

**ASHTABULA CITY COUNCIL COMMITTEE REPORT**

**NAME OF COMMITTEE:**    **Public Works**

**DATE:**                    Tuesday, October 5, 2010

**TIME & PLACE:**         8:00 a.m. – Municipal Building 2<sup>nd</sup> Floor Conference Room

**MEMBERS PRESENT:**     **Mrs. Julie Lattimer** (Chair/Ward 4), **Mr. August Pugliese** (Ward 2)  
                                  **Mrs. Ann Stranman** (Ward 3)  
                                  **Mr. Charles Brockway** (President/Ex-Officio Member)

**MEMBERS ABSENT:**        **NONE**

**ADMINISTRATION/  
STAFF PRESENT:**         **Public Services Superintendent (PSS) Dominic Iarocci**  
                                  **Engineering Technician (ET) David Close**  
                                  **Traffic Foreman Gale Urbano**  
                                  **Public Works General Foreman (PWGF) Anthony Tulino**  
                                  **Clerk of Council LaVette Hennigan**

**SCHEDULED VISITORS:**    **NONE**

**VISITORS:**                **James Trisket (Ward 5 Councilor)**

**MEDIA:**                    **NONE**

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**REPORT OF BUSINESS CONDUCTED**

**1.       Traffic Control Requests**

**a. Station Avenue & Route 20 Traffic Light Replacement**

The City Manager told the Committee that Ashtabula Area City School Board Superintendent, Joseph Donatone, sent a letter asking if the City would have a new traffic signal installed at the intersection of Station Avenue and Route 20. On May 27, the Chair told the Clerk of Council that she (the Chair) told the Manager the Committee was okay with paying half the cost if the School Board paid the other half, but that the Manager had not yet replied.

July 6, 2010 COMMITTEE ACTION: PSS Iarocci strongly suggested this project not take place before the status of the traffic grant that LJB, Inc., is working on, is known. The Chair placed this matter on hold but will still speak with the Manager to see if the School Board has responded to the 50/50 offer.

**TODAY’S ACTION: The Chair reported this is in the City Manager’s hands; that there is nothing more the Committee is able to do; that she will send a reminder to the City Manager, and asked that the item be removed from the Committee outstanding agenda roster.**

**b. Alley between East 18<sup>th</sup> and 19<sup>th</sup> Streets**

**History**

5/12 – Chair asked that parking in the alley between East 18<sup>th</sup> and 19<sup>th</sup> Streets be placed back into committee and that no previously agreed upon action be taken.

5/27 – Chair has not received a reply from correspondence she sent regarding this matter; Chair suggested it not be placed on the 6/1 “limited” committee agenda

7/1 – Clerk notified Mr. Tom Colby (resident involved in matter) of meeting as requested by Chair

July 6, 2010 COMMITTEE ACTION: The Chair asked the City Solicitor his advice on the best way to proceed; and will follow up with him for his reply.

**TODAY'S ACTION: The Chair asked that this item be placed on hold.**

**c. "Handicap" sign in front of 1621 West 5<sup>th</sup> Street between Lake Avenue & Ohio Avenue**

On September 1, Clerk of Council received a request from City Manager's Executive Assistant Brenda Sanders, on behalf of Mrs. Karen Jewell, requesting a handicapped parking space in front of her home because her husband requires ambulance service, however parking spaces are usually occupied by bar patrons.

**ACTION: The Chair reported that to date the Police Department has no replied, and asked the Clerk of Council if the request was submitted. The Clerk replied yes. The Chair will send a note to Executive Assistant Brenda Sanders.**

**d. Stop Sign at Intersection of 13<sup>th</sup> Street & Norwood Drive**

On September 10 the Clerk of Council emailed Police Chief Stell that at the September 7 Regular Council Meeting it was reported that motorists are not abiding by the stop signs at West 13<sup>th</sup> Street and Norwood; and that Councilor Lattimer asked for a recommendation on how the signs could be made more visible.

Today the Chair asked the Clerk if the Police Department was notified; the Clerk replied yes. ET Close said the property owner located on the northeast corner has been asked to cut his bushes, and said perhaps that is all that is needed. PSS Iarocci said he believes the City performed the trim one time; which the Chair believed was not the City's responsibility.

**ACTION: The Chair asked PSS Iarocci to request that the City's Code Enforcers ask the owner to trim the bushes. The Chair will follow up with Police Chief Stell to see if trimming is the only solution.**

**e. Two Signs for "Blind Person Area"**

**History:** Councilor Stranman, on behalf of a citizen, requested a "Blind Person Area" sign be placed on Prospect Circle near Ann Avenue (to warn drivers turning onto Ann Avenue and heading north towards West 32<sup>nd</sup> Street), and one on the west side of Ann Avenue near West 41<sup>st</sup> Street (to warn drivers heading south on Ann Avenue, going from West 32<sup>nd</sup> Street towards Prospect Circle).

Today the Chair reported this is the area where Mr. Kenneth Wolfgang resides; the citizen who spoke about the need for audible signs at last night's regular council meeting.

**ACTION: Mrs. Stranman moved, Mr. Pugliese seconded to place two "blind person area" signs at the above designated locations; motion CARRIED. The Chair will formally make a separate request for each location on council floor.**

**f. West 41<sup>st</sup> Street Handicap Signs**

Traffic Foreman Urbano asked if the West 41<sup>st</sup> Street handicapped sign request should say "handicap child" or "handicap area"; the latter being the norm.

**ACTION: The Chair requested the signs read "handicap area".**

**g. Apple Tree near Ann Avenue & Prospect Circle Intersect**

The Chair reported apples are littering/obstructing the sidewalk at the Ann Avenue/Prospect Circle intersect, and that the branches are hanging low. They pose a threat/hazard to a blind resident when walking in that area. The Chair asked PSS Iarocci if this is something the Code Enforcers are able to take care of. The Ward 5 Councilor reported driving the area and said it looks like it is a public right-of-way since there is no residential structure near by, and that the apples are yellow.

**ACTION: Public Works General Foreman Tulino will research and let PSS Iarocci know if the Code Enforcers need to act.**

**2. Traffic Sign Inventory**

On June 1, the Chair reported the Ward 3 Councilor told her of a Star Beacon article (see page 10 attached) regarding traffic sign inventory requirements. The Chair reported she spoke with PSS Iarocci who said his department has an inventory and will provide her with a copy of it. The Chair reported that since PSS Iarocci is absent from this meeting she would have him to check with Geneva-on-the-Lake to determine how they were notified, and find out how he is proceeding.

**July 6, 2010 ACTION: PSS Iarocci was shown the article and will make contact with Geneva-on-the-Lake Village Administrator. He also reported an inventory does not exist; to which Engineering Technician Close responded that there previously was one for stop signs.**

Today PSS Iarocci reported he spoke with Mr. Jim H. from Geneva-on-the Lake, who sent him all their legislation pertinent to this topic. He said the following will be required:

- \* An inventory of all City signs by 2012;
- \* An "assessment and management" of the all signs, including street, no parking, and all signs on poles;
- \* A cost estimate;
- \* By 2015 all ground mounted signs and all signs except street signs must have new reflective/high intensity materials;
- \* By 2018 all street and overhead signs must contain reflective/high intensity materials; and
- \* Upper and lowercase letters will be the standard because they are easier to see (the Chair reported seeing a new report regarding this).

Traffic Foreman Urbano will conduct the cost estimate, which should be between \$125,000 and \$200,000. PSS Iarocci reported Mr. H from GOTL does not believe there are grants for this mandated activity. Mr. Urbano reported the City has been following the new standards for two years.

**ACTION: PSS Iarocci suggested the City begin setting funds aside for this activity. Traffic Foreman Urbano reported he will need a laptop in order to efficiently conduct the inventory.**

**3. Crosswalk Painting**

The Ward 3 Councilor submitted this request on behalf of West 17<sup>th</sup> Street resident, Ms. Bloom. She suggested a crosswalk be painted across Lake Avenue for safe crossing by Lake City Plating employees constantly cross the street from one plant to the other.

Police Chief Stell reported: "In reference to the Lake Ave crosswalk request I contacted the Solicitor's office. It is legal however it needs to be accompanied by the proper warning signs. This is due to the fact that this particular location is not in conjunction with a traffic light or stop sign etc... Furthermore, this is a high traffic area which only adds to the necessity for proper warning signs.

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It is unknown how this might effect the traffic flow in the long term, however it does not appear, at this time, that there would be an overwhelming amount of pedestrian traffic so automobile traffic delays should be minimal most of the time.”

**ACTION: The Committee denied the request; PSS Jarocci agreed and Councilor Stranman will notify Ms. Bloom.**

#### **4. Proposed “Tree Removal” legislation**

Councilor Stranman reported City Environmental Director (ED) Ms. Terri Collett, suggested Council consider enacting tree removal legislation so when a tree creates a hazard/danger, she would have something from which to cite. When asked if the City would be able to assess any unpaid tree removal fees to property taxes such as is the case with unpaid sewer and trash fees, the Solicitor replied: “The short answer is probably not, if you insist on using the term “ANY service”. The more precise answer is “it depends upon what service we are discussing. Public services that are provided equally to all persons and that are paid for by general tax revenues, such as police and fire protection, criminal prosecution, etc., are not subject to a general assessment against all residents. The “assessment” then becomes a tax and is subject to a vote of the citizens. However, we can, by various methods, assess the cost of a wide range of public improvements against the benefited properties. Examples include paving, street lighting, sewer line installation, etc. We can also assess the cost of abating a public nuisance found on private property, which is why we are able to assess the cost of tearing down blighted structures. My point in this case is that the Revised Code says a charter-driven assessment is valid, and our charter says we can assess the cost of rubbish removal from any property. The County Auditor should be able to accept an assessment for rubbish removal sent to him under Section 60 of the Charter. Therefore the question of whether we could hypothetically assess for “any” service is intellectually interesting but irrelevant to this discussion.”

The Ward 5 Councilor reported she presented the idea and sample legislation at the request of ED Collett who likened it to unpaid grass cutting fees.

**ACTION: After reviewing the City Solicitor’s reply the Committee determined it could not suggest the enactment of tree removal legislation.**

#### **5. Signs**

##### **a. Historical Signs**

In August or September the Chair received a request to add Walnut Beach & Finnish American Museum to the City’s blue historical signs located throughout the City. On September 7 the Chair asked Parks & Recreation Board member Earl Tucker if the Board is handling this, to which he replied no.

**ACTION: The Chair will conduct more research before bringing back to Committee.**

##### **b. Route 84 Sign**

The Committee reviewed the Ohio Department of Transportation’s reply (see page 11 attached).

**ACTION: The City has no funds to take ODOT up on their paving/curb repair offer; however Traffic Foreman Urbano will move the sign.**

#### **6. Mr. Bret Cimorell’s September 1 Sewer Rate Request**

The Chair said this request should wait; that she spoke with Mr. Cimorell; that he realizes the suggested adjustment may not be able to be satisfied; and would like the City Auditor present to discuss some of Mr. Cimorell’s request (which affects 6 or 8 landlords).

**ACTION: The Committee agreed to put this matter on hold.**

**7. West 7<sup>th</sup> Street Parking**

Mr. Chuck Altonen, citizen, asked why West 7<sup>th</sup> Street is the only street in town with NO PARKING on the north side, that being the fire hydrant side.

**ACTION: The Chair will personally call Mr. Altonen and let him know no parking is being placed on the fire hydrant side of the street, at the request of Fire Chief Pristera, when traffic control map changes are made.**

**8. Sidewalks Required**

Discussion took place about residents removing property sidewalks and replacing them with grass. PSS Iarocci and ET Close reported there is no legislation prohibiting this activity. The Committee and Councilor Trisket felt there should be, especially given the amount of this activity taking place on Crystal Avenue and East 49<sup>th</sup> Street. PSS Iarocci reported these residents have not been cited but have been spoken to.

**ACTION:**

**Mrs. Stranman moved, Mr. Pugliese seconded to amend Codified Ordinance Section 1181.04 titled, Sidewalks, so citizens are required to have sidewalks where sidewalks have or do exist, and to prohibit their removal. (A suggested time limit to return the sidewalk is required). The Chair will explain to the Solicitor that residents who were assessed and had sidewalks should keep and maintain those sidewalks, and not remove them; motion CARRIED.**

**Mrs. Stranman moved, discussion provided the second, to adopt Ohio Revised Code 729.01 through 729.04 (pages 12-13); motion CARRIED.**

**The Ward 5 Councilor suggested sidewalks be required to be installed on all Community Reinvestment Act approved sites.**

**9. MISCELLANEOUS**

**a. Curb Repairs**

The Ward 5 Councilor reported West Avenue has been paved two times in fifteen years during which time the curb has been lowered. He asked the Committee to entertain the ideal of including required curb work in future paving projects, as is the case on larger paving projects.

**b. Lottery Winnings (brought to this committee because Finance & Personnel not scheduled to meet this month)**

The Ward 5 Councilor reported years ago the State legislature passed a law allowing municipalities to collect 1% of all lottery winnings required to be reported to the Internal Revenue Service, and suggested the City of Ashtabula consider doing so. The Ward 2 Councilor and Council President reported the question was placed before our electorate on a previous ballot and failed. The President reported all City income tax considerations must be placed before the voters. The Ward 5 Councilor reported his understanding is “this is something the City can apply for and not have to go to the ballot with. The reason is because it is not a standard City income tax; it’s in essence a State permitted assessment, if you might call it that”.

**ACTION: The Ward 5 Councilor will research the law regarding municipalities being able to collect 1% of lottery winnings without having to go to the ballot for a vote of the electorate.**

**c. Public Services Superintendent Report**

- (1) **Paving:** Next year Nathan Avenue and Brown Drive should be paved – “we’re having a lot of problems with those two.”
- (2) **Crack Sealing:** There is no money to crack seal roads this year because the funds that were set aside were used for this year’s Iron Bridge Project activity.
- (3) **Leaf Pick Up: November is free**

**d. Handicap Sign in front of Brennans:** Traffic Foreman Urbano reported a problem with the handicap sign placed in front of Brennans on Bridge Street. He said remembers it was going to be removed, but that now he has an ordinance to erect the sign again. The Chair reported there should be no sign because the last action taken by the full Council was to repeal the ordinance authorizing the sign to be erected.

**ACTION: The Clerk of Council will provide the Traffic Foreman with the legislation repealing the action to erect the sign.**

**e. West 5<sup>th</sup> Street Pedestrian Signs:** PSS Iarocci reported the signs have come in. Traffic Foreman Urbano reported the stencils have arrived but getting the signs painted this time of the year might not work because of the use of latex paint.

**ACTION: The Chair reported the signs are not needed this year because they will be worn out by next spring. The work will be performed early spring 2011.**

**f. West 41<sup>st</sup> Street Handicap Signs:** The Traffic Foreman, again, reported his signs came in reading “Handicap Area” rather than “Handicap Child”, because the supplier told him most others use “area”. The Committee agreed “area” is a more appropriate term. The Chair said “I just need to check with the Solicitor to see if we need to amend that. But, if we are, we’re going to have to amend them all eventually if they’re going to be changing.”

**ACTION: The Chair will ask Solicitor Franklin if the legislation authorizing the signs, which presently reads “child”, needs to be amended to read “area”.**

**g. Engine Braking Signs:** The Traffic Foreman reported “no engine braking” signs were placed at all the entrances to the City, and he has more on order. It was noted that the Ward 2 Councilor requested the most recent signs.

**h. West 30<sup>th</sup> Street Parking Prohibition**

PSS Iarocci reported they have to place no parking signs on both sides of West 30th Street beginning in February. The road will be used as the detour for when the Lake Avenue/West Avenue/Carpenter Road Iron Bridge Project is being performed.

**ACTION: Mr. Pugliese moved, Mrs. Stranman seconded for no parking on West 30<sup>th</sup> Street from Griswold Road to Lake Avenue, during construction of the Iron Bridge; motion CARRIED.**

**i. East Side Sign Damage**

PSS Iarocci and Traffic Foreman Urbano reported east side traffic signs were spray painted a couple weekends ago. The cost to remove the paint is estimated at \$800.00, however no funds are available. The Traffic Foreman said the signs are silk screened, and removing the spray paint will damage the signs and make them illegal. The fix has to be such that the reflective glow will not be compromised. He reported on an inexpensive spray product made in Madison, Ohio (same company that makes Murphy's Oil Soap), that will allow soap and water to be used, but the sign would have to be sprayed after each washing.

**ACTION: The Chair asked if a sample can of the product may be purchased, the Traffic Foreman replied yes. The Chair asked for a cost estimate if the Madison, Ohio product is used. The Traffic Foreman suggested the work not be done until the fall, to ensure less likelihood of the activity accruing again this year. The Chair said she is okay with waiting another year.**

PSS Iarocci reported he is looking into a grant to secure funding to satisfy Mr. Wolfgang's, October 4 Regular Council meeting Citizen's General Portion request for signalization at specific intersections to aid the visually impaired in safely crossing the street. The Chair said she spoke with Executive Assistant Sanders about working with Kevin Miller of LJB, Inc., to see what funds could be secured through the Americans with Disabilities (ADA) Act. PSS Iarocci said he spoke with Mr. Miller of LJB, Inc., who told him he was applying for less of a grant next year; and believes the City will be successful because of the decreased request. PSS Iarocci said he does not know if the visually impaired signalization is going to be included in Mr. Miller's 2011 grant application. He also said he and Mr. Miller did not speak about the hearing impaired traffic signal aids; the Chair reported she and EA Sanders did.

**ACTION: The Chair will follow up with Executive Assistant Sanders. The Ward 5 Councilor will burn extra copies of his ADA Access DVD and give a copy to PSS Iarocci.**

**j. Winter Salt**

PSS Iarocci reported he, Council President Brockway and City Manager Cantagallo meet last week. He then said he and Public Works General Foreman Tulino wondered why there is no salt line item when "it snows every year in Ashtabula. The funds to purchase salt have to be taken out of Public Works operating; the operating costs were cut; \$250,000.00 was appropriated, 20% was cut, which equates to \$50,000.00 for salt." There is about 500 to 600 tons of salt in the West Avenue dom. He said he has tried to discuss it (with whom was not revealed) but believes Council needs to discuss it with Auditor Zullo, including the need for a salt line item every year (such as is the case with the landfill), and that \$150,000 should be appropriated every year.

**k. Municipal Building Roof Replacement & City Hall Annex HVAC Repair**

PSS Iarocci reported it is going to cost \$250,000 to replace the Municipal Building roof, and \$88,000 to repair the City Hall Annex hvac. He reported the Municipal Building's tenant pays rent, however the City is not setting funds aside for repairs. The President suggested putting \$2,000 of the tenant's \$12,000.00 monthly rent payment aside for building repairs. In an effort to bring resolve to matters that should be standard maintenance procedures, and for which funds should commonly be set aside, the Clerk asked why the items were presented to this Committee; items that everyone is aware of including the City Manager, and should be taken care of through Lands & Buildings, a department under the City Manager. The President commented on visiting the 2<sup>nd</sup> floor of the Municipal Building to find water pouring out the of public restroom ceiling because of the known roof repair need. He said there is no long range planning in the City.

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The Chair said, "We've been trying to get a three (3) year budget projection for as many years as I've been on Council." The Chair suggested this be turned over to the Council's Finance & Personnel Committee for the purpose of drafting a three year budget – even if the projection is a calculation of what increases every year. This would allow for more efficient and timely repairs. The Chair said, "I don't know who looks over our buildings and checks our roofs. Do we have somebody like that, that could give us a report and say in five years you're going to need a new roof...etc." PSS Iarocci reported Ray Roofing looked at the roof; and Lands and Buildings Supervisor John Getce takes care of the Annex hvac. Everyone was reminded that Council is the legislative branch of government, whose responsibility is to legislate.

**ACTION: The Chair asked PSS Iarocci if he would take his concerns to the Finance & Personnel Committee "to look at the three year budget and the Lands and Buildings for these two items that Dom mentioned." Later in the meeting the Chair said the Manager has to respond to these concerns, and if he can not the Council's Finance & Personnel Committee will be asked to look into it.**

**I. Staffing**

PSS Iarocci reported:

- a. Four men were absorbed in Sanitation (one since March of this year, the others since July); and that the money saved from this absorption should benefit the General Fund. He said he has not seen the benefit ("Sanitation is paying the wages of four Public Works employees – they were taken out of Public Works, so they are no longer paid by the General Fund anymore")

**ACTION: The Chair said she "will speak with others about this".**

**m. DeMaximus Leachate Revenue**

PSS Iarocci reported receiving a \$32,000 check last month; half goes to the General Fund; half goes to Water Pollution; "the month of August we did \$32,000.00"; Sanitation is doing all the work but the money is going elsewhere; 80 truck loads of leachate were received, and the same is expected for this month.

**ACTION:**

**PSS Iarocci reported this issue needs to be address by the City Manager, a Committee of Council, or the whole of Council because "There is going to come a time here that I'm going to cite the City Manager and Council for not repairing this building, just like we cite homeowners". He reported the Manager has been notified of the problem, and that repairs are needed. He met with the Manager and President Brockway last week about these issues and suggested the President come to this Committee to try and get the problems resolved. It was agreed that the City is benefiting from the Municipal Building tenant agreement and desires they remain.**

**The Chair will speak with Auditor Zullo and ask for a report outlining what leachate revenue is being received.**

PSS Iarocci reported that if a roof is leaking the funds to make the repair has to come from the Public Works Permanent Improvement account because there is no account for Lands & Buildings, which means some other equipment need will go unmet.

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The Chair suggested there is a Lands & Buildings account; PSS Iarocci said he is not aware of such because when a repair is needed it is always taken from Public Works PI.

**ACTION: PSS Iarocci said he is only making the Committee aware of the problems; he is not asking them to do anything. The Chair replied something needs to be done and reiterated her push for a three (3) year projection.**

**n. Station Avenue/Route 20 Traffic Light**

PSS Iarocci reported last week the traffic light went out and had to be repaired before someone was killed (people were not stopping as they came over the viaduct). The repair cost \$7,200, was performed late Friday night, and was taken from the Public Works PI account, which is now “down to nothing”. He reported \$16,000 was approved for a tractor purchase (\$7,200.00 of which was used for the light repair because there was nowhere else to take funds from), which leaves \$9,000 for the \$11,500 tractor purchase, so he is trying to find the remaining \$2,500 from elsewhere.

**o. Equipment**

**ACTION: PSS Iarocci reported he is going to take 2011 and 2012 PI funds to purchase the needed semi.**

**p. Paving Fund**

**ACTION: The Chair asked the Clerk of Council to ask Auditor Michael Zullo to provide a print out of the paving fund. The Committee believes paving funds should be available for emergency road salt.**

**q. Water and Gas Lines**

ET Close reported water lines are being laid on West Avenue to East 24<sup>th</sup> Street, and will be tied into Lake Avenue, to meet the water pressure requirements of Ashtabula County Medical Center. The Chair reported gas lines are being laid on the east side of town - ET Close reported the lines were bad. The Chair asked if this work is being watched, especially the walking paths of the State Road Elementary students. He replied, “they are doing the whole City.”

**r. East 6<sup>th</sup> Street Café**

The Ward 2 Councilor asked for the status of the East 6<sup>th</sup> Street Café building code violation. PSS Iarocci reported it is in the hands of the Solicitor.

**s. Sidewalk Funds**

**ACTION: The Ward 5 Councilor suggested the Committee find out how much sidewalk repair/replacement funds remain; and suggested they are used for other items this year.**

**t. State Road Speed Limit Signs**

The Clerk of Council reported excessive speeding on State Road has been repeatedly discussed. The speed signs are non-existent or not visible; and asked if signs may be placed on State Road for the purpose of reminding motorists of the speed limit.

Mr. Pugliese moved, Mrs Stranman seconded, to adjourn the meeting at 9:59 a.m.

Scribe: LaVette E. Hennigan, MMC, Clerk of Council

# GOTL <sup>6/2010</sup> hopes to replace traffic signs

By MARGIE TRAX PAGE  
Staff Writer

*mtrax@starbeacon.com*

GENEVA-ON-THE-LAKE — “Sign, sign, everywhere a sign.”

Geneva-on-the-Lake will ask for a community development block grant (CDBG) to replace all traffic signs in the village, including stop signs so faded they are colorless and wordless.

“There are new federal standards for traffic signs,” village administrator Jim Hockaday said. “It will be federally mandated that all traffic signs have a reflective beaded sheeting, which is a step above what we have now.”

The village will ask for a \$17,169 grant to cover more than half of the \$25,010 cost to replace 290 traffic signs, village solicitor Kyle Smith said.

Hockaday said a complete inventory of all traffic and road signs inside village limits was conducted, putting the resort town ahead of a federal mandate that will require a sign inventory and plan for total sign replacement in January 2012. Hockaday said the village has 450 road and traffic signs, but the cost to replace all signs at the same time is prohibitive.

“The total cost to replace all the signs all at once, including poles and brackets, would have been \$42,000, which is simply not affordable. As it stands, CDBG is the only funding source for traffic signs,” he said.

District 4  
2088 South Arlington Road, Akron, Ohio 44306  
(330) 786-3100 - (800) 603-1054  
<http://www.dot.state.oh.us>  
Ted Strickland, Governor  
Jolene M. Molitoris, Director  
Eric M. Czetli  
District Deputy Director

September 9, 2010

LaVette E. Hennigan, MMC  
Clerk of Council  
4717 Main Avenue  
Ashtabula, OH 44004

RE: SR 84 Signage (on State Road)/City of Ashtabula

Dear Ms. Hennigan:

Thank you for contacting the Ohio Department of Transportation (ODOT) regarding the concerns of the Ashtabula City Council's Public Works Committee. The following information is provided in response:

- a. What may be done to divert truck traffic up one block to where Route 84 actually continues (e.g., repositioning the Route 84 sign)? **The route marker sign is located within the city limits and does not require approval by ODOT for a municipality to relocate the sign.**
  
- b. If the State of Ohio is able to assist with repairing the damaged road and curbing? **Since State Road and East 4Th Street are both off of the state system, the responsibility for maintenance of these roads is the City of Ashtabula's. A minor rehabilitation and resurfacing project, to include miscellaneous bridge work, on SR 84 (from East 46th Street to SR 193) is scheduled for sale on November 4, 2010. It may be possible for additional paving at the location you have indicated be added to this project; however, the costs for this work would be the city's responsibility.**

Eric M. Czetli  
District Deputy Director

An Equal Opportunity Employer

Julie Lattimer

1186.0  
409 + Repair  
521.06  
Keep repaired  
check

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**From:** Michael Franklin [mfranklin@cityofashtabula.com]  
**Sent:** Wednesday, September 29, 2010 2:05 PM  
**To:** Julie Lattimer  
**Subject:** Sidewalk Assessments

Julie, Council basically has the power to address this sort of issue. See Revised Code Sections below.  
Mike

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**Construction or repair of sidewalks, curbs, and gutters at expense of owners**

**§ 729.01. Construction or repair of sidewalks, curbs, and gutters at expense of owners**

In addition to the power conferred upon municipal corporations under section 727.01 of the Revised Code to construct sidewalks, curbs, or gutters and levy an assessment therefor, the legislative authority of a municipal corporation may require the construction or repair of sidewalks, curbs, or gutters within the municipal corporation by the owners of lots or lands abutting thereon, and upon the failure of such owners to construct or repair such sidewalks, curbs, or gutters within the time prescribed in the resolution adopted under section 729.02 of the Revised Code, may cause such sidewalks, curbs, or gutters to be constructed or repaired and assess the total cost thereof against the lots or lands abutting thereon, notwithstanding the provisions of sections 727.03 and 727.05 of the Revised Code.

**§ 729.02. Resolutions of necessity for construction or repair of sidewalks, curbs, or gutters**

When it is deemed necessary by a municipal corporation to require the construction or repair of sidewalks, curbs, or gutters within the municipal corporation by the owners of the lots or lands abutting thereon, the legislative authority of the municipal corporation shall cause plans, specifications, and an estimate of the cost of such construction or repair to be prepared, showing the location and dimensions of such sidewalks, curbs, or gutters and the specifications for the construction or repair thereof, and filed in the office of the clerk of the legislative authority. After such plans, specifications, and estimate of cost have been filed, as provided in this section, the legislative authority may declare the necessity for the construction or repair of such sidewalks, curbs, or gutters by the adoption of a resolution which shall:

- (A) Approve the plans, specifications, and estimate of cost of the proposed construction or repair on file as provided by this section;
- (B) Describe the lots and lands abutting upon the sidewalks, curbs, or gutters to be constructed or repaired by the termini of the improvement or by street address;
- (C) Set forth that such sidewalks, curbs, or gutters shall be constructed or repaired by the owners of the lots or lands abutting thereon in accordance with the specifications on file in the office of the clerk of the legislative authority of the municipal corporation;
- (D) Set forth the time within which such sidewalks, curbs, or gutters shall be constructed or repaired by the owners of the lots and lands abutting thereon, which shall not be less than thirty days from the date of service of notice under section 729.03 of the Revised Code, on the owner of the lots or lands;
- (E) State that in the event such sidewalks, curbs, or gutters are not constructed or repaired by the owners of the lots and lands abutting thereon in accordance with such plans and specifications and within the time prescribed in this resolution, the municipal corporation will so construct or repair such sidewalks, curbs, or gutters and assess the cost thereof against the lots and lands abutting thereon.

**§ 729.03. Notice to construct or repair sidewalks, curbs, and gutters**

Notice of the passage of a resolution of necessity under section 729.02 of the Revised Code shall be served by the clerk of the legislative authority, or a person designated by such clerk, upon the owners of the lots

or lands abutting upon the sidewalks, curbs, or gutters to be constructed or repaired in the same manner as service of summons in civil cases, or by certified mail addressed to such owner at his last known address or to the address to which tax bills are sent, or by a combination of the foregoing methods. If it appears by the return of service or the return of the certified mail notice that one or more of the owners cannot be found, such owners shall be served by publication of the notice once in a newspaper of general circulation within the municipal corporation. The return of the person serving the notice or a certified copy thereof or a returned receipt for notice forwarded by certified mail accepted by the addressee or anyone purporting to act for him shall be prima facie evidence of the service of notice under this section. Such notice shall also set forth the place where the specifications governing the construction or repair of such sidewalks, curbs, or gutters are on file, the time within which the owner of such lot or parcel of land may construct or repair such sidewalks, curbs, or gutters, and that in the event such owner does not construct or repair such sidewalks, curbs, or gutters in accordance with such specifications and within such time, the municipal corporation will construct or repair such sidewalks, curbs, or gutters and assess the costs thereof against the lot or land of such owner.

**§ 729.04. Assessment of costs of improvements**

Upon the expiration of the time within which sidewalks, curbs, or gutters shall be constructed or repaired by the owner of the lots or lands abutting thereon as set forth in the resolution adopted under section 729.02 of the Revised Code, the sidewalks, curbs, or gutters not constructed or repaired by the owners of the lots and lands abutting thereon shall be constructed or repaired by the municipal corporation in accordance with the resolution adopted under section 729.02 of the Revised Code, and the legislative authority of the municipal corporation shall, upon the completion of such construction or repair, assess the cost thereof against the lots or lands abutting thereon.

In anticipation of the collection of the cost of the construction or repair of such sidewalks, curbs, or gutters from the owners of the lots or lands abutting thereon, the legislative authority of the municipal corporation may provide for the issuance of bonds or notes and the proceeds thereof shall be used to pay for the construction or repair of such sidewalks, curbs, or gutters.