

Council met in a **REGULAR MEETING**. The Council President called the meeting to order; the Ward 4 Councilor offered the opening prayer and the Pledge of Allegiance was cited.

Members Present: Mrs. Julie A. Lattimer (Ward 4), Mr. James M. Trisket (Ward 5)
Mr. Joseph L. Rose (Ward 1), Mr. August A. Pugliese (Ward 2)
Mrs. Ann I. Stranman (Ward 3), Ms. Betty S. Kist (Vice President)
Mr. Charles P. Brockway (President)

Member(s) Absent: NONE

Officer(s) Present: City Manager Anthony J. Cantagallo, City Solicitor Michael Franklin
City Auditor Michael A. Zullo, Clerk of Council LaVette E. Hennigan

Officer(s) Absent: NONE

Excused Absence: NONE

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

READING AND DISPOSAL OF MEETING

The minutes of the **August 6 Regular Meeting** were presented. Ms. Kist moved, Mrs. Lattimer seconded, that the reading of the minutes be waived; motion CARRIED. There being no corrections, the minutes were approved as presented.

The minutes of the **September 22 Special Meeting** were presented. Ms. Kist moved, Mrs. Lattimer seconded, that the reading of the minutes be waived; motion CARRIED. There being no corrections, the minutes were approved as presented.

CITY MANAGER'S REPORT

Legislation Requests

The City Manager requested an ordinance repealing, in its entirety, Ordinance No. 2010-87. Ms. Kist moved, Mrs. Lattimer seconded, to approve the City Manager's request; motion CARRIED.

The City Manager requested an ordinance authorizing a contract with Koski Construction Company for the purpose of providing material & services for paving West 30TH Street. Ms. Kist moved, Mrs. Lattimer seconded, to approve the City Manager's request; motion CARRIED.

Holiday Trash Pick

The City Manager reported trash will be picked up on Columbus Day, Monday, October 11.

QUESTIONS AND/OR COMMENTS FOR THE CITY MANAGER - None

CITY SOLICITOR'S REPORT

Texting Legislation

The Solicitor informed the Safety Forces Committee that last week he forwarded, to the Clerk of Council, the revision to the "no texting while driving" legislation. He asked the Committee to, again, review the language that all use of hand-held communication devices while driving be banned with the exception of safety forces and genuine emergency situations, prior to it going to the Council for a vote.

Proposed Ordinance (No. 8 on tonight's agenda)

The Solicitor apologized for the lateness of presenting this item found on tonight's addendum agenda; noting Fire Chief Pristera asked for it to be presented to the City Manager in time enough for it to be placed on his Manager's Report. He explained the request is for the City Manager to be permitted to enter into a contract with Medico Systems, Inc., to demolish a fire damaged structure located at 844 Prospect Circle. This would not involve any City funds, but will be paid for by a fire insurance escrow established by the company that insured the structure and the Fire Department. The funds are held by the City in the event the structure is not razed or repaired. It has been over one year, nothing has been done, the Fire Chief believes he has given the owner ample opportunity to act, and believes the only option is to raze it. Mr. Trisket moved, Mr. Rose seconded, to approve the Solicitor's recommendation; motion CARRIED.

QUESTIONS AND/OR COMMENTS FOR THE CITY SOLICITOR - None

CITY AUDITOR'S REPORT - None

QUESTIONS AND/OR COMMENTS FOR THE CITY AUDITOR - None

CITY COUNCIL COMMITTEE REPORT

Community Development and Parks & Recreation - (Mr. Trisket, Chair): announced the Committee will not meet in October, and the next meeting is scheduled for Wednesday, November 3, at 8:00 a.m.

Ashtabula City Council Regular Meeting
Monday, October 4, 2010

Economic Development and Port Authority - (Mrs. Stranman, Chair): announced this evening it was decided the Committee would not meet this month due to the conflict of the Ashtabula Downtown Development Association's Annual Meeting taking place that same evening. The next meeting will be Wednesday, November 10, at 6:00 p.m.

Revitalization District Application

Mrs. Stranman moved, Ms. Kist seconded to place on the record that a Revitalization District application has been filed to establish a Revitalization District in the Harbor; motion CARRIED.

Finance and Personnel - (Ms. Kist, Chair):

Legislation Requests

Ms. Kist moved, Mr. Trisket seconded, for AN ORDINANCE APPROPRIATING THE SUM OF \$40,000.00 FROM UNAPPROPRIATED CDBG FUND 290 INTO ACCOUNT NO. 290-169-5472, ENTITLED PROGRAM INCOME (FORMERLY KNOWN AS WATER & SEWER); motion CARRIED.

Ms. Kist moved, Mrs. Lattimer seconded, for AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$325,000.00 OF BONDS FOR THE PURPOSE OF PAYING PART OF THE COSTS OF CONSTRUCTING BRIDGE IMPROVEMENTS AND MATTERS RELATED THERETO; motion CARRIED.

Parks & Recreation Funding

The Chair moved, Mrs. Lattimer seconded, that the suggestion of placing 2009 Ohio American Water Company franchise fees in a fund titled, Walnut Beach/Park Board, be granted; motion CARRIED.

Meeting Announcement

The Committee will not meet on October 13.

Homesafe (Domestic Violence) Parade

The Chair announced an estimated 13 walkers participated in the Annual Homesafe Parade last Saturday, in the pouring rain. State Representative Deborah Newcomb addressed attendants. The Chair thanked those who attended and the gentleman who provide free music. She said Homesafe is a very important program for the community, and that citizens need to be made aware of it.

Questions for the Committee

Walnut Beach Fund Renaming

Mr. Trisket moved, Mr. Pugliese seconded, to rename the Walnut Beach Fund to the Walnut Beach/City Parks & Recreation Fund; motion CARRIED.

Ashtabula City Council Regular Meeting
Monday, October 4, 2010

Homesafe Parade

The Clerk said this is an event she tries to attend every year having personally been a victim of domestic violence. She apologized for not being present at the walk, and that had she known of the event she would have attended. She said she was sad to see how few showed for the event, and suggested the event be announced on Council floor several times prior to it taking place, because not everyone has a chance to read the newspaper on a daily basis. The Chair reported there was a small article in the newspaper, and that it is a yearly event in October, which is Domestic Violence month.

Public Utilities and Schools - (Mr. Pugliese, Chair):

PIPP Plus Electric Plan (Dominion East Ohio Gas – DEOG)

The Chair read DEOG's September 21, 2010 correspondence regarding the enactment of the PIPP Plus (Percentage of Income Payment Plan Plus), Electric Plan, for fixed and low income persons. For more information please call (800) 282-0880.

HB344 and SB228

The Chair reported the Ohio House of Representatives is considering legislation that, if passed, has the potential to reduce the magnitude and frequency of rate increases filed by Ohio American Water Company and Aqua Water, the costs for which are currently allowed by Ohio law to be passed on to the consumers. Local governments are being asked to pass resolutions supporting HB344 and SB228 both of which addressed this issue. Mr. Pugliese moved, Mr. Trislet seconded, a resolution in support of HB344 and SB228; motion CARRIED.

Questions for the Committee

The Ward 4 Councilor asked if PIPP Plus reduces bill; the Chair said he does not believe so.

Public Works - (Mrs. Lattimer, Chair): announced the Committee will meet on Tuesday, October 5, at 8:00 a.m., and that several topics will be addressed. She encouraged the public's attendance.

Station Avenue Dwelling

The Chair asked about a house on the west side of Station Avenue, "left side if going north from Route 20) – the third house down – the one with no windows, half of it is sided, and is in deplorable condition. I thought those were already taken care of through the demolition project."

The City Manager asked for an address; the Chair reported there is none.

Questions for the Committee

The Ward 5 Councilor reported he previously asked this Committee Chair to handle legislation for a sidewalk ordinance, for which he provided paperwork for proposal.

The Ward 5 Councilor said he and the City Solicitor communicated back and forth and agreed more details should be provided to the Council. He said the legislation is “basically in relationship to all of our gross quantity of sidewalks that need repair in the City of Ashtabula”. The Solicitor said, “By way of explanation, Mr. Trisket had posed some questions concerning what was being done and what could be done relative to some persons in a couple households who had deliberately damaged, covered or removed public sidewalks. And, in discussing that we moved into the broader question of what can City Council do to address the somewhat deteriorated public sidewalks around the City. And, just by way of further explanation, or by way of further history, the City of Ashtabula has more or less consistently, for a number of years, offered a program of reimbursement to encourage homeowners to repair their sidewalks or to replace them, and the City would participate in up to a certain dollar amount per square foot or a portion of the costs, in order to encourage that. The Revised Code of Ohio does give City Council considerable authority to go quite a bit further. This is found in Sections 729.02 and 729.03 primarily of the Revised Code – also 729.04. Essentially this describes a process by which any City Council can first of all determine the need for sidewalks, curbs and gutters to be repaired or replaced; can have plans and/or specifications prepared; and then can pass an ordinance or resolution of necessity specifically finding that the repair or renovation, if needed, and approving the plans and specifications, including the cost estimate; describing the properties abutting the sidewalk or street that’s to be repaired; and requiring that the abutting owners cause the repairs to be done within a reasonable time (that is defined by law as not being less than 30 days). He further statement that if the owner does not do the repair the City will, and the City will cause the cost to be assessed against the property. The Revised Code then requires a City Council to give notice to the effected owners of the passage of the ordinance, the resolution by certified mail or personal delivery; the notice has to include all the information that was in the ordinance that I just went through; plus it must notify the owner where the plans and specifications and cost estimates are to be found; and at the end of the specified time, if the repairs are not done the City can go through its normal contracting process. There’s obviously some reluctant on the part of many city councils to go out and tell its residents you must repair or replace your sidewalks, especially when economic conditions are such that such directive could cause further hardship. But, balanced against that, I would urge City Council, is the spiraling loss of property values; loss of population; loss of business; loss of revenue that comes from allowing infrastructure to deteriorate too badly. And, what I was going to suggest is that City Council could put together an amalgam, if you will, of the former program (or the existing program) of reimbursement with a program of targeting those areas that clearly need to be addressed. Rather than simply handing out the sidewalk participation grants, perhaps working it into a needs based program where City Council does what the Revised Code permits it to do to assess sidewalks that are bad and order the owners to repair. But, then accept applications for assistance from the funds that have formerly been handed out not on the basis of need but on the basis of interest. I would think that that conjoining of those two different programs would be first of all permitted by the Revised Code, and secondly make a forced sidewalk repair program a lot more palatable.”

Ashtabula City Council Regular Meeting
Monday, October 4, 2010

The Clerk of Council asked if the Solicitor's suggestion is going to be discussed in committee; and, if so, which one. This Committee Chair said it will be discussed in this committee tomorrow.

Safety Forces - (Mr. Rose, Chair): reported the September meeting was cancelled and the next is scheduled for October 20, at 8:00 a.m.

Questions for the Committee

The Vice President asked if the reason for the meeting is to review the texting/cell phone ordinance; the Chair replied yes. The Vice President asked, "didn't we get a copy of that and wasn't it on an agenda already". The Clerk said she does not remember it being on an agenda; and that if it was actually received by the Committee the Solicitor has asked the Committee to review it and advise if his draft is okay; and suggested the committee meet.

Work Session (Mr. Brockway, Chair): announced no session is planned and one will be scheduled if needed.

FORMAL LEGISLATION REQUESTS

The President asked to entertain a motion to repeal Ordinance No. 2010-136, passed on September 20, titled "AN ORDINANCE ENACTING NEW CODIFIED ORDINANCE SECTION 937.02, ENTITLED LEVY OF CHARGES", for the purpose of causing the repealed ordinance to coincide with the new sewer rate structure. Mrs. Lattimer moved, Mr. Trisket seconded. The Vice President asked if this is the same ordinance which appears on tonight's Legislation Agenda. The Clerk of Council explained that the one on the agenda is for a second reading, and if passed will cause there to be no sewer rates for 2 days. The Solicitor then said he does not see the new ordinance creating Section 937.02. The Clerk reported she has the new legislation that will be presented tonight; that the President, at this time, is making the formal request for the new legislation; and that she did not distribute the new legislation because there would be several pieces of paper saying the same thing, thus creating further confusion where confusion already existed. The motion CARRIED.

The President requested a motion for AN ORDINANCE ENACTING NEW CODIFIED ORDINANCE SECTION 937.02, ENTITLED LEVY OF CHARGES. Mrs. Lattimer moved, Mr. Trisket seconded. The Vice President asked if this is the ordinance which already appears on tonight's agenda. The President said at this time he is formally asking for the necessary legislation. The motion CARRIED.

PUBLIC'S QUESTIONS AND/OR COMMENTS ON TONIGHT'S LEGISLATION

Mr. Doug Monroe, 1307 West 6th Street: said he is disappointed in the new permit application for garage/yard and other sales; suggested there to be no need for it; said \$10.00 for a permit is too much, and suggested \$2.00 or \$3.00; said signs should be allowed to be posted 24 hours prior to the sale not 72 hours; and signs should be removed 12 hours after the sale concludes not 24 hours; and suggested the permitting department be Engineering not the Chief of Police.

The Clerk suggested the garage/yard and other sales legislation be placed on its second reading given the events which have surrounded it, some of which are those Mr. Monroe mentioned. She said the vote for the permit fee to be reduced did not pass at the last meeting, noting none of the suggested changes discussed this evening are in the ordinance scheduled for tonight's second reading. The Ward 5 Councilor asked that it not be delayed because to get it passed has been a long and trying process. He basically said it is now in the Manager's hands and that the legislation gives guidance as to how enforcement should proceed.

The Ward 2 Councilor asked what the fee will be, because at the last meeting he suggested \$5.00, now \$3.00 has been suggested, which he is okay with. The Ward 4 Councilor suggested a refundable \$10.00 fee, and who actually will issue the permit and from where the permit will be issued will be determined by the City Manager. The Ward 2 Councilor said he did not believe the work involved in a refundable fee is worth it; and suggested a fee is set and that be it. The President called for the reading of the legislation. The Ward 2 Councilor asked if the fee amount was going to be changed. The Ward 5 Councilor said he would like it presented as is with the \$10.00 fee subject to change after passage. The Ward 4 Councilor suggested nothing could be changed until the legislation is actually presented.

LEGISLATION READING

ORDINANCE NO. 2010-139 AN ORDINANCE REPEALING, IN ITS ENTIRETY, CODIFIED ORDINANCE SECTION 937.02, ENTITLED LEVY OF CHARGES, was presented for its second reading. Ms. Kist moved, Mrs. Lattimer seconded to waive the reading of the ordinance; motion CARRIED. Ms. Kist moved, Mrs. Lattimer seconded, to adopt the ordinance. Discussion took place as to how to proceed in order for the repealed rates and the new rates to take effect at the same time. On the roll call to adopt the ordinance: Mrs. Lattimer voted nay; the roll called stopped. The Solicitor explained that repealing the old and passing the new is necessary tonight if Council wishes to put in place the new schedule of rates. The Vice President asked if the process will be complete if this ordinance passes. The Clerk and Solicitor replied no; that this ordinance repeals what is in place; and the new schedule of rates will then be presented. The President asked the Clerk to begin the roll call again. On the roll call to adopt the legislation: Mrs. Lattimer, Mr. Trisket, Mr. Rose, Mr. Pugliese, Mrs. Stranman, Ms. Kist, Mr. Brockway voted yea; motion CARRIED.

ORDINANCE NO. 2010-140 AN ORDINANCE ENACTING NEW CODIFIED ORDINANCE CHAPTER 727 ENTITLED GARAGE, YARD AND OTHER SALES, was presented for its second. Ms. Kist moved, Mrs. Lattimer seconded, that the reading of the ordinance be waived; motion CARRIED. Ms. Kist moved, Mrs. Lattimer seconded, to adopt the ordinance. The Ward 4 Councilor proposed that Section 727.03 entitled "Permit Required", at Section (b) be changed to a non-refundable processing fee of \$3.00 to accompany the application; Ms. Kist seconded; motion CARRIED. The Ward 3 Councilor said length of the conversation about this topic at the last meeting, and the use of words, might have caused residents to believe the "permit" gives permission to place signs on utility poles. She said, for the record, signs should NEVER be placed on utility poles. The Ward 5 Councilor announced signs are not permitted to be placed on any public right-of-ways - "it never has been nor does this ordinance allow such". On the roll call to adopt the ordinance: Mrs. Lattimer (yea), Mr. Trisket (yea), Mr. Rose (nay), Mr. Pugliese (yea), Mrs. Stranman (yea), Ms. Kist (nay), Mr. Brockway (yea). The motion CARRIED by a 5-2 vote.

AN ORDINANCE TO AMEND THE TRAFFIC CONTROL MAP TO PLACE "HANDICAPPED CHILD" SIGNS AT BOTH ENDS OF WEST 41ST STREET BETWEEN LAKE AVENUE AND STATION AVENUE, was presented for its first reading. Ms. Kist moved, Mrs. Lattimer seconded to waive the reading of the ordinance; motion CARRIED. The ordinance was placed on its first reading. The Ward 4 Councilor reminded the public all traffic control requests are presented twice to give the public time to respond to the suggestion, so as not to keep having to amend the legislation.

ORDINANCE NO. 2010-141 AN ORDINANCE APPROPRIATING THE SUM OF \$40,000.00 FROM UNAPPROPRIATED CDBG FUND 290 INTO ACCOUNT NO. 290-169-5472, ENTITLED PROGRAM INCOME (FORMERLY KNOWN AS WATER & SEWER), was presented. Ms. Kist moved, Mrs. Lattimer seconded to waive the reading of the ordinance; motion CARRIED. Ms. Kist moved, Mrs. Lattimer seconded that the Charter requirement of two readings be suspended. On the roll call to suspend the Charter requirement: Mrs. Lattimer, Mr. Trisket, Mr. Rose, Mr. Pugliese, Mrs. Stranman, Ms. Kist, Mr. Brockway voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mrs. Lattimer, Mr. Trisket, Mr. Rose, Mr. Pugliese, Mrs. Stranman, Ms. Kist, Mr. Brockway voted yea; motion CARRIED.

ORDINANCE NO. 2010-142 AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$325,000.00 OF BONDS FOR THE PURPOSE OF PAYING PART OF THE COSTS OF CONSTRUCTING BRIDGE IMPROVEMENTS AND MATTERS RELATED THERETO, was presented. Ms. Kist moved, Mrs. Lattimer seconded, to waive the reading of the ordinance; motion CARRIED. Ms. Kist moved, Mrs. Lattimer seconded, that the Charter requirement of two readings be suspended. On the roll call to suspend the Charter requirement: Mrs. Lattimer, Mr. Trisket, Mr. Rose, Mr. Pugliese, Mrs. Stranman, Ms. Kist, Mr. Brockway voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mrs. Lattimer, Mr. Trisket, Mr. Rose, Mr. Pugliese, Mrs. Stranman, Ms. Kist, Mr. Brockway voted yea; motion CARRIED.

ORDINANCE NO. 2010-143 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTACT WITH GT ENVIRONMENTAL, INC., IN ORDER TO IMPLEMENT A \$261,695.00 CLEAN OHIO GRANT RECEIVED FROM PHASE II ASSESSMENT OF PROPERTY, was presented. Ms. Kist moved, Mrs. Lattimer seconded, to waive the reading of the ordinance; motion CARRIED. Ms. Kist moved, Mrs. Lattimer seconded, that the Charter requirement of two readings be suspended. On the roll call to suspend the Charter requirement: Mrs. Lattimer, Mr. Trisket, Mr. Rose, Mr. Pugliese, Mrs. Stranman, Ms. Kist, Mr. Brockway voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mrs. Lattimer, Mr. Trisket, Mr. Rose, Mr. Pugliese, Mrs. Stranman, Ms. Kist, Mr. Brockway voted yea; motion CARRIED.

ORDINANCE NO. 2010-144 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE STATE OF OHIO FOR THE PURCHASE OF A TRACTOR FOR THE ASHTABULA CITY PUBLIC WORKS DEPARTMENT, was presented. Ms. Kist moved, Mrs. Lattimer seconded, to waive the reading of the ordinance; motion CARRIED. Ms. Kist moved, Mrs. Lattimer seconded that the Charter requirement of two readings be suspended. On the roll call to suspend the Charter requirement: Mrs. Lattimer, Mr. Trisket, Mr. Rose, Mr. Pugliese, Mrs. Stranman, Ms. Kist, Mr. Brockway voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mrs. Lattimer, Mr. Trisket, Mr. Rose, Mr. Pugliese, Mrs. Stranman, Ms. Kist, Mr. Brockway voted yea; motion CARRIED.

ORDINANCE NO. 2010-145 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MEDICO SYSTEMS, INC., FOR ASBESTOS ABATEMENT AND DEMOLITION SERVICES TO ABATE A VACANT, FIRE-DAMAGED STRUCTURE, was presented. Ms. Kist moved, Mrs. Lattimer seconded to waive the reading of the ordinance; motion CARRIED. Ms. Kist moved, Mrs. Lattimer seconded that the Charter requirement of two readings be suspended. On the roll call to suspend the Charter requirement: Mrs. Lattimer, Mr. Trisket, Mr. Rose, Mr. Pugliese, Mrs. Stranman, Ms. Kist, Mr. Brockway voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mrs. Lattimer, Mr. Trisket, Mr. Rose, Mr. Pugliese, Mrs. Stranman, Ms. Kist, Mr. Brockway voted yea; motion CARRIED.

ORDINANCE NO. 2010-146 AN ORDINANCE REPEALING, IN ITS ENTIRETY, ORDINANCE NO. 2010-87 (contract with Koski Construction for material and services for paving West 30th Street), was presented. Ms. Kist moved, Mrs. Lattimer seconded to waive the readings of the ordinance; motion CARRIED. Ms. Kist moved, Mrs. Lattimer seconded that the Charter requirement of two readings be suspended. The Ward 4 Councilor explained these funds were originally taken from both paving and sewer funds, and that this ordinance, and the next, repays the paving fund. On the roll call to suspend the Charter requirement: Mrs. Lattimer (yea), Mr. Trisket (yea), Mr. Rose (nay), Mr. Pugliese (yea), Mrs. Stranman (yea), Ms. Kist (yea), Mr. Brockway (yea). The motion CARRIED by a 6-1 vote. On the roll call to adopt the ordinance: Mrs. Lattimer (yea), Mr. Trisket (yea), Mr. Rose (nay), Mr. Pugliese (yea), Mrs. Stranman (yea), Ms. Kist (yea), Mr. Brockway (yea). The motion CARRIED by a 6-1 vote.

ORDINANCE NO. 2010-147 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH KOSKI CONSTRUCTION COMPANY FOR THE PURPOSE OF PROVIDING MATERIAL & SERVICES FOR PAVING WEST 30TH STREET, was presented. Ms. Kist moved, Mrs. Lattimer seconded to waive the reading of the ordinance; motion CARRIED. Ms. Kist moved, Mrs. Lattimer seconded that the Charter requirement of two readings be suspended. On the roll call to suspend the Charter requirement: Mrs. Lattimer (yea), Mr. Trisket (yea), Mr. Rose (nay), Mr. Pugliese (yea), Mrs. Stranman (yea), Ms. Kist (yea), Mr. Brockway (yea). The motion CARRIED by a 6-1 vote. On the roll call to adopt the ordinance: Mrs. Lattimer (yea), Mr. Trisket (yea), Mr. Rose (nay), Mr. Pugliese (yea), Mrs. Stranman (yea), Ms. Kist (yea), Mr. Brockway (yea). The motion CARRIED by a 6-1 vote.

The Clerk announced this next ordinance to be the first one the President of Council asked for during the “Formal Legislation Requests” portion of this meeting; and that copies were not provided in an effort to lessen the confusion, as she also made mention of in the same section earlier in the meeting.

ORDINANCE NO. 2010-148 AN ORDINANCE REPEALING, IN ITS ENTIRETY, ORDINANCE NO. 2010-136 TITLED AN ORDINANCE ENACTING NEW CODIFIED ORDINANCE SECTION 937.02 ENTITLED LEVY OF CHARGES, was presented. Mrs. Lattimer moved, Mrs. Stranman seconded to waive the reading of the ordinance; motion CARRIED. Ms. Kist moved, Mrs. Lattimer seconded that the Charter requirement of two reading be suspended. On the roll call to suspend the Charter requirement: Mrs. Lattimer (yea), Mr. Trisket (yea), Mr. Rose (nay), Mr. Pugliese (yea), Mrs. Stranman (yea), Ms. Kist (nay), Mr. Brockway (yea). The motion CARRIED by a 5-2 vote. On the roll call to adopt the ordinance: Mrs. Lattimer (yea), Mr. Trisket (yea), Mr. Rose (nay), Mr. Pugliese (yea), Mrs. Stranman (yea), Ms. Kist (nay), Mr. Brockway (yea). The motion CARRIED by a 5-2 vote.

ORDINANCE NO. 2010-149 AN ORDINANCE ENACTING NEW CODIFIED ORDINANCE SECTION 937.02 ENTITLED LEVY OF CHARGES, was presented. Mrs. Lattimer moved, Mrs. Stranman seconded to waive the reading of the ordinance; motion CARRIED. Mrs. Lattimer moved, Mrs. Stranman seconded that the Charter requirement of two readings be suspended. The Solicitor announced that the Ashtabula City Charter requires any legislation acted upon be in written form, and that it would be appropriate to make a copy available for any members of Council who would like to examine it for purposes for refreshing their recollection. He said it is the exact same ordinance acted upon at the last meeting. The City Manager made copies and the Council waited until the copies were distributed before proceeding. On the roll call to suspend the Charter requirement: Mrs. Lattimer (yea), Mr. Trisket (yea), Mr. Rose (nay), Mr. Pugliese (yea), Mrs. Stranman (yea), Ms. Kist (nay), Mr. Brockway (yea). The motion CARRIED by a 5-2 vote. On the roll call to adopt the ordinance: Mrs. Lattimer (yea), Mr. Trisket (yea), Mr. Rose (nay), Mr. Pugliese (yea), Mrs. Stranman (yea), Ms. Kist (nay), Mr. Brockway (yea). The motion CARRIED by a 5-2 vote.

Ashtabula City Council Regular Meeting
Monday, October 4, 2010

RESOLUTION NO. 2010-150 A RESOLUTION IN SUPPORT OF THE GREAT LAKES SMALL HARBORS COALITION, was presented. Mrs. Lattimer moved, Ms. Kist seconded to waive the reading of the resolution; motion CARRIED. Ms. Kist moved, Mrs. Lattimer seconded to adopt the resolution. On the roll call to adopt the resolution: Mrs. Lattimer, Mr. Trisket, Mr. Rose, Mr. Pugliese, Mrs. Stranman, Ms. Kist, Mr. Brockway voted yea; motion CARRIED.

UNFINISHED BUSINESS - None

MISCELLANEOUS BUSINESS

Madison Avenue Extension Clean Up

The Ward 5 Councilor thanked the Manager for the clean up of a Madison Avenue Extension property. The Councilor reported once Imagine Ashtabula's Annual Clean up bins were hauled away, left behind were tires, glass, wood products, propane tanks, metals and plastics.

West 13th Street (by Thomas Jefferson Elementary School)

The Ward 1 Councilor thanked the City Manager for having the paving job on West 13th Street, in front of TJ, finished, and said, "They finally did a good job".

Neighborhood Watch (NW) Signs

The Ward 1 Councilor reported NW signs were erected on West 11th Street, and more are needed on "West 10th Street, Thayer, Myrtle, Lyndon and Allen Avenues from 9th Street to Allen Avenue all the way up to Ohio Avenue". He said the meeting was good.

Bridge 2 Bridge Event

The Ward 4 Councilor announced that on October 30, the first Bridge 2 Bridge run will take place (Bascule Lift Bridge in the Harbor to the Smolen Covered Bridge on the eastside of town). She announced the route is: 6th Street to Columbus Avenue, 24th and 23rd Streets (Mary Street Hill), Lake Avenue to Main Avenue across East 46th Street to Topper Avenue to East 51 Street to Smolen Covered Bridge. The Councilor asked residents along the route to "spruce up" their area, do not park on the streets, and said volunteers are needed. Interested persons may contact her or Cara at Synergy Physical Therapy. The run will be 11.5 miles; the 5K walk/run will turn around at East 23rd Street, and applications may be found around town or online at <http://bridge2bridge.webs.com>.

NEW BUSINESS

Lowe's Contribution

The Ward 4 Councilor announced the Ducro Family offered to refurbish park benches in the newly named L Cpl Kevin M. Cornelius Park (formerly North Park), and Lowe's offered to cut the materials cost in half. Ducro will cover the labor. She thanked both Ducro and Lowes.

PUBLIC'S GENERAL PORTION

Ruth and Kenneth Wolfgang, 4203 Ann Avenue: conducted a demonstration with Mr. Wolfgang's trained seeing-eye dog to show how the dog is trained to find curbs. He said along with being sight impaired he has a condition that causes him not to have feelings in his hands and feet. He said Mr. Gerald Cox (present in the audience) has low hearing (he can talk with you on the phone). He reported both he and Mr. Cox's condition causes them to be "angled off track". He said the demonstration was conducted using a timer set at 20 seconds which is the time setting for walk signals at West Avenue and Route 20, Station Avenue and Route 20, and West 24th Street and Lake Avenue. He said 20 seconds is ample time for a sighted person to safely cross the street if motorist obey the laws, which he said are not being enforced. His wife said her husband has been hit once and Mr. Wolfgang said Mr. Cox's trained seeing-eye dog has been hit once while attempting to cross the street. He said the law requires motorists to give way to a guide dog or the blind with a cane. He said he and Mr. Cox requested an audible traffic walk signal to help them get from walk curb to walk curb (with their dogs assistance), and knows the City has applied for a grant to attempt to meet their request.

(The Council President asked Mr. Wolfgang to summarize for he is over his 5 minute limit)

Mr. Wolfgang said both dogs have been attacked by loose/unleashed dogs. He suggested if a Police K-9 officer was attacked by a loose/unleashed dog it would be addressed, but their dogs being attacked "doesn't seem to be an issue". He suggested the penalty be raised for hurting seeing-eye dogs.

Mr. Wolfgang asked the City to "practice what they preach" regarding sidewalks. He reported the sidewalks on the overpasses are broken, ill-repaired, and impassible especially during winter when sidewalks are not cleared of the snow build up.

Mr. Doug Monroe, 1307 West 6th Street: said he is on the PIPP Plus Program and that it does helps low income residents. He suggested the entities responsible for poles send a letter to the public letting them know it is illegal to post anything on their poles. He said the Public Works agenda for tomorrow is too long and that items be "finished and over with and move on to more important business". He told the President that Council work sessions is where information about ordinances is communicated, and allows Council to work out their differences.

Ashtabula City Council Regular Meeting
Monday, October 4, 2010

Mr. Monroe said when he attends Regular Council meetings he usually speaks, and suggested those in the audience who regularly attend the meeting should do the same or not attend – he felt it was a waste of time otherwise.

Mr. Trisket moved, Ms. Kist seconded to adjourn the meeting at 8:40 p.m.

DATE APPROVED: _____

ATTESTED BY: _____
Charles P. Brockway
President of Council

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