OF IMPOSING NEW RATES, FEES AND CHARGES FOR WASTE WATER TREATMENT, EFFECTIVE MAY 1, 2017. (New Sewer Rates) (City Manager)

Mr. Pugliese moved, Mr. Speelman seconded to waive the reading of the above two ordinances; motion CARRIED. The legislation was placed on its first reading. The second reading will be scheduled for Monday, April 3.

One Reading

ORDINANCE NO. 2017-18, AN ORDINANCE ENACTING NEW CODIFIED ORDINANCE CHAPTER 197, ENTITLED EXCISE TAX ON HOTEL LODGING, IN ORDER TO IMPOSE A PERMISSIVE SALES TAX ON LODGING AS ALLOWED BY THE REVISED CODE OF OHIO IN ORDER TO HELP FUND CITY SERVICES AND OPERATIONS. (City Manager) Mr. McClure moved, Mr. Speelman seconded to waive the reading of the ordinance; motion CARRIED. Mr. Speelman moved, Mr. McClure seconded to waive the Charter requirement of two readings. On the roll call to waive the Charter requirement of two readings: Mr. Speelman, Mrs. Hosken, Mr. Hamrick (nay) Mr. Roskovics, Mr. Pugliese, Mr. McClure, Mrs. Misener voted yea. The motion CARRIED by a vote of 6 to 1. On the roll call to adopt the ordinance: Mr. Speelman, Mrs. Hosken, Mr. Hamrick (nay), Mr. Roskovics, Mr. Pugliese (nay) Mr. McClure (called a point of order because discussion during the legislation reading was not offered. He said he believes discussion is in order since Councilors are voting no. (Clerk of Council's note: The giving of a reason for or against a matter is out of order during the reading of the legislation. Such discussion should take place when the legislation is requested).

Discussion

- The Ward 2 Councilor said he voted no because there are only a few lodging facilities in Ashtabula City, and they would have to raise their rates "a little bit" and said he knows they would. He said because the City of Ashtabula is "in tough times right now" he does not believe it is fair for them to have to raise their prices and loose business. He is aware that the tax is one that is normally paid when staying out of town. He said the tax would benefit us by \$3,000 and asked if it is worth it to hurt lodging facility owners. He said "our business is to help the residents and make them survive".
- The Ward 5 Councilor said, "Exactly why I voted against it the first time this came up a year or a year and a half ago, and that's still the same reason I'm voting against it tonight. I have spoke with several of the owners of these lodging establishments, in depth, and after speaking with them I feel it's something we can do without."
- The City Manager clarified that the Excise Bed Tax is not taken out of the owner's pockets. It is a pass through from the customer. The county currently collects a county bed tax. We are one of the very few communities within Ashtabula County that does not have this tax.

He said when he approached the subject in 2015, it was not because of what lodging establishments are here right now, but because of what was anticipated. He did not want to do it after the announcing that a hotel is coming to Bridge Street. He said a hotel study is also currently being conducted that will potentially bring in more lodging facilities. The Manager asked the Ward 5 Councilor to share the names of the persons he spoke to because he spoke to a lot of the places, as well, and would like to compare notes.

- The Vice President asked the Manager if he believes the tax would preclude hotels from coming to our town. The Manager said when he tells people we do not have the tax they ask why.
- The Vice President said the Excise Bed Tax percentage being requested is 3% of the room rate. He said he would guess that the majority of the lodging guests do not reside in the City of Ashtabula. So, before Council is a request to enact a 3% (\$3.00 per night if room is \$100 per night) tax on lodging that would primarily be paid by persons who do not reside in the City, and we just passed a sewer and sanitation tax for everyone who resides here. So, a 50 room hotel operating 365 days per year at 80% occupancy = \$48,000, that no one, typically, in the City of Ashtabula would have to pay. The City Manager said hotel website does not provide all charges that will appear on the final bill, including taxes. He recently went to a conference and had to pay about \$28 more than online room rate because of state and local taxes. The hotel did not have to cover the taxes and the revenue was pass on to the state and county in which the hotel was located.
- The Ward 2 Councilor questioned whether Bridge Street could get 80% occupancy during our winter months. The Manager said the average occupancy in Ashtabula County is higher than 80% for the entire year. “We are desperate for lodging”. He said there was a tournament at The Spire and the closest lodging facilities was in Erie – so they drove in from Toledo and stayed in Erie to attend an event at The Spire.
- The President said she spoke with someone at Hampton Suites located on Route 45 at Route 90 who said they have been at 100% occupancy for one year. She said our area is hosting bigger and bigger events, which calls for more lodging facilities. She, again, noted the cost is not coming out the of the lodging owner’s pocket.
- The Ward 4 Councilor clarified that the only person paying the cost is the consumer, and most likely the consumer is not our resident. The Manager said the expense to the business would be to add another line to their invoice.

Mr. McClure and Mrs. Misener voted yea. The motion CARRIED by a vote of 5 to 2.

One Reading – Consent Agenda

ORDINANCE NO. **2017-16**, AN ORDINANCE REPEALING, IN ITS ENTIRETY, ORDINANCE NUMBER 2015-28, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ANDRITZ SEPARATION, DUE TO NON-PERFORMANCE OF WORK AT THE TIME, AND IN ORDER TO PASS REPLACEMENT LEGISLATION.
(City Manager)

ORDINANCE NO. **2017-17**, AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ANDRITZ SEPARATION, INC. IN AN AMOUNT NOT TO EXCEED \$26,000 FOR THE PURPOSE OF PROVIDING SERVICES AND MATERIALS FOR SERVICING THE CENTRIFUGE AT THE CITY’S WASTE WATER TREATMENT PLANT. (City Manager)

ORDINANCE NO. **2017-19**, AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS IN THE GENERAL, UNCLAIMED FUNDS, POLICE LEVY, FOOD SERVICE, PUBLIC WORKS, INDIGENT ALCOHOL, AMC SECURITY, SANITATION, FIRE PENSION, POLICE PENSION, PARK AND RECREATION, FIRE GRANTS, CODE ENFORCEMENT, PERMANENT IMPROVEMENT, WATER POLLUTION CONTROL, WATER POLLUTION CONTROL CAPITAL AND FIRE ESCROW FUNDS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF ASHTABULA, STATE OF OHIO, FOR THE PERIOD JANUARY 1 THROUGH DECEMBER 31, 2017. (Finance Director)

ORDINANCE NO. **2017-20**, AN ORDINANCE REPEALING, IN ITS ENTIRETY, CODIFIED ORDINANCE SECTION 109.01, ENTITLED CITY MANAGER'S AUTHORITY, FOR THE PURPOSE OF REVISING THE CITY MANAGER'S AUTHORITY TO ENTER INTO CONTRACTS WITHOUT FORMAL COMPETITIVE BIDS. (\$15,000 Limit) (City Manager)

ORDINANCE NO. **2017-21**, AN ORDINANCE ENACTING NEW CODIFIED ORDINANCE SECTION 109.01 ENTITLED CITY MANAGER'S AUTHORITY, FOR THE PURPOSE OF REVISING THE CITY MANAGER'S AUTHORITY TO ENTER INTO CONTRACTS WITHOUT FORMAL COMPETITIVE BIDS. (\$30,000 Limit) (City Manager)

RESOLUTION NO. **2017-22**, A RESOLUTION STRONGLY OPPOSING THE STATE OF OHIO GOVERNOR'S PROPOSED 2017-2018 BUDGET, WHICH PROPOSES CENTRALIZED COLLECTION OF NET PROFIT TAX RETURNS AND OTHER PROVISIONS RELATED TO THE MUNICIPAL INCOME TAX WHICH WILL CAUSE A SUBSTANTIAL LOSS OF REVENUE NEEDED TO SUPPORT THE HEALTH, SAFETY, WELFARE AND ECONOMIC DEVELOPMENT EFFORTS OF OHIO MUNICIPALITIES. (Finance Director)

ORDINANCE NO. **2017-25**, AN ORDINANCE REPEALING EXISTING CODIFIED ORDINANCE SECTION 937.03, ENTITLED BILLING AND CHARGE PAYABLE WITH WATER BILL, IN ORDER TO IMPROVE EFFICIENCY OF COLLECTION OF SEWER CHARGES. (Finance Director)

ORDINANCE NO. **2017-26**, AN ORDINANCE ENACTING CODIFIED ORDINANCE SECTION 937.03, ENTITLED BILLING AND CHARGE PAYABLE IN ORDER TO IMPROVE EFFICIENCY OF COLLECTION OF SEWER CHARGES. (Finance Director)

ORDINANCE NO. **2017-27**, AN ORDINANCE REPEALING EXISTING CODIFIED ORDINANCE SECTION 937.05, ENTITLED DELINQUENT PAYMENTS: CERTIFICATION AND ASSESSMENT, IN ORDER TO IMPROVE EFFICIENCY OF COLLECTION OF DELINQUENT SEWER CHARGES. (Finance Director)

ORDINANCE NO. **2017-28**, AN ORDINANCE ENACTING CODIFIED ORDINANCE SECTION 937.05, ENTITLED DELINQUENT PAYMENTS CERTIFICATION AND ASSESSMENT IN ORDER TO IMPROVE EFFICIENCY OF COLLECTION OF DELINQUENT SEWER CHARGES. (Finance Director)

ORDINANCE NO. **2017-29**, AN ORDINANCE REPEALING EXISTING CODIFIED ORDINANCE SECTION 937.06, ENTITLED SEWER RENTAL FUND USES, IN ORDER TO IMPROVE EFFICIENCY AND REMOVE OBSOLETE LANGUAGE. (Finance Director)

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ORDINANCE NO. **2017-30**, AN ORDINANCE ENACTING NEW CODIFIED ORDINANCE SECTION 937.06, ENTITLED SEWER RENTAL FUND USES, IN ORDER TO IMPROVE EFFICIENCY AND REMOVE OBSOLETE LANGUAGE. (Finance Director)

ORDINANCE NO. **2017-31**, AN ORDINANCE REPEALING EXISTING CODIFIED ORDINANCE SECTION 951.03, ENTITLED RATES, COLLECTION AND DISPOSAL IN ORDER TO IMPOSE NEW CHARGES FOR RUBBISH DISPOSAL IN THE CITY OF ASHTABULA EFFECTIVE MAY 1, 2017. (Current Trash Rates)
(City Manager)

ORDINANCE NO. **2017-32**, AN ORDINANCE ENACTING CODIFIED ORDINANCE SECTION 951.03, ENTITLED RATES, COLLECTION AND DISPOSAL IN ORDER TO IMPOSE NEW CHARGES FOR RUBBISH DISPOSAL IN THE CITY OF ASHTABULA. (New Trash Rates) (City Manager)

ORDINANCE NO. **2017-34**, AN ORDINANCE AUTHORIZING THE CONTINUATION OF NINE (9) COMMUNITY REINVESTMENT AREA TAX INCENTIVE AGREEMENTS UPON CONDITIONS AS INDICATED, IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE TAX INCENTIVE REVIEW COUNCIL.
(Planning & Community Development Department Assistant Director)

ORDINANCE NO. **2017-35**, AN ORDINANCE REPEALING, IN ITS ENTIRETY, CODIFIED ORDINANCE SECTION 505.01 FOR THE PURPOSE OF REVISING THE CITY'S REQUIREMENTS RELATED TO KEEPING DOMESTIC FARM ANIMALS. (City Council @ recommendation of City Solicitor)

ORDINANCE NO. **2017-36**, AN ORDINANCE ENACTING NEW CODIFIED ORDINANCE SECTIONS 505.01 AND 505.011 FOR THE PURPOSE OF REVISING THE CITY'S REQUIREMENTS RELATED TO KEEPING DOMESTIC FARM ANIMALS. (City Council @ recommendation of City Solicitor)

Mr. Pugliese moved, Mr. Speelman seconded to waive the reading of the ordinances; motion CARRIED. Mr. Pugliese moved, Mr. Speelman seconded to waive the Charter requirement of two readings. On the roll call to waive the Charter requirement of two readings: Mr. Speelman, Mrs. Hosken, Mr. Hamrick, Mr. Roskovics, Mr. Pugliese, Mr. McClure, Mrs. Misener voted yea; motion CARRIED. On the roll call to adopt the ordinances: Mr. Speelman, Mrs. Hosken, Mr. Hamrick, Mr. Roskovics, Mr. Pugliese, Mr. McClure, Mrs. Misener voted yea; motion CARRIED.

NEW BUSINESS

- **Liquor Permit Transfer**

- From: Freight Sales Inc. dba Ashtabula Duchess, 1415 Lake Avenue, Ashtabula, OH 44004
- TO: Englefield Inc, dba Ashtabula Duchess, 1415 Lake Avenue, Ashtabula, OH 44004

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 1:00 a.m.

The Ward 3 Councilor announced no hearing on the request was required; all other concurred.

- **Resolution Request**

The Ward 1 Councilor requested a resolution of congratulations for Saint John School student Jacob Lagoa for his wrestling accomplishment; motion CARRIED.

- **Meetings**

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

Public Hearing: The President announced City Council will meet in a Public Hearing on Monday, April 3, at 5:15 p.m. to hear requests to: REZONE PARCELS LOCATED AT 317 AND 321 WEST 58TH STREET from R-2 (SINGLE FAMILY RESIDENCE DISTRICT) to C-1 (GENERAL COMMERCIAL DISTRICT) TO ACCOMMODATE THE PROPOSED CIRCLE K PROJECT; and to AMEND CODIFIED ORDINANCE CHAPTER 1133 (C-3 SHOPPING CENTER DISTRICT) AT SECTION 1133.02 (PERMITTED USES) AND CODIFIED ORDINANCE CHAPTER 1127 (C-1 GENERAL COMMERCIAL DISTRICT) AT SECTION 1127.02 (PERMITTED USES) FOR THE PURPOSE OF ALLOWING PROFESSIONAL SERVICES, INCLUDING BUT NOT LIMITED TO, MEDICAL AND LEGAL SERVICES TO LOCATE IN THE SHOPPING CENTER AND GENERAL COMMERCIAL DISTRICTS.

GENERAL PUBLIC DISCUSSION

- **Mrs. Patricia Blum, 1540 West 17th Street:** reported she is unhappy with trespassers making her property the shortcut between Lake Avenue and Carpenter Road/West 19th Street.
- **Mr. Gary Fusco, 223 Mariska Avenue:** Reported recently reading the 2017 City of Ashtabula road paving list in the newspaper. He asked how road paving selections are made and how a resident can get their road on the list. He said for three years he has spoken with members of Council and the City about a couple of roads that need attention; and for three years he has been told it would be addressed, but the roads he reported are not on the 2017 list. He said no one should have to drive pass their home, to another street, and come back to their home because the road leading to their home is in such poor condition. He distributed a photo of East 2nd Street and a few of Maruba Avenue and East 3rd Street, from various angles. He said he drove the roads on the 2017 paving list and believes they are nowhere near as bad as the ones he has reported.

The City Manager reported, "East 3rd Street is on our list – in the area down there – no it wasn't reported by the paper but it was on the list." The bid packets will be put together this week and hopefully let for bid by Friday. The roads were selected by Public Works, our Code Enforcement Officer, him and Council's complaints. An extensive list of streets was put together, including how much each would cost to do. The selection was made based on funding, estimates, and how to best stretch the dollars.

Mr. Fusco reported he and the Manager spoke about Maruba Avenue, in that half of the road belongs to Ashtabula Township and half the City of Ashtabula. He said a resident has lived on this road 45

years, during which time the road has never been paved. Mr. Fusco said he understands the difficulty of getting a road paved that is located in two jurisdictions.

The Vice President asked if any of the roads were chipped and sealed. Mr. Fusco said East 3rd Street was. The Vice President asked if it makes sense to do chip seal again, which is what is going to be performed in our alleys. Mr. Fusco reported East 3rd Street has high traffic. The Manager said chip seal will be included as an alternate in the bid packet, in order to compare it to the paving costs.

The Ward 2 Councilor said he spoke with Mr. Fusco a couple weeks ago. He then spoke with the City Manager about East 3rd Street, at which time the Manager said he would see what could be done, which the Councilor relayed to Mr. Fusco. The Councilor commented that there are several roads the City has to address but that funding is limited.

Mr. Fusco said an option being explored to address some of the issues is “detaching from the City”. The roads to be included in the detachment would be the west side of Maruba Avenue, 1st, 2nd, and 3rd Streets and Minnesota Avenue.

The City Manager reported the following roads have to be paved, and that their condition is through no fault of the City:

- West Avenue (Route 20 to the railroad overpass) is “brand new” and “looks like a quilt” – Cost: \$240,000
- Lake Avenue (Route 20 to West 24th Street) also looks like a quilt – Cost: \$370,000
- Lake Avenue (West 19th Street to West 9th Street) – Cost: \$247,000; and
- West 13th Street is also on the list.

The cost for these three roads is \$1.258 million – through no fault of the City.

The President reported being told that every mile of road costs \$100,000 to resurface, and that the roads are two inches thick. The President recounted that a lot of paving was performed in 2016 and 2017. She said even though our winters seem mild there are severe freezes and thaws which creates potholes all over the City. She said for a long time it seemed like every time we paved a road a utility company would come along and cut into it. The Manager is now working with the utility companies to lessen this from happening. The President reported the 2017 paving budget is \$400,000. If the estimates come in lower than this, the hope is to do a couple more streets.

Mr. Fusco said East 3rd Street is approximately 500 feet, at the most. From Lake Road to East 2nd Street and from East 2nd Street north on Maruba Avenue it is relatively good. But East 2nd Street down to Lake Road would probably be 800 feet, at the most, and understands small sections add up.

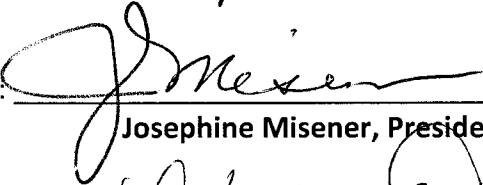
The Clerk asked for clarification regarding whether West 3rd Street is on the list to pave or as an alternate. The City Manager said, “It’s on the list as one to do. The alternative is whether or not we pave or chip seal it.”

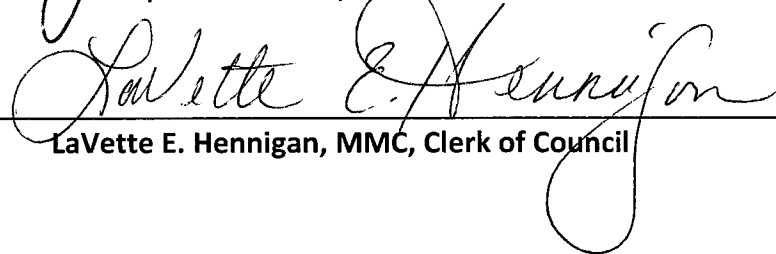
EXECUTIVE SESSION – None

ADJOURNMENT

Hearing no further business to come before this Council, the President declared the meeting adjourned at 8:36 p.m.

DATE APPROVED: April 3, 2017

ATTESTED BY: 
Josephine Misener, President of Council

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