

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

**REGULAR MEETING MINUTES**

**Tuesday, January 2, 2018**

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.

Appointed Ward 1 Councilor Mrs. Kym Harley (Foglio) was sworn in by Common Pleas Judge Thomas Harris; with her husband Dean Foglio holding the family bible and her mother Mrs. Jean Vendetti standing by her side.

**MEMBERS PRESENT:** Mr. Michael D. Speelman (Ward 4 Councilor)  
Mr. Reginald M. Holman (Ward 3 Councilor)  
Ms. Jane E. Haines (Ward 5 Councilor)  
Mrs. Kym Harley (Ward 1 Councilor)  
Mr. August A. Pugliese (Ward 2 Councilor)  
Mr. John S. Roskovics (President)

**MEMBER(S) ABSENT:** Mr. Christopher J. McClure (Vice President)

**OFFICER(S) PRESENT:** Mr. James M. Timonere (City Manager)  
Mr. Michael Franklin (City Solicitor)  
Mrs. Dana D. Pinkert (Finance Director)  
Mrs. LaVette E. Hennigan, MMC (Clerk of Council)

**OFFICER(S) ABSENT:** None

**EXCUSED ABSENCE(S):** Mr. Speelman moved, Mr. Pugliese seconded to excuse the Vice President from this meeting; motion CARRIED.

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

**AGENDA APPROVAL:** None

**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 for consideration and disposal.

**PRESENTATION OF MEETING MINUTES**

The Clerk of Council presented the December 4 and December 18, 2017 Regular Council Meeting minutes for Council's approval. Mr. Pugliese moved, Mr. Speelman seconded to waive the reading of

the minutes; motion CARRIED. Mr. Speelman moved, Mr. Pugliese seconded to approve the minutes; motion CARRIED.

#### **LEGISLATION AGENDA**

- **Formal Legislation Request(s):** None
- **Form and Correctness:** None
- **Legislation Overview:** None
- **Public Discussion (Legislation Portion Only):** None
- **Legislation Reading:** None

### **REGULAR BUSINESS**

#### **PRESENTATION OF MEETING MINUTES**

None

#### **ADMINISTRATIVE REPORTS and COMMUNICATIONS**

#### **CITY MANAGER**

The Manager presented the following legislation requests:

#### **Lake County Sewer – Sanitary Sewer Overflow (SSO) Phase 1 – Change Order (CO) No. 2**

An ordinance to execute CO No. 2 with Lake County Sewer Co., Inc. with a mailing address of 32900 Lakeland Blvd., Willowick, OH 44095 for the purpose of additional work and deductions based on quantities measured in the field for the SSO Phase 1 project in the amount not to exceed \$643.00. Funding for this expenditure will be taken from the Water Pollution Control Capital Fund. Mr. Pugliese moved, Mr. Speelman seconded to approve the request; motion CARRIED.

#### **Thomas Pallotta & Sons, Inc. – Change Order (CO) No. 1 – Safe Routes to School Project**

An ordinance to execute CO No. 1 with Thomas Pallotta & Sons, Inc. with a mailing address of 257 East Indianola Avenue, Youngstown, OH 44507 for the purpose of additional work and deductions based on quantities measured in the field for the Safe Routes to School project in the amount not to exceed \$14,170.87. Funding for this expenditure will be taken from the Capital Improvement Fund 412. Mr. Pugliese moved, Mr. Speelman seconded to approve the request; motion CARRIED.

#### **Ashtabula Fire Department Dispatching Services Agreement**

An ordinance to extend the Fire Dispatching Services agreement with the Township of Saybrook from the original end date of December 31, 2017 to January 31, 2018 and for an additional amount of \$1,920.00. Payment for this expenditure will be made from the Fire Department Operating Fund. Mr. Speelman moved, Mr. Pugliese seconded to approve the request; motion CARRIED.

### **Garbage Pickup Delayed**

Pickup will be delayed one day this week due to the New Year's Day holiday.

### **Snow**

Between December 18 and yesterday:

- 430 overtime hours have been worked
- 2125 gallons of diesel fuel have been used
- 1200 tons of salt have been used. In the winters of 2015 – 2016 and 2016-2017, the average salt used for the entire seasons was 2800 tons
- Crews have been able to maintain the policy to get through all the streets within 24 hours after the snow stops
- Crews continue to address clearing main, secondary and side roads and removing snow piles from corners for improved motorist line of sight.

### **Questions/Comments for City Manager**

#### **Snow Matters**

- The President complimented Sanitation crews who brave inclement weather to do their job; said they have a hard job and do it well.
- The Ward 2 Councilor commended all departments, especially Sanitation and Public Works. He has not received one complaint, which is unusual. He believes residents understand when snow falls like it did it is a challenge to keep up with removal.
- The Ward 2 Councilor expressed great appreciation for the robo call that was issued, which asked citizens to remain off the roads unless it was absolutely necessary to be out. The Manager reported he posted road conditions on social media, urging residents to remain home, if possible. A member of the Ashtabula County Emergency Management Agency (EMA) contacted him to ask if a state of emergency was being declared. He responded no, because main and secondary roads were being kept open as much as possible. He then asked if we wanted a cautionary message issued, which service is available to us through the County. The call was initiated with the support of the Ashtabula Police Division. He believes it reached over 4000 people; 3000 by telephone, a couple hundred by text message and a couple hundred by email. He said anyone is able to sign up for "Swift 911" alerts by going to the Ashtabula County website, select the Emergency Management Department, select Swift 911 and complete the form to give your desired mode of contact, (e.g., home or cell phone, text or email). There is an app that may be downloaded which sends alerts to your mobile phone.
- At the request of the Ward 2 Councilor the City Manager announced a three foot path around all fire hydrants should remain clear including to the road. He said a couple a minutes might be want is needed to save lives.
- The Ward 5 Councilor said she appreciated citizens contacting her about their road; and thanked the City Manager for taking care of constituent requests.
- The Manager said the last report he received said by December 27, we had 30 inches on the ground; and believes we have over 40 inches by now.

### **Blighted Structures**

- The Ward 5 Councilor reported when campaigning she noticed many burned and blighted houses, which she has since spoke to the City Manager about. She asked the Manager to explain the procedure someone may go through when the structure next door to them is an eyesore and creating problems. The Manager commented on:
  - Zombie properties: This is an empty house that remains in the owner's name until the lending institution files documents in Jefferson saying they are the rightful owner. There are a lot of problems with inability to locate owners. When the lending institution is contacted about their ownership of the property they say, "Prove we own the property" – so it sits with no one claiming it. When lending institutions find out the condition of the properties they will release the mortgage. The City informs the owners of this and some owners, after two and three years, return to their vacated property with a free and clear mortgage because the lender gave up on it.
  - The city is razing blighted structures through code enforcement action or grant funding. The "dirt", which is the property on which the house sat, remains in the owner's name.
  - Currently structures are being razed with Neighborhood Initiative Program (NIP) funds awarded to the Ashtabula County Land Bank. The award was for \$4,350,000 (four-million, three hundred fifty thousand dollars). Remaining is \$2.5 million to spend by 2019. In order to be considered for razing with NIP funds, the property has to be:
    - Blighted
    - Vacant and
    - Tax delinquent.
  - If it is tax delinquent Ashtabula County will file a tax foreclosure on the property. This is a 6 to 9 month process.
  - If it does not sell at two sheriff sales the Land Bank may "designate the house to go to them". If this happens the ownership of the property transfers to the Land Bank's name.
  - The Land Bank has contracted with the City of Ashtabula to manage the demolitions.
  - To date, the Land Bank has acquired 181 houses, throughout the county; 140 are inside the City.
  - To date, 105 demos have been completed.
  - Prior to the NIP Neighborhood Stabilization Program (NSP) and Moving Ohio Forward funds were used to demolish 200 houses. We hope to demolish another 100.
  - After this more grant funding would have to become available to continue the activity. The alternative is to set aside funds from our coffers, which will be difficult to do because we would be spending taxpayer dollars to take care of someone else's problem.
  - For years, the City hires a part-time employee to mow private properties whose lawn or weeds exceed 8 inches high. We know some residents take care of blighted structures located next door to them or in their neighborhood, as much as they can, which the City really does appreciate.
  - Once the structure is razed, if the next door occupant is the owner, they may "designate to purchase" the lot at \$100 from the Land Bank. If it is a rental it has to be sold at market value, and many have expressed an interest in doing so.

- Persons who purchase these properties have to hold on to them for a minimum of three years from the purchase date.
- There are discussions about whether we can do a “mow to own” program or just try to unload all the properties for \$100 to neighbors regardless of whether they are rental or owner/occupied.
- The Land Bank has done a tremendous job securing the funds for demolition of blighted structures. Some of the \$4.3 million they have secured has come without our request because of our performance.
- The Manager confirmed the Ward 4 Councilor’s statement that this activity has only been for residential.
- There has not been a release of funds for commercial properties. However, if we can prove the structure, at one time, was used as residential, it will qualify. An example is the former Medicine Shoppe on Main Avenue. There was a residence attached to it at one time.

**CITY SOLICITOR**

**No Report**

**FINANCE DIRECTOR**

The Finance Division is actively working on closing 2017. The preliminary report is that there are no big surprises.

**CITY COUNCIL COMMITTEE REPORTS and COMMUNICATIONS**

(Chair/Vice Chair)

**COMMUNITY DEVELOPMENT/ECONOMIC DEVELOPMENT/PARKS & RECREATION (CD/ED/P&R)** (Roskovics/Speelman)

The Chair announced the committee will meet Tuesday, January 9, at 4:00 p.m.

**FINANCE & PERSONNEL - (F&P)** (McClure/Pugliese)

The Vice Chair announced the committee will not meet in January. The next meeting is scheduled for Friday, February, 9 at 8:00 a.m.

**PUBLIC WORKS/PUBLIC UTILITIES/CABLE/SCHOOLS - (PW/PU/C/S)** (Pugliese/Holman)

The Chair announced the January 5, meeting was cancelled. He will determine later if the Friday, February 2, 8:00 a.m. meeting is required.

The President announced the appointment of the Ward 5 Councilor as a member of this committee.

**SAFETY FORCES - (SF)** (Speelman/Haines)

The Chair announced the committee would not meet in December due to the Christmas holiday; but will meet Monday, January 22, at 8:00 a.m.

The President announced the appointment of the Ward 1 Councilor to this committee.

Mr. Pugliese moved, Mr. Speelman seconded to approve the President's above committee appointments; motion CARRIED.

## **WORK SESSION – No report**

## **LEGISLATION AGENDA**

- **Formal Legislation Request(s):** None
- **Form and Correctness:** The Clerk of Council certified conformity to Council Rule 21.
- **Legislation Overview:** The President provided a brief overview of the legislation agenda.
- **Public Discussion (Legislation Portion Only):** None
- **Request Legislation Presentation by Consent Agenda:** None
- **Legislation Reading:** None

## **NEW BUSINESS**

Ms. Haines moved, Mr. Roskovics seconded for a resolution of appreciation to Ms. Robin Eastman, Director of Good Karma Kitchen, which serves free meals in the basement of St. Joseph Church; motion CARRIED.

## **“Tell Us Something We Don’t Know” Segment**

This is a new portion of the New Business section suggested by the President to give the dais the opportunity to tell something about Ashtabula we may not know.

1. President
  - a. Former Ashtabula resident and Head Football Coach of Ohio State, , Mr. Urban Meyer, won his bowl game again and will probably be in the top four or five in the country.
  - b. He noticed many fire hydrants are already shoveled out and cleared of snow.
  - c. Over the last few days he has witness people helping people to clear snow from driveways and sidewalks. In times like this it shows we have “great people living here.”
  - d. Today we gained two minutes of daylight.
2. Ward 2 Councilor
  - a. Be patient with City plowers who deposit snow in driveway aprons. They are unable to lift the plow at each driveway so as not to deposit snow onto it.
3. Ward 3 Councilor
  - a. Profusely thanked City plow crews for doing a great job clearing snow in his ward.

## **PUBLIC DISCUSSION/COMMENTS (General Matters)**

**Mr. Larry Anderson, former two term Ashtabula Ward 1 Councilor (40 years ago) and one term Ashtabula Council Vice President; currently not a City resident, said:**

- He promised himself that when he left politics he would stay out of politics.

- Even though he is no longer a City resident he speaks this evening because “you have inserted yourself in my business”... by proposing a resolution opposing the move of the Roman Catholic Church outside of the City. *(There are talks of building in Saybrook next to St. John School)*
- He believes the resolution is an “unconstitutional move on the part of the City”
- In 1971 the Supreme Court (Court) case titled, “Lemon v. Kurtzman, found that if an action by a city violated any one of the following three prongs, the action was deemed unconstitutional. The Court has used the prongs, as test, as recent as last year.
  - Prong 1: The action must have a secular legislative purpose.
  - Prong 2: The principal or primary effect of the statute must not advance or inhibit religion.
  - Prong 3: The statue must not result in an excessive government entanglement with the religion.
- “Most people would believe the stated legislative purpose for your resolution has a sound purpose. But I don’t believe it does. I believe that it’s not a true purpose for the resolution. The movement of secular institutions outside the city, you have every right to make a resolution requesting that move not happen. But this is not a secular institution. This is a religious institution. And, I submit the resolution violates prong 2, as it tries to inhibit in the effort by some in my church to establish a new building for congregation, thus inhibiting the practice of my religion. This resolution clearly violates the second prong. Finally, by passing the resolution designed to encourage one sect of my church over a different sect, you are in clear violation of the third prong by involving yourselves into an excessive government entanglement with my religion. I ask that you not take up this resolution before further action – outside action has to be taken. Thank you ladies and gentlemen.”

**EXECUTIVE SESSION**

None

**ADJOURNMENT**

Hearing no further business to come before this Council, the President declared the meeting adjourned at 7:34 p.m. noting the next Regular Council Meeting will be Tuesday, January 16.

DATE APPROVED: January 16, 2018

ATTESTED BY: John S. Roskovic  
**John S. Roskovic**  
**President of Council**

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