

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

REGULAR MEETING MINUTES
Monday, July 15, 2019

CALL TO ORDER

The President of Council called the meeting to order at 7:00 p.m., Reverend Michael Meranda of Messiah Lutheran Church, Station Avenue, Ashtabula, Ohio, offered the opening prayer and the Pledge of Allegiance was recited. Reverend Meranda, a member of the supporting cast, issued an invitation to “Freaky Friday”, now playing at the Ashtabula Arts Center.

MOMENT OF SILENCE

The President requested a moment of silence for Mr. George Ducro who served the City of Ashtabula for many years and in many ways, including as Council President and City Manager.

The President requested a moment of silence for Mr. Matt Hutton, Star Beacon Editor, who passed away unexpectedly. He said Matt would often attend and report on this meeting, and visit.

MEMBERS PRESENT:	Mrs. Kym A. Foglio	(Ward 1 Councilor)
	Mr. August A. Pugliese	(Ward 2 Councilor)
	Mr. Richard A. Quaranta	(Ward 3 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: None

OFFICER(S) PRESENT:	Mr. James M. Timonere	(City Manager)
	Mr. Michael Franklin	(City Solicitor)
	Ms. Traci R. Welch	(Director of Finance)
	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 Ohio Sunshine Law.

PRESENTATION(S): None

EXECUTIVE SESSION

The President announced the City Manager has requested a short Executive Session, to discuss the Sale of Property, after the public portion of this meeting. Mr. Pugliese moved, Mr.

Quaranta seconded to convene an executive session to discuss the Sale of Property. On the roll call to convene the Executive Session, as requested: Mrs. Foglio, Mr. Pugliese, Mr. Quaranta, Mr. Speelman, Ms. Haines, Mr. McClure, Mr. Roskovics voted aye; motion CARRIED.

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 - None

- Formal Legislation Request(s)
- Form and Correctness
- Legislation Overview
- Public Discussion (on legislation only)
- Reading

REGULAR BUSINESS AGENDA

PRESENTATION OF MEETING MINUTES

The Clerk of Council presented the Regular City Council Meeting minutes of Monday, July 1, 2019, for approval consideration. Mr. Pugliese moved, Mrs. Foglio 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

The City Manager presented the following:

National Pump & Process, Inc. - Goodwill Drive Sewer Lift Station Additional Repairs

A request for an ordinance to enter into an agreement with National Pump & Process, Inc. for additional emergency repairs of the Goodwill Drive Sewer Lift Station in the amount not to exceed \$18,000.00. Funding for this expense will be taken from the Water Pollution Control Capital Fund 504. Mr. Pugliese moved, Mr. Quaranta seconded to approve the City Manager's request; motion CARRIED.

Ohio Department of Natural Resources (ODNR) - Floodplain Regulations

A request for an ordinance to amend current flood plain legislation to include ODNR's V Zone standards or adopt new legislation in accordance with ODNR's updated regulations. Mr. Pugliese moved, Mr. Quaranta seconded to approve the City Manager's request; motion CARRIED.

GPD Group – Engineering Services – 531 Culvert; PID 106705

A request for an ordinance to enter into an agreement with the GPD Group, with a mailing address of 100 Federal Plaza East, Suite 200, Youngstown, OH 44503 for the purpose of providing design & construction engineering services for the Route 531 Culvert Project; PID 106705 for an amount not to exceed \$49,300. The cost for this expense will be taken from Permanent Improvement Fund 412. Mrs. Foglio moved, Mr. Pugliese seconded to approve the City Manager’s request; motion CARRIED.

Transfer Station

The Station will be closed Wednesday and Thursday for trailer repairs. The Recycling Center will be open.

Sanitation Crews

Due to the anticipation of extreme heat and other logistical matters at Sanitation, crews began picking up garbage at 6:00 a.m., rather than 7:00 a.m., and will continue through the remainder of summer. Garbage should be placed at curbside any time after 6:00 p.m. the day before it is scheduled for pickup.

Mt. Carmel Festival

The staff of Our Lady of Mt. Carmel Peace Parish, the Ashtabula City Police and Fire Department, road crews and volunteers who helped at the 122th Mt. Carmel Festival were commended. He said the changes that were implemented this year made the event much more inviting and attractive. As far as he knows there were no incidents outside of a few young people trying to sneak inside.

Questions/Comments for City Manager

Tivision Place Project Update

At the Ward 2 Councilor’s request for an update, the City Manager said project bid documents are being prepared and engineering is taking place. It will be a large job that will include resurfacing and new tanks, and has to be completed by the end of 2020 because it is Ohio Public Works Commission (OPWC) funded. The Manager said he will try to have an update at the August regular council meeting.

West 57th Street

At the Ward 3 Councilor’s request stemming from resident inquiries about paving in the area where stones are, the City Manager said the City made the cut to address a sewer line. He said the cut might have already been filled because the firm hired to do so has been performing the work.

Speeding Concern – West 58th Street

The Ward 3 Councilor asked that the Police Department perform patrol, when possible, in an effort to curb speeding.

Wine and Walleye Festival

The Ward 4 Councilor inquiry as to who hosts the event. The Manager said the City has the rights to the festival names, but is able to determine who will put on the event.

Safety Forces at Festivals

The Ward 4 Councilor asked who pays for the time Safety Forces spend at festivals. The Manager said our Fire Department is on duty at the Wine & Walleye Festival because of the fireworks. The Police are paid by the Parish to be on the grounds. They are paid for their time at festivals as off duty services.

CITY SOLICITOR

No Report

DIRECTOR OF FINANCE

The Director formally requested the following legislation:

ORDINANCE NO. 2019-77, AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS IN THE GENERAL, SANITATION, FIRE GRANT, HOUSING CODE ENFORCEMENT, PERMANENT IMPROVEMENT, WASTEWATER CAPITAL, and LAW ENFORCEMENT TRUST FUNDS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF ASHTABULA, STATE OF OHIO, FOR THE PERIOD JANUARY 1, 2019 THROUGH DECEMBER 31, 2019. Mr. Pugliese moved, Mrs. Foglio seconded to approve the Director's request; motion CARRIED.

ORDINANCE NO. 2019-78, AN ORDINANCE AUTHORIZING THE CITY DIRECTOR OF FINANCE TO ENTER INTO AN AMENDED AGREEMENT WITH THE OFFICE OF THE AUDITOR OF THE STATE OF OHIO TO ASSIST THE CITY OF ASHTABULA IN THE CONVERSION OF CASH REPORTING TO GAAP. Mr. McClure moved, Mrs. Foglio seconded to approve the Director's request; motion CARRIED.

RESOLUTION NO. 2019-79, A RESOLUTION ADOPTING THE TAX BUDGET OF THE CITY OF ASHTABULA FOR THE FISCAL YEAR BEGINNING ON JANUARY 1, 2020, AND SUBMITTING THE SAME TO THE ASHTABULA COUNTY, OHIO BUDGET COMMISSION. Mr. McClure moved, Ms. Haines seconded to approve the Director's request; motion CARRIED.

CLERK OF COUNCIL

Legislation Request on behalf of Parks & Recreation Board and Ward 5 Councilor

The Clerk of Council entertained a motion to amend Codified Ordinance Section 174.06 to permit the City Manager to make necessary purchases and begin projects under the established \$10,000 threshold. Ms. Haines moved, Mr. Pugliese seconded to approve the request.

The Ward 1 Councilor asked for the amount of the current spending limit.

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The Clerk reported that currently Section 174.06 states the Parks & Recreation Board is an adversary board who shall make recommendations to the City Manager and City Council. She said one would assume the City Manager may spend according to established limits, but because this section does not say so, there have been spirited debates about Parks & Recreation expenditures.

The President asked if the purchase of [permanent] items versus temporary ones would still have to go through the Architectural and Restoration Review Board (ARRB) no matter their cost.

The Clerk reported the City Solicitor issued his opinion on permanent versus non-permanent items in an email.

The City Solicitor said, "To give some local flavor to the state of the current legislation, there was, at one time, some friction between the then City Council and the then City Manager over the use of Park Board funds. The City Council determined to tighten up the purse strings and make sure that City Council and only City Council could loosen those purse strings."

The Clerk read the following: "**174.06 DUTIES AND RESPONSIBILITIES.** The City Parks and Recreation Board shall serve in an advisory capacity by helping the City identify all present and potential City owned parklands and all types of recreation within the corporate limits of the City; and creating a list of said parklands and recreation locations; study problems, determine needs and advise the City Manager and City Council of such; assist in parkland improvements and acquisitions; aid in acquiring revenue through gifts and grants; network with neighboring Parks boards in ways that will benefit all entities involved. (Ord. 2007-45. Passed 4-16-07.)"

The Vice President enumerated the existing checks and balances; noting there to also be a professional courtesy wherein this administration and future administrations would inform City Council about the purchase if the amount is close to the spending threshold.

The President reported this discussion stems from the expenditure of almost \$900 to purchase and have painted 8 trash cans for Walnut Beach, which activity did not go through the ARRB for discussion and approval. He said he is in favor of the language remaining as is, so City Council continues to have oversight privileges.

The Solicitor said he believes there is an Ohio Revised Code section having to do with either Park Levy proceeds or Parks & Recreation income that strongly suggests that only City Council can authorize expenditures of those funds, which Codified Ordinance Section 174.06 does not say. He will research to see if this is true, and perhaps make some recommendations.

The Manager asked if budgeted funds would be included in the requirement to obtain City Council authorization prior to spending.

The Solicitor said he believes an argument could be made that way. However, if it is true, the City Manager has area authority over City funds that are part of his budget, up to the \$10,000

threshold. If he chose to make an expenditure, say out of Public Works, and it benefited the parks or was for work performed in the parks, he could do so. He reiterated his request to conduct research and then advise and recommend.

Ms. Haines withdrew her motion; Mr. Pugliese withdrew his second.

CITY COUNCIL COMMITTEE REPORTS and COMMUNICATIONS

All Council committees meet in the Municipal Building 2nd Floor Conference Room
(Chair/Vice Chair)

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

(Haines/Speelman)

The Chair reported on the committee's Tuesday, July 9, meeting, as follows:

Matt Butler, Clinical Supervisor (Community Counseling Center), Lois Miller-Martone (Getting Ahead Program Director (Catholic Charities), Gary Seech, Regional Director of Operations (Glenbeigh Hospital) participated in a discussion about the opiate crisis. They were invited because of a previous discussion about homelessness. It was discovered that a cause of homelessness is drug addiction. In 2001, there were four overdose deaths; in 2015 t – 19 deaths; 2016 – 45 deaths; 2017 – 47 deaths; and in 2018 the number dropped to 25. The decrease is partly attributed to the drug Narcan that is administered to prevent an overdose death. Community agencies have joined forces and formed a county-wide quick response team – the members of which receive a robotext and show up where and when needed. Addicted-born Infants are decreasing. As much as drug addiction is being discussed, alcohol is responsible for 80,000 deaths per year. There is a tendency for some parents to turn a blind-eye to the use of alcohol by their children because at least it is not heroine. The Chair encouraged parents not to turn a blind-eye to the use of alcohol and marijuana, but draw the line in the sand that, if crossed, consequences are imposed.

Parks & Recreation

Removal of Walnut Beach from H-1 Historical District

The removal of Walnut Beach from the H-1 Historical District, which would enable their recommendations to proceed quicker. At the meeting the Chair moved to have this recommendation presented to the full council; it failed for the lack of a second.

Mural – Suicide Awareness – Smith Field

The P & R Board asked that Chris Raab be permitted to paint a suicide awareness mural at Smith Field. It was determined that the City Solicitor's opinion was required, which was given in this evening's Pre-Council meeting; the result of which was it would not be appropriate.

Certified Local Government: The City of Ashtabula seeking CLG status was also discussed.

Comments / Questions for CD/ED/P&R Committee

Committee Appointment

The President appointed the Ward 3 Councilor to fill the committee member vacancy.

Suicide Awareness Mural Request

The Ward 4 Councilor said his takeaway from the Solicitor's comments in the Pre-Council meeting was not that the suicide awareness mural was inappropriate, but that it was perhaps opening a floodgate for requests for other murals that might be advertising things the City of Ashtabula might not want to align itself with. The Councilor said Mr. Raab's mural about suicide awareness, that would include a national 800 hotline phone number, is "incredibly appropriate".

The President agreed it is an appropriate message, but permitting it on City property would create future complications.

Regarding the rendering, the Manager said the message depicted on the interlocked hands portion of the mural is not the issue, but rather the portion of the mural that displays sponsors.

The City Solicitor said it would not be professional for him to make a "call of appropriateness. What's appropriate for the community is within the sound discretion of this City Council. What I was suggesting is making a mural space available for any public service or public agency, no matter how laudable their mission may be, is legally problematic because there are always going to be people out there who will say my organization deserves the same space; my organization deserves equal time on your mural; my organization deserves a free billboard. And, if you provide to one without very strict, objective criteria already in place before you do it, then you technically have to provide for all. And, that's where I said it could be legally problematic."

The Vice President issued a friendly reminder to his colleagues that City Council is a Legislative body whose purpose is to legislate. Taking up meeting time to discuss various topics should be done with the mindset of can/should we legislate or not.

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

The Chair announced no matters for legislative consideration were presented to the committee; therefore the July meeting was cancelled. The committee is scheduled to meet again Friday, August 9, at 8:00 a.m.

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

The Chair announced the committee will meet Friday, August 2, at 8:00 a.m.

SAFETY FORCES - (SF) (Speelman/Harley)

The Chair announced the committee's July meeting cancelled. The committee will meet again in August.

LEGISLATION AGENDA - None

- Formal Legislation Request(s): None
- Form and Correctness: Obtained
- Overview: The Clerk provided a brief overview of the legislation to be presented.
- Public Discussion (Legislation Only): None
- Consent Agenda Format: Mr. Quaranta moved, Ms. Haines seconded to dispose of the regular business legislation by consent agenda; motion CARRIED.

Reading

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

ORDINANCE NO. 2019-77, AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS IN THE GENERAL, SANITATION, FIRE GRANT, HOUSING CODE ENFORCEMENT, PERMANENT IMPROVEMENT, AND WASTEWATER CAPITAL and LAW ENFORCEMENT TRUST FUNDS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF ASHTABULA, STATE OF OHIO, FOR THE PERIOD JANUARY 1, 2019 THROUGH DECEMBER 31, 2019. (Finance Director)

ORDINANCE NO. 2019-78, AN ORDINANCE AUTHORIZING THE CITY DIRECTOR OF FINANCE TO ENTER INTO AN AMENDED AGREEMENT WITH THE OFFICE OF THE AUDITOR OF THE STATE OF OHIO TO ASSIST THE CITY OF ASHTABULA IN THE CONVERSION OF CASH REPORTING TO GAAP. (Finance Director)

RESOLUTION NO. 2019-79, A RESOLUTION ADOPTING THE TAX BUDGET OF THE CITY OF ASHTABULA FOR THE FISCAL YEAR BEGINNING ON JANUARY 1, 2020, AND SUBMITTING THE SAME TO THE ASHTABULA COUNTY, OHIO BUDGET COMMISSION. (Finance Director)

ORDINANCE NO. 2019-80, AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH NATIONAL PUMP & PROCESS, INC. IN THE AMOUNT OF \$18,000.00 TO PURCHASE ADDITIONAL EQUIPMENT TO MAKE REPAIRS TO THE SEWER LIFT STATION AT THE INTERSECTION OF BRIDGE STREET AND GOODWILL DRIVE. (City Manager)

Mr. Pugliese moved, Mr. Roskovics seconded to waive the reading of the legislation; motion CARRIED. Mr. Pugliese moved, Mr. McClure seconded to waive the Charter requirement of two readings. On the roll call to waive the Charter requirement of two readings: Mrs. Foglio, Mr. Pugliese, Mr. Quaranta, Mr. Speelman, Ms. Haines, Mr. McClure, Mr. Roskovics voted aye; motion CARRIED. On the roll call to adopt the legislation: Mrs. Foglio, Mr. Pugliese, Mr. Quaranta, Mr. Speelman, Ms. Haines, Mr. McClure, Mr. Roskovics voted aye; motion CARRIED.

NEW BUSINESS

Tell Us Something We Don't Know

Ward 5 Councilor

- A big shout out to the Ashtabula Downtown Development Association and the Lift Bridge Community Association who are responsible for the beautiful flowers and lack of weeds in their territories. "It makes Ashtabula look better".

President

- He had the opportunity to visit the soft opening of Moores Heritage Farm Market (1012 Bridge Street). It has been in the works for quite a while. Everything is farm raised and organic; and the store is nice, as well.

Ward 3 Councilor

- He and the City Manager attended the ribbon cutting of the new Burrito Loco restaurant on Lake Avenue across from the Ashtabula County Medical Center.

Ward 2 Councilor

- Asked the City Manager about the down pump station on Bridge Street. The Manager said the pump station has had some issues. The new pump has been installed; new shoes have been placed on a second one; once purchases are made with the National Pump & Process legislation enacted this evening, the pump will be fully operational again. The Manager said essentially what happened is 3 to 4 pumps failed at the same time. Because the Ashtabula River levels were so high we actually have River water coming into the system rather than it working the other way when there is an overflow on the sewer side. Rear walls have been adjusted to keep the River back and from flowing into that station. Now we are waiting for the other pieces of equipment to complete the job. The Councilor said he was speaking with former maintenance men who worked in the area; this same problem happened years ago; they recommended sand bags that may be removed in winter months. The Manager said this time sand bags would not have been able to be done. The Ward 4 Councilor asked if 5th Street Kitchen (Bridge Street) was able to get the water out of their basement after having to close, open and close again. He also asked if they were able to open. The Manager said he does not know if the business reopened.

PUBLIC DISCUSSION/COMMENTS (General Matters): None

EXECUTIVE SESSION

- **Convene:** At 7:50 p.m., the President announced the executive session would convene and that the public portion of the meeting would reconvene off camera.

- **Reconvene:** The President reconvened the public portion of the meeting reconvened, with no action to take.

ADJOURNMENT

Hearing no further business to come before this Council, the President declared the meeting adjourned at 8:30 p.m.

DATE APPROVED: August 19, 2019

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

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