

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

REGULAR MEETING MINUTES

Monday, July 16, 2018

CALL TO ORDER

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.

MOMENTS OF SILENCE

A Moment of Silence was observed for the passing of former resident and community activist, Mrs. Maura McCarthy O'Donnell. She and her family made their home in Ashtabula for 19 years. She worked for Carlisle's Department Store and Farmer's National Bank. She led the area planning effort, ACT 2000, from 1993-1994, a public county-wide visioning process to set goals for improving the quality of life in Ashtabula County.

A Moment of Silence was also observed for the passing of Mr. Tony Esposito. He was a wonderful gentleman who was involved in Ashtabula for many, many years as a band director who played at Walnut Beach, Kent State and many other venues. He also taught band at St. John and Geneva Schools.

MEMBERS PRESENT:	Mrs. Kym Harley	(Ward 1 Councilor)
	Mr. August A. Pugliese	(Ward 2 Councilor)
	Mr. Michael D. Speelman	(Ward 4 Councilor)
	Ms. Jane E. Haines	(Ward 5 Councilor)
	Mr. Christopher J. McClure	(Vice President)
	Mr. John S. Roskovics	(President)

MEMBER(S) ABSENT:	Vacant	(Ward 3 Councilor)
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OFFICER(S) PRESENT:	Mr. James M. Timonere	(City Manager)
	Mr. Michael Franklin	(City Solicitor)
	Mrs. Dana D. Pinkert	(Finance Director)

OFFICER(S) ABSENT:	Mrs. LaVette E. Hennigan, MMC	(Clerk of Council)
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EXCUSED ABSENCE(S):	None
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SUNSHINE LAW:	This meeting met the requirements of the Ohio Sunshine Law.
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AGENDA APPROVAL:	None
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PRESENTATION(S)

Kids for Positive Change told of their plans to have Ashtabula become a "straw-free zone". Ms. Camille Licate, Founder and Director of Kids for Positive Change introduced, Malia, Michelle and Sadie, Ashtabula Area City School Elementary students. She reported that Plastic Pollution Coalition says, "Plastic is a substance the earth cannot digest. We must all take collective action in our communities to

stop the flow of plastic into our environment. Americans, alone, discard more than 30 million tons of plastic a year; and only a woeful eight percent of it gets recycled. Plastic cannot biodegrade and it is piling up in our environment whether we see it or not. Single use plastics, like plastic straws, harm our communities. It's time to adopt policies at the local and state level that reduce single use plastic at its source, use and production." Ms. Licate said ceasing the use of plastic is a global effort. Organizations like Star Bucks will stop using plastic straws and transition to paper straws or an alternative biodegradable straw. Adopting a "Straw upon Request" policy, in the City of Ashtabula, is a small step towards a bigger solution of banning single use plastic straws. Halcyon Speakeasy, Rennick Meat Market and Crosswinds Grill have already transitioned from plastic straws to paper straws. She reported interviewing two boaters who were dining at Rennick, who were happy to see the environmentally friendly alternative to plastic being used. Residents she spoke with between the ages of 29 and 70, were on board with the "Straw upon Request" policy; one said they were thrilled the City of Ashtabula is part of a mainstream movement. The students told how to end the use of single plastic straws for a "better world and a better country" (see attached). Ms. Licate reported they have concrete steps, as well as will hold group meetings and conduct social media outreach. Kids for Positive Change teachers, parents and students will be speaking to city restaurants about the "Straw upon Request" policy. She said they are offering each restaurant an informative poster that will tell patrons about the "Straw upon Request" policy, and also have information cards to inform customers about the problem plastic straws present and the solution they can enlist, which is skipping the straw. Members of Council were given the same cards restaurant servers will be provided and will refer to when patrons ask about the policy.

The President entertained a motion to draft a resolution requesting the adoption of a "Straw upon Request" policy for our City. Mr. Pugliese moved, Mrs. Harley seconded the request. On the roll call for the motion: Mrs. Harley, Mr. Pugliese, Mr. Speelman, Ms. Haines, Mr. McClure, Mr. Roskovics voted yea; motion CARRIED.

Ms. Licate said Tony Romano, owner of Tony's Dog House, said since he hung the poster in his restaurant he has seen a significant drop in straw requests.

The President thanked Ms. Licate and the students for their presentation.

EXECUTIVE SESSION

Mr. McClure moved, Mr. Pugliese seconded to convene an Executive Session to discuss Personnel (Compensation and Employment). A voice vote was taken and the motion CARRIED.

Reconvened

The President announced the public portion of the meeting reconvened.

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

- None

Legislation Agenda

- Formal Legislation Request(s): None
- Form and Correctness: None
- Legislation Overview: None
- Public Discussion (on legislation only): None
- Legislation Reading: None
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REGULAR BUSINESS

PRESENTATION OF MEETING MINUTES

None

ADMINISTRATIVE REPORTS and COMMUNICATIONS

CITY MANAGER

The City Manager presented the following:

Independent We Stand & Stihl, Inc. – Resolution

A request for a resolution to show appreciation for Independent We Stand & Stihl, Inc. Mr. Pugliese moved, Mrs. Harley seconded the request. The Manager said this is the group responsible for America’s Main Street contest which Bridge Street participated in and won. The organizers will present the \$25,000 award to the Lift Bridge Community Association (LBCA) and the City will present them with this resolution on Saturday, July 28, at the Wine & Walleye Festival. The motion CARRIED.

Northeast Ohio Public Energy Council (NOPEC) Grant – Annex Boiler Replacement

A request for an ordinance to enter into an agreement with NOPEC to accept grant funds and execute documents for the project to replace the boilers at the Annex Building. Mr. Pugliese moved, Mr. Speelman seconded to approve the request. The Manager reported Ziegler Heating did the work for \$40,000; the grant was for \$50,000; therefore some extra work might be able to be performed. The motion CARRIED.

Vencill Homes – Rehabilitation of 1003 Bridge Street Project Award

A request for an ordinance to enter into an agreement with Vencill Homes in the amount not to exceed \$200,000 for the rehabilitation of 1003 Bridge Street, and paid in part through the State of Ohio Development Services Targets of Opportunity Discretionary Grant for \$100,000. Funding will be taken from the Community Development Block Grant fund. Mr. Pugliese moved, Mr. Speelman seconded to approve the request; motion CARRIED.

Public Transit Services Agreement

A request for an ordinance to enter into an agreement with the Ashtabula County Commissioners with a mailing address of 25 West Jefferson Street, Jefferson, OH 44047 for the purpose of providing transit services for the City of Ashtabula and surrounding areas for a period of time to commence on January 1, 2019 and ending on December 31, 2023. Mr. Pugliese moved, Mrs. Harley seconded to approve the request; motion CARRIED.

Ashtabula County Transportation Services (ACTS) Lease Agreement

A request for an ordinance to enter into an agreement with the Ashtabula County Commissions with a mailing address of 25 West Jefferson Street, Jefferson, OH 44047 for the purpose of leasing the Bus Garage located at 425 West 24th Street, Ashtabula, OH 44004 for a period of time to commence on January 1, 2019 and ending on December 31, 2023. Mr. Pugliese moved, Mr. Speelman seconded to approve the request; motion CARRIED.

Wine & Walleye Festival

The Festival is scheduled for July 27-29. The hope is for good weather and to see the community support the event.

CITY SOLICITOR

No Report

FINANCE DIRECTOR

No Report

CITY COUNCIL COMMITTEE REPORTS and COMMUNICATIONS

(Chair/Vice Chair)

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

(Roskovics/Speelman)

The Chair reported on the committee's Tuesday, July 10, meeting, as follows:

- Students with Kids for Positive Change made a presentation on their "Straws upon Request" policy campaign, and
- Lift Bridge Community Association Chair, Christine Seuffert, shared the Association's five year plan.

- The Ward 5 Councilor and Council's Liaison to the Parks & Recreation Board read the following motions that were made by the Board at their last meeting, all of which passed unanimously:
 - A motion to allocate funds to purchase and plant fruit trees in Clifford Kadon Presidential Park
 - A motion to add Sunday morning to the trash clean up schedule at Walnut Beach with the understanding this is with the approval of paying overtime to two employees for three hours each

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- A motion to purchase one bike rack and place it at Clifford Kadon Presidential Park
- While a motion was not formally made, the Board has agreed to let the City find out what kind of seating local residents want at Highland Beach Park and purchase and install it. The City Solicitor said as far as he knows Highland Beach is not an actual park; it is an undesignated piece of land that used to belong to the Highland Beach Association, which has lapsed. He does not believe there is an active association. He said the City treats it as a park; we do some basic maintenance at the site, but it has never been dedicated as City property. The President said he remembers when the land was badly eroding, and sections of the freeway were taken and placed at the site. He believes the property had to be given to the City in order for this to happen. The Solicitor said he is aware of some easements because as the owner of a title agency he has been asked to research it. He consulted with other title agencies and researchers “and as far as we can tell – as far as the public record reflects – the owner is the Highland Beach Association. It’s more than urban legend. There are people who remember documents and even signing documents, but it doesn’t appear they were delivered. The City has treated it as public property, as I say, for years and years and years. And, it’s called Highland Beach Park, but just as a point of fact, we don’t actually own it, at this point.” The President asked if the City would have the right to place furniture on the property. The Solicitor said, “I don’t know of anyone who would have the right to object other than the now defunct Highland Beach Association. So, I would say it’s a case of no harm, no foul. But, if that Association were reformed, for whatever reason, then I guess they could raise some objections.” The Manager asked what needs to be done to formally put the property in the City’s name. The Solicitor said, “When you’re talking about title to real estate, there’s [perfect title], there’s [good enough] and then there’s [oh boy that’s really questionable]. Perfect would be to have each and every owner of property that’s part of the Highland Beach development sign off on some sort of document that could be recorded, that says we hereby transfer and the City hereby accepts. Good enough might be to get a majority of them to do so.” He does not recall if their bylaws were a matter of public record. “Another alternative – eminent domain would be possible.” The Vice President questioned the City’s liability if we take possession of the land and no signs are posted, and asked if signs would be required to be posted. The Solicitor said the short answer is yes, if you want to avoid being sued without a level of protection you wouldn’t otherwise have. The President said he used to cut the lawn, but stopped because it was said to be the City’s property. He asked if there is a law that says if you take care of a property for so long, it becomes your property. The Solicitor said it is not quite that simple. There is a cut off, at which point the true owner of the property no longer has the right to sue, to throw you off the property, which is the “so called, squatter’s rights”. The process takes 21 years and you must: a) occupy the property continuously, b) do so in a way that is adverse to the interest of the true owner, and c) it has to be open and notorious; it can’t be any sort of hidden aspect such as mowing the lawn a certain amount of times a couple times a months. Putting up signs that say, “Welcome to Highland Beach Park, a Public Park” would be pretty open and notorious. He said he believes the City may take proper

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ownership. The question is how you go about it and City Council would have to support it.

- Next Committee meeting will be Tuesday, August 14, at 3:00 p.m., The City Manager and the City's Planning & Community Development Department will speak about tightening up some of the ordinances and making sure we are able to enforce them in a more timely and effective manner. The Chair said he wants citizens to know the City takes their concerns and complaints seriously.

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

The Chair reported on the committee's Friday, July 13, meeting, as follows:

- The Finance Director provided a mid-year financial review. This evening she reported that overall we are within our budget; last year's income revenue was higher at this time – we knew it was going to happen and budgeted accordingly; our city income tax collections are in line with projects and that income tax is the main source of revenue into the General Fund, and there were no big surprises.
- The Chair said, at this point, he does not plan to have an August committee meeting; the Vice Chair agreed.
- The Chair asked for an ordinance appointing the Acting City Finance Director on a temporary basis. Mr. Pugliese moved, Mrs. Harley seconded to approve the request. The President called for the vote "to appoint the Assistant Finance Director Carolyn Sheldon as Acting Finance Director, effective August 20." The motion CARRIED.

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

The President announced the committee did not meet in July. They will meet Friday, August 3, at 8:00 a.m.

SAFETY FORCES - (SF) (Speelman/Harley)

The Chair announced the committee is scheduled to meet Monday, July 23, at 8:00 a.m., in the Municipal Building 2nd floor conference room.

WORK SESSION: No Report

LEGISLATION AGENDA

- Formal Legislation Request(s): None
- Form and Correctness: None
- Legislation Overview: The Finance Director provided.
- Request Presentation by Consent Agenda: Mr. Pugliese moved, Mr. Speelman seconded to present the Regular Business Legislation Agenda in consent agenda format; motion CARRIED.
- Public Discussion (on legislation only): None

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- **Legislation Reading**

The Finance Director presented the following legislation in consent agenda format:

ORDINANCE NO. 2018-62, AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT A NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) ENERGIZED COMMUNITY GRANT. (City Manager)

RESOLUTION NO. 2018-63, A RESOLUTION OF APPRECIATION AND CONGRATULATIONS TO SHELAGH A. DUBSKY (Ward 1 Councilor)

RESOLUTION NO. 2018-64, A RESOLUTION OF APPRECIATION PRESENTED TO INDEPENDENT WE STAND & STIHL, INC. (City Manager)

ORDINANCE NO. 2018-65, AN ORDINANCE APPOINTING AN ACTING CITY FINANCE DIRECTOR ON A TEMPORARY BASIS AND AUTHORIZING COMPENSATION FOR SAME. (City Council)

Mr. Pugliese moved, Mr. Speelman seconded to waive the reading of the legislation; 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: Mrs. Harley, Mr. Pugliese, Mr. Speelman, Ms. Haines, Mr. McClure, Mr. Roskovics voted yea; motion CARRIED. On the roll call to adopt the legislation: Mrs. Harley, Mr. Pugliese, Mr. Speelman, Ms. Haines, Mr. McClure, Mr. Roskovics voted yea; motion CARRIED.

NEW BUSINESS

None

Tell Us Something We Don't Know

None

PUBLIC DISCUSSION/COMMENTS (General Matters)

Mr. Richard Tulino, Ashbrook Drive Resident

- Presented a petition signed by residents of Ashbrook and Samar Drives expressing they are against the use of chip and seal on their roads
- They request the City reconsider the decision to apply chip and seal, which they believe "is just a Band-Aid"
- They believe the best solution is paving with asphalt
- Because there are no sidewalks in the allotment, the roads are used for bicycling and walking
- The entrance to the allotment has been deteriorated and homeowners have been patiently waiting for the roads to be repaired
- He was told residents were promised over two years ago that they were on the paving list
- They pay their fair share of taxes; therefore they believe they should be afforded the same services as other residents have received in the form of a paved road v. chip & seal
- The first time their roads were paved over 30 years ago, was also the last time they were paved; each homeowner was assessed \$4,000 to \$5,000 to have the road paved; and

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- They are willing to wait until next year, so the funds may be used elsewhere this year, if promised their roads will be paved first.

The Manager reported he and Mr. Tulino spoke briefly prior to this evening's meeting. The chip and seal process "is not that of old." This process is a relatively newer process (5 years); it is called "chip and fog". It is just catching on in this area because there are two contractors now able to perform the work. It was performed in our alleys and will be applied to East 7th Street this year. He reported the areas Mr. Tulino speaks of would be repaired, and then the chip and fog product would be layed on top. The cities of Geneva and Conneaut have used it a lot the last few years. The Grape Jamboree run goes through many of the neighborhoods that have the product on the road. You can tell the difference when up on it because the aggregate is much bigger and it is not as smooth as a surface course of regular asphalt. "It is essentially a much... basically when you talk about seal coating your driveway, it's actually adding a quarter of an inch to a half an inch of material on the surface of that to somewhat flatten it out and again seal the asphalt, which is what prevents it from cracking even further." The Manager acknowledged Mr. Tulino's comments including there being no sidewalks and the 30 year period. He said there are bad areas in the Ashbrook Allotment that would need extensive repair. The cost of chip and fog is \$33,075; the cost to pave would be \$75,099.32. He said, "It is possible to do it this paving round because of what is being deducted from the southern direction of West Avenue from the Bridge to Route 20. He said he wanted to hold some of that money over to next year to actually have funds to cost share with Aqua in paving the portion of West Avenue Aqua is digging up. He said we can revisit it and look at it, if that's Council desire. It would come through as a change order on the contract." The Manager said Hamlin Drive is in much worse shape. But, because we were scheduled to do chip and fog on Ashbrook Drive, we can look at it. Mr. Tulino said he looked at the Geneva streets and said they are not flat and are rough. The Manager said he believes there are portions of Ashbrook and Samar Drives that chip and fog would do well on, and that he will take a look at it.

In response to the President asking if a change order would be presented at the next regular council meeting, the Manager said it would not be next week, but if he is instructed to pave versus chip and fog, then that is what will be done.

The Vice President, who resides in Mareddy Estates, an allotment similar to Ashbrook, including no sidewalks, asked if what is going to be done in Ashbrook is setting a precedence. That question could not be answered because it is a timing issue.

The Ward 4 Councilor asked if the \$40,000 difference could pave another road. The Manager responded, Hamlin is an alternate and came in at \$74,000 to \$75,000, and is a half mile long.

The Manager the following roads are scheduled for the 2018 paving project:

- Mariska and Maruba (chip & fog)
- West 11th Street (Union to Norman Avenues)
- Station Avenue (in front of the post office)
- Valleyview Boulevard (on the west side of Spring Street Bridge/46th Street), which includes Amsden

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- West Avenue (north side of the bridge); Aqua Ohio is performing a 6 inch waterline replacement from the south end of the bridge to West 58th Street; therefore next spring the city will cost share with them to pave this entire stretch)
- East 7th Street (a lot of repair and chip & fog)
- Norwood Drive (on the south side of West 13th Street) was added
- Four bridge joints on West Avenue will be ripped out and redone and
- Ashbrook Allotment (is slated for chip & fog; paving it would increase the cost by \$42,000; the islands in the allotment will remain).

The Manager said nothing from City Council is needed this evening; that it will be addressed through a change order.

Roads by Circle K Convenient Store – Main Avenue

The Ward 5 Councilor asked about addressing the condition of the roads in and around the newly constructed Circle K. The Manager said the West 58th Street road condition was not caused by Circle K; it has been an ongoing Aqua Ohio issue, especially on the northeastern corner. Aqua recently closed the road and was digging in the center of the road. They are constantly making repairs, he believes they have figured out the problem, and “the restoration will be done there”. As far as the patches on Main Avenue in front of Circle K, they are better than normal and were performed by a contractor.

West 9th Street Repair (by the Circle K Convenient Store)

The Vice President said the road in this area was really bad; he believes the repair is pretty good now; and that City employees performed the work.

The President believes Circle K is a “pretty good corporate citizen” other than for the straws.

Ms. Christine Seuffert, 6018 Hillcrest Avenue and Lift Bridge Community Association (LBCA), Chair

- She thanked the City for the report about West 58th Street road repair
- She announced the dais will be invited to the LBCA Strategic Plan unveiling, Tuesday, August 14, at 8:00 a.m., at the Ashtabula County District Library on West 44th Street/Downtown
- She invited everyone to enjoy the Wine & Walleye Festival and hopes many City officials will be present for the presentation of the \$25,000 check. LBCA has sound ideas as to how to spend the winnings; and
- She asked if the City would consider just doing a “Roads Levy”. She said as a member of the Ashtabula Area Schools Board, she has found that their levies are successful when they are for specific requests, because people were more supportive when they knew where their dollars would go.

The President asked Ms. Seuffert how the “Anchor” project is coming. She responded, one thing at a time.

Road Maintenance (Cities v. Townships)

The Manager issued a reminder that there are 99 center lane miles of road in the City of Ashtabula, not counting the number of lanes. In the townships, road projects are not 80/20 split; they are 100%

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covered by the state of Ohio. Other parts of the township where there are county roads, the county takes care of them. Therefore, when one looks at the miles of road and state routes cities are maintaining versus what the townships are responsible for, township's small levies go a long way, because most of what they have is neighborhood roads, which do not have sewers in the middle of the road, storm drains on the sides of the roads, and they might have some ditching, which the county engineer takes care of. So, when it comes to road maintenance he said, "I wish we were a township".

East 6th Street Bridge

The Ward 2 Councilor reported the bridge was recently sandblasted and painted, but has since been littered with graffiti. The Manager said it has been covered, and because the contractor is still in the county doing other areas, they will return and hit it again.

EXECUTIVE SESSION

None

ADJOURNMENT

Hearing no further business to come before this Council, the President declared the meeting adjourned at 8:25 p.m.

DATE APPROVED: August 6, 2018

ATTESTED BY: John S. Roskovics
John S. Roskovics
President of Council

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