

MINUTES OF A FINANCE COMMITTEE MEETING
October 22, 2012

The October 22, 2012 Ravenna City Finance Committee meeting was called to order at 7:00 P.M. by Council President Francis Ricciardi. The following members were present: **Fred Berry, Bruce Ribelin, Scott Rainone, Sharon Spencer, Frank Seman, Amy Michael and Jack Ferguson.** Also attending the meeting were: Mayor Joseph Bica; Finance Director, Kim Cecora; Economic Development Director, Kerry Macomber; Nick Dudek of 328 North Prospect Street, Ravenna; Donna Swigart of 528 East Riddle Avenue, Ravenna; John Plough of 447 Madison Street, Ravenna and Cyrus Plough of 467 South Chestnut Street, Ravenna.

President Ricciardi said Item No. 1 is a request to approve the minutes of the Finance Committee meeting of September 17, 2012.

There being no additions, deletions or changes, a motion as made by Mr. Berry to approve the minutes. The motion was seconded by Mr. Ribelin. **Voice Vote: Ayes.**

President Ricciardi said Item No. 2 is a request to appropriate monies from the Recreation Levy Fund to pay unemployment owed on a past employee.

Ms. Michael said this is a housekeeping issue. It's money the city is obligated to pay.

There being no further comments, questions, objections or discussion, President Ricciardi declared that an ordinance would be prepared.

President Ricciardi said Item No. 3 is a request to discontinue life insurance benefits paid to non-union employees.

Ms. Michael said this was brought before the committee. It is to terminate the life insurance policies for all the non-union retired employees. After further discussion with the members of the committee, it is their decision to send it back to the committee.

President Ricciardi said Item No. 4 is a request to authorize the mayor to enter into an agreement with the Area Agency on Aging to fund senior programming 10/1/2012 through 9/30/2013.

Mr. Rainone said this is an intake for monies from the Area Agency on Aging to help offset some costs of the senior programming at the RAC.

There being no further comments, questions, objections or discussion, President Ricciardi declared that an ordinance would be prepared.

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President Ricciardi said Item No. 5 is a request to appropriate funds from the Water CI and the Sewer CI for a power vent on the Utility Billing office.

Mr. Rainone said there were some moisture in this room that at one time held the weapons in the old armory. There was a need to redo the venting to protect the integrity of the structure. The cost is \$2,000.00.

There being no further comments, questions, objections or discussion, President Ricciardi declared that an ordinance would be prepared.

President Ricciardi said Item No. 6 is a request to appropriate additional funds from the Parks CI fund to complete the roof at the RAC.

Mr. Rainone said additional funding is needed to cover the installation of the steel roof at the RAC. The extra monies are needed for inspection, cover architectural design and a 20 year extended warranty on the roof.

There being no further comments, questions, objections or discussion, President Ricciardi declared that an ordinance would be prepared.

President Ricciardi said Item No. 7 is a request to transfer funds from Vermeer to Vehicle Maintenance to repaint the brush chipper boxes.

Mr. Ferguson said the chipper boxes need to be painted and there are monies which were set aside for the Vermeer repairs which is not needed. This is just transferring from one line item to another.

There being no further comments, questions, objections or discussion, President Ricciardi declared that an ordinance would be prepared.

President Ricciardi said Item No. 8 is a request to authorize the Mayor to enter into agreements with various governmental entities in Portage and Summit Counties for emergency mutual aid of equipment in the service departments.

Mayor Bica said this is part of the Mayor and Service Directors Consortium of Portage, Stark and Summit Counties. They are still waiting for the Law Director from Aurora to give them the final document. It is a mutual aid agreement similar to the fire and EMS mutual aid agreements with other communities.

There being no further comments, questions, objections or discussion, President Ricciardi declared that an ordinance would be prepared.

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President Ricciardi said Item No. 9 is a request to appropriate funds from the General Fund for traffic signal maintenance.

Mr. Finney said the money appropriated for traffic signal maintenance has run out. To finish the remainder of the year, more money is needed to cover what has accrued to date and finish through the year.

President Ricciardi asked when the new traffic signals will start to be installed.

Mr. Finney said the underground conduits should be in place by the end of the year. The poles will start going up in December of January. It depends on how many crews will be run. He's meeting tomorrow to discuss the four signals downtown and how they are going to disrupt the downtown area, to some degree.

There being no further comments, questions, objections or discussion, President Ricciardi declared that an ordinance would be prepared.

President Ricciardi said Item No. 10 is a request to authorize the mayor to enter into an agreement with Summit County Health District for HIV testing and education.

Mr. Ribelin explained that the Ravenna City Health Department will be working in conjunction with Summit County on HIV testing and education. They will be accepting revenues of \$23,000.00 for the services. The city's nurse will participate in this within Portage County. This will be in the 2013 budget.

There being no further comments, questions, objections or discussion, President Ricciardi declared that an ordinance would be prepared.

President Ricciardi said Item No. 11 is a request to authorize the mayor to enter into a purchase agreement with Ravenna Township for the sale of Squad No. 2311.

Mr. Ribelin said that when this first came to Committee, they talked about the township being interested in purchasing the vehicle. However, they were going to hold an auction at that time and the township would have a chance to bid on it. Since then, he got an email that said the township now wants to purchase the vehicle and the city will not be holding the auction. The township will be buying the vehicle at a price of \$23,000.00.

There being no further comments, questions, objections or discussion, President Ricciardi declared that an ordinance would be prepared.

President Ricciardi said Item No. 12 is a request to authorize the mayor to advertise for bids for staple supplies for the year 2013.

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The clerk said that this is a housekeeping issue. It is done on a yearly basis and it is to bid out the supplies at the plants, such as the chemicals needed to run the water and wastewater plants.

There being no further comments, questions, objections or discussion, President Ricciardi declared that an ordinance would be prepared.

President Ricciardi said Item No. 13 is a request to appropriate \$9,000.00 from the Water Fund to pay for caulking at the city park water tower.

Ms. Spencer said this is one more safeguard available. This will make all the joints and seams stronger and they won't have to worry about any leaks. It will last a very long time.

There being no further comments, questions, objections or discussion, President Ricciardi declared that an ordinance would be prepared.

President Ricciardi said Item No. 14 is a request to authorize the mayor to enter into a contract with C. T. Consultants to design a conversion from chlorine gas to sodium hypochlorite at the water plant and appropriate \$12,000.00 for the design.

Ms. Spencer said the chlorine gas is not safe for employees or the residents in the area. C. T. Consultants will set up a design to put a new system in.

There being no further comments, questions, objections or discussion, President Ricciardi declared that an ordinance would be prepared.

President Ricciardi said Item No. 15 is a request to appropriate \$4,000.00 to pay inspection costs for Dominion Gas work in the city.

Ms. Spencer said this would be to pay QCI for inspections. The costs will be reimbursed by Dominion to the city.

There being no further comments, questions, objections or discussion, President Ricciardi declared that an ordinance would be prepared.

President Ricciardi said Item No. 16 is a request to authorize the mayor to advertise for bids for the underpass waterline relocation project.

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Mr. Finney explained that as part of the county's underpass project on South Prospect Street under the railroad trestle. They are going to lower the road and the water line that belongs to the city from the 1880s is in the way. In conversations with the county, they are going to pay, as part of the grant, to move the water line, putting it in deeper. The question was, the city would like to be able to bid the project and have control of moving the water line themselves and not let it go to the county and not have them move the water line for the city. The question was still up in the air as to whether or not the county will allow them to do that. It's his understanding that it was requested and the county is now investigating with state to see if they are permitted to split the project up.

President Ricciardi noted then this may not come to pass.

Mr. Finney responded in the positive.

Mayor Bica said they may have to bundle it completely within their project. In the case it can be split it out and the city keep control over their own water line, they would prefer to do its own bidding and awarding of contracts, if at all possible. That's why they are taking this through. It may never happen. It's state and federal money.

Mr. Finney said they are lowering the road. They can't raise the bridge so they have to lower the road underneath. They can widen it on both sides but they can't straighten it out. They are going to put a traffic light at Summit Street.

President Ricciardi noted then people will be stopped at the crazy curve. That is scary. It's a blind curve to begin with. Now you've got to park there at Summit Road.

There being no further comments, questions, objections or discussion, President Ricciardi declared that an ordinance would be prepared.

President Ricciardi said Item No. 17 is a request to appropriate \$5,000.00 from the sewer fund to purchase a heater for the wastewater plant.

Ms. Spencer said Bill Bregant came to the committee and explained the heater they now have in the screening room constantly breaks down and is very inefficient and is a radiant heater. The work will be done in-house and don't expect any difficulties with it.

President Ricciardi asked, when they say "in-house" what does that mean? Does that mean the wastewater department employees are putting this thing in or are they bringing in some people to do it or are they bringing people in from other areas.

Mayor Bica said the maintenance employees will be doing it. There is a plumber on staff at the water department.

There being no further comments, questions, objections or discussion, President Ricciardi declared that an ordinance would be prepared.

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President Ricciardi said Item No. 18 is a request to authorize the mayor to enter into a contract with Mudd Construction to complete the White Rubber Soil Remediation Project.

Mr. Seman said this is the final thing that needs to be done. The cost is \$88,827.00. He asked if those monies are going to be paid through the Brownfield Grant.

Ms. Macomber said it's coming from the Clean Ohio Revitalization Fund. The full amount will come from there.

Mr. Seman said hopefully this will be the last thing they see out there in terms of costs of cleanup.

Mr. Finney said this is the third and final component.

There being no further comments, questions, objections or discussion, President Ricciardi declared that an ordinance would be prepared.

President Ricciardi said Item No. 19 is a request to authorize the mayor to apply for a U.S. EPA Brownfield Planning Grant.

Mr. Seman said this is a grant being applied for with no matching local monies.

Ms. Macomber said the U. S. EPA has a Brownfield Area-wide Planning Grant similar to the Ohio Department of Development Planning Grant applied for from the state. The state modeled their program off of this program. They have applied two times in the past. The first time was with Regional Planning Commission. This year she would like to apply on their own for the grant through the U. S. EPA. The grant is for up to \$250,000.00 and no match is required. She is looking for a catalyst project and would like to showcase the Osborne (former Smith & Cowan) property as that catalyst project.

There being no further comments, questions, objections or discussion, President Ricciardi declared that an ordinance would be prepared.

President Ricciardi said Item 20 is a request to apply to the Ohio EPA for targeted brownfield assessments for three properties within the city.

Mr. Seman said this is to make application for these assessments. The three properties are the old county engineer property on Cleveland Road; the old unemployment office on the west end of town and across the street at the Center of Hope.

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Ms. Macomber said she talked with the U. S. EPA and they do have the Workforce Connection on their desk for review and have not received the other two applications. They are still at the Ohio EPA. The Ohio EPA receives them, processes and then goes to the U. S. EPA for action. They were in the middle of changing over to their new fiscal year, October 1. They probably won't get to it until December. Hopefully the other two will catch up and hopefully there will still be money in the pot. Again, no matching funds are required.

There being no further comments, questions, objections or discussion, President Ricciardi declared that an ordinance would be prepared.

President Ricciardi said Item No. 21 is a request to authorize the mayor to proceed with negotiations, apply for grants and enter into necessary agreements, if necessary, with project partners for the Route 14 and Enterprise Parkway access project.

Mr. Seman said they have been talking for a number of years about another way to enter into the Lemmon property where Paris, Sheets, Social Security Office and Fortis College are currently located. There are other businesses that are going to be built in there very soon. One of the things they are looking for another way in and out of Route 14. He thinks they are talking about the possibility of a light controlled for ingress and egress.

Ms. Macomber said they met with the Ohio Department of Development Jobs Ohio which has funds available. That is really geared toward job creation. The two big job creators on this project are Paris and Spring Seal and Light Force. Sheets looked at it as icing on the cake but weren't going to put it into the equation. Also at the table is the Ohio Department of Transportation, a new office of Jobs and Commerce. They are looking at the big picture and all of the possibilities that could happen at that intersection. Mr. Finney has been looking at this about three years. There are traffic studies to support it and plans for future development on the northwest portion of that property.

Mr. Seman said that it will create the possibility of a few more businesses gaining access. It creates three buildable lots.

Mayor Bica said that is really critical. It's opening up three additional lots in that development they wouldn't have had access to before.

Ms. Macomber noted that is zoned industrial and could be big job creators.

Mr. Finney said that it could create more. Those were four acre lots of their own, which could be split again. To meet the zoning code, they don't have to be but about a half acre. It depends on how it is split up but it could parlay into more.

Mr. Seman asked what exactly are they asking from Council for this request. Is this information tonight or is legislation needed?

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Ms. Macomber said this is really just discussion at this point. When they met with the gentlemen from Jobs Ohio and ODOT, there is not a formal application. They met with them to look at the specifics. Then they take it back to their higher ups and make a decision. They will tell if there is a match and how much. But at this point, they don't even know.

President Ricciardi asked if Mayor Bica is just looking for Council's blessing or just giving an update.

Mayor Bica said more or less a resolution to proceed with the negotiation process. He thinks a formal resolution would be very helpful.

Ms. Macomber said especially to say they are supporting the partnership.

Mayor Bica said they would have to come back with an agreement or whatever else is going.

There being no further comments, questions, objections or discussion, President Ricciardi declared that a resolution would be prepared.

President Ricciardi said the next item on the agenda, Item No. 22, is a request for a resolution of support for the mayor to proceed with the JEDD negotiations with Ravenna Township.

Mr. Seman said this is pretty self-explanatory. He just wants to be able to show in writing that Council supports moving forward with a JEDD with Ravenna Township. They have talked about this for a number of years, trying to get started on it. Land is limited within the city and it makes sense to work in partnership with the township to get development going. They really need to have some of this in place. If they do it when someone wants to come in, then time is always of the essence then. They would like to be prepared for this when it happens and they can have a chance to work out the problems.

There being no further comments, questions, objections or discussion, President Ricciardi declared that a resolution would be prepared.

President Ricciardi said Item No. 23 is a request for the retroactive approval of advances, appropriation transfers and fund transfers completed in September, 2012.

Mr. Cecora said there was one advance that is to support grant funding until the funds are drawn upon.

There being no further comments, questions, objections or discussion, President Ricciardi declared that an ordinance would be prepared.

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Mr. Cecora asked if Item No. 3, the discontinuation of the retired employee life insurance is going back to committee.

Ms. Michael responded in the positive stating members of the committee had more questions and wanted to discuss it further.

Mr. Cecora said he had letters, rosters and other stuff lined up and was ready to execute that.

Ms. Michael said they don't wish to do it at this time.

Mayor Bica asked when it will go back to committee because they really need to act on it or bring it out of the budget.

Ms. Michael said it can go back on the agenda in November.

Mayor Bica said, just to make everyone aware, they are paying \$700.00 additional now per month based on those policies. That's above and beyond what they were paying which was quite a bit.

Mr. Seman asked if they didn't say the yearly total was \$7,500.00.

Mr. Cecora said that it's \$8,600.00 netted from the new costs, \$7,500.00 but the raw cost is \$8,600.00.

Mr. Ricciardi asked, as of right now, it is \$700.00 a month additional.

Mr. Cecora responded in the positive.

John Plough said that at the last meeting, he and his brother attended, they discussed the tree commission rather extensively. He thinks there were long discussions between council members, himself and his brother. The next day, his brother was contacted by the service director who told him it was too late to apply for the tree commission, which he was real puzzled about since they haven't been asked to approve anybody as a member of that committee and the next official meeting, he believes, on the first Monday in November. He was a little shocked at that and he thinks it goes to show that his brother and her are probably persona non grata as far as being on that shade tree committee. In any event, he thinks they were all left with the impression that night that nothing would be done until the Shade Tree Commission was in place concerning the trees in the community. Well, this weekend, Saturday, he was driving his neighborhood on Crown Avenue and he noticed the tree on the devil strip had been cut down and the stump was left pretty high. He went to take a picture of it today and the stump had been cut down to the ground. He was a little concerned as to why that happened. He contacted Councilwoman

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Michael about that on Sunday. He's sure it was taken down toward the end of last week, during a business day. Today, he noticed some trucks down the road on Madison coming down. He went to see who it was and it was Dominick Ciano's Tree Service. There was a tree they were supposed to cut down at the corner of Riddle and Madison. He doesn't know how many council members were here but Joe Rhinehart complained because Ben Askren marked that tree to come down several years ago. He didn't want that tree to come down. It's not the most perfect tree in the world. He's not going to stand there and argue about the condition of that tree but the point is they were ready to cut it down again, in violation of the Shade Tree Commission ordinance. He copied a few relevant sections concerning the duties of what the Shade Tree Commission are. Today, he contacted Amy Michael again and then tried to get a hold of the mayor and was put through to Mr. Cimino instead. Mr. Cimino informed him that he told the service director she had the authority to do these things. He told Mr. Cimino there is nothing in the code that says he can give that permission to her to do these things.

Mr. Plough continued on stating that after he started thinking about it awhile, if you look at the duties of the Shade Tree Commission, which is in Section 282.04, it says "it shall be the duty of the commission to adopt a plan...such plan shall be submitted to City Council and upon its approval, shall constitute the official comprehensive tree plan". Anybody familiar with the law, when you see the word shall in an ordinance or a statute, that's mandatory. There are no exceptions. It is mandatory. It's not something that can be discussed. It's mandatory. If Mr. Cimino disagrees with him on that, he would like to hear how he defends that position. He noticed today that Mayor Bica was kind enough to give him some written transmission he received from Mr. Cimino later today concerning the Shade Tree Commission. He was trying to justify his position that if there was an emergency situation with a tree, that the service director would have the right to go down there, look at it, have it cut down and removed. Well, because he said they only make an annual report but if you look at the last sentence of that paragraph, it says "when requested by City Council, shall (again, mandatory) consider, investigate, make findings, report and recommend upon any special matter or question coming into the scope of its work". This again, gives the tree commission the authority and the only ones with the authority to decide what happens with trees and shrubs and bushes on city property in the City of Ravenna. Mr. Cimino's argument, he thinks, is without merit and, again, it's just an excuse to go along with the same things that have been happening over the years.

Mr. Plough said that after he started thinking about it, if you look at it, they talked about the establishment of the Shade Tree Committee, it says citizens and residents of this city shall be appointed by the mayor with approval of council. 1024.1, Injuring Trees on Public Streets. No person shall, without the written permission of the Shade Tree Commission, cut, prune, break, climb with spurs, injure or remove any living tree in a public street; cut, disturb or interfere in any way with the main roots of any tree in a public street; place any rope, sign, poster or other fixture on a tree or guard in a public street; or injure, misuse or remove any device placed to protect a tree in a public street. Again, that's shall. Everything is mandatory in these ordinances. Then, it further gives, in 282.06, Review by City Council and Appeals: "The City Council shall

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have the right to review the conduct, acts and decisions of the Shade Tree Commission. Any person may appeal from any ruling or order of the Shade Tree Commission to the City Council, which may hear the matter and make final decision.” That says any person, so he would assume if a person is having a tree, supposedly going to be cut down in front of their house on city property, they have the right to appeal it. Not only that person, or any person could appeal it. If he objects to it, he could appeal it. What’s going on now is we have a service director and we’ve got an arborist; he doesn’t even know what the requirements for arborists are for Ohio. He tried to look it up on line today. All he can see is that if you’re ASA certified, you have to take a 200 question test to be certified. Primarily, they are talking about people who do tree work and things like that. To him, he doesn’t know what the state law is as far as requiring what you got to be to be an arborist, but right now, we have a service director, who doesn’t live in the City; we have an arborist who doesn’t live in the City, making decisions on what trees are going to be removed and what trees are going to be pruned in the City and they have no access to appeal. If the Shade Tree Commission made that decision, it could be appealed. It can’t be appealed the way they are doing it now. He just happened to randomly drive by and see a tree cut down. He just randomly happened to see two trucks down the street from him getting ready to cut a tree down. All these things are done secretly. As they all know, there is a Sunshine Law in Ohio. It says any public meeting where decisions are made, it has to be opened to the public. It has to be published so people know it’s coming. These decisions are being made behind closed doors with no public access. No public input. No public comment, nothing. And they are cutting down trees. He doesn’t care what shape they might be in. They are cutting down trees that have taken 30, 40, 50, 60, 70, maybe up to 100 years to grow. Then they are being cut down in a matter of minutes by tree people based on decisions that aren’t being made the way the ordinance says they are supposed to be made. He thinks there is a violation of the Sunshine Law there, himself.

Mr. Plough continued, stating Mr. Cimino was saying to him today that he was supposed to give him information at the last meeting and he hasn’t provided it yet. He didn’t think it was a big hurry because Council hasn’t met yet for the next meeting. It’s not until the beginning of November. Not only that, and Mayor Bica may recall this, he applied for Shade Tree Commission in January, 2010. In the beginning of 2011, it was either late winter or early spring, there was another issue with some trees coming down that had been qualified by a Davy Tree arborist and Mayor Bica came down to Madison Street; again, it was on his street and they had already cut one tree down. Mayor Bica came down and told them not to cut the second tree down. That was about a year and a half ago, at least. It was the next day after the mayor said no more trees are going to be cut down because other trees, he noticed had been cut down. He said no more trees are going to be cut down. Then the next day, they come down his street. They cut one tree down already after they were promised the night before that no more trees were going to be cut down. To make a long story short, at that time, it was supposed to be Mr. Cimino’s duty to investigate the Shade Tree Commission and that was a year and a half ago and he hasn’t seen a report yet and he was complaining about himself today not providing something within a matter of about two and a half weeks or three weeks. Yet, it was a year and a half ago when Mr. Cimino was supposed to be investigating this and giving a report to the Council, which never happened. He doesn’t want to make it personal but to him, it has become personal because of him being criticized by Mr. Cimino for not bringing information to him when he was ordered to do it a year

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and a half ago and never did it. Joe Rhinehart has moved from that house but before he moved, he was recommended for the Shade Tree Commission by, he believes, Kevin Poland, who was the mayor at that time. Under the old service director, notice was always given to property owners if a tree in the front of their house was going to be cut down. He made a public records request to see what trees are scheduled to be coming down in the near future; what trees have come down; who made the decision; what evidence was provided by those folks who made the decision to determine that these had to come down. Again, they have non-residents making decisions on trees in violation of the Shade Tree Commission Ordinance and all of the other related sections. Mayor Bica suggested to him that he should be more focused on planting trees rather than worrying about which trees are coming down. He thinks they're both important. When he was interviewed for the Shade Tree Commission, he told them that he was very proactive in planting trees. That he was going to make a recommendation several years ago that the city of Kent, the University and the city of Ravenna all try to plant 10,000 trees which would a total of 30,000. For him to make that comment, it offended him because he has thought about this for many years. He has complained about this for many years; about not replanting trees where trees have come down and planting small trees instead of larger trees. In fact, when Ben Askren was here, he mentioned that to him; he said they could at least plant large trees on the side where there's no wires. And they did. At the end of Mill Road before you get to Madison across from the cemetery, they planted three maple trees, which is thriving and looking real good. Again, for them to just be blatantly violating the ordinance and just totally ignoring Council, which he thinks at the last meeting, gave the impression that nothing was going to be done until a new Shade Tree Commission got appointed. It's very offensive to him. He doesn't like to come up here and every time he comes up here, he's complaining about something. But he thinks that Mr. Cimino said well, this tree could fall on somebody or could hurt somebody. That tree's been like that as far as long as he can remember. It's got a branch or two or three in the front that probably need to be trimmed off of it and looked like it might have got struck by lightning in the front; it's got a streak coming down. It's not the best condition tree but again, if they're going to cut it down, that's not the point, it's cutting it down the right way. Do it so people have a right to appeal it so a person can come up to Council and say they don't want that tree to come down; it's in their neighborhood. When Bucky Thompson lived next to him, he could sit at his front porch and would say he could see 28 trees up and down Madison Street. If you go down there now, you can't see 28 trees, just from his front porch. You want economic development; you want people to come to the city; to him, having a tree lined street and making the community look beautiful will attract more people than any economic development committee they have or proposed.

Ms. Michael said last time Mr. Plough was at a meeting, Council did not move forward with the Tree Commission to consist of Ravenna City residents and people living outside the City limits. Before they could actually appoint a Shade Tree Commission, they would need to have that taken care of. There hasn't been any further discussion on it.

Mr. Seman said they could do the appointment based on the present ordinance.

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Ms. Michael said that they decided to send it back to committee and talk about it further. That should be set before any one is appointed. She thinks that is something Council needs to discuss further.

President Ricciardi said that he thought they put it back into committee.

Ms. Michael said they did but they didn't talk about it at the last committee meeting.

President Ricciardi said Mr. Plough has brought up some issues that apparently he and Mr. Cimino have differences of opinion from a legal perspective as to who would have that authority in lieu of the Shade Tree Commission. He honestly hasn't read Mr. Cimino's opinion on it.

Mr. Cimino said he and Mr. Plough talked today. They talked in the interim maybe once about whether or not Mr. Plough was going to send him anything. He wasn't given a definitive answer in that regard. The issues, as far as a year or two years ago, whenever it was, the last person to make a ruling on the Shade Tree Commission? He honestly does not know what that question was.

Mr. Plough said that the question was, Mr. Cimino was supposed to determine who had the authority to be making these decisions, to cut trees down.

Mr. Cimino said he has indicated to Mr. Plough that there is no Shade Tree Commission as it presently stands. He also indicated to Mr. Plough that if a nuisance exists and there is danger to the citizens, the people, property, whatever; the city has to respond to that. If they get a call that a nuisance exists and they take no action and someone is injured or property is damaged because of that and they've been put on notice, then as a result of that, the city is going to be liable for whatever injury or property damage occurs. He has explained that to him and indicated to him that he felt that was the authority on which action could be taken. As he understands this particular situation; he only found out about that today after his call. Apparently the woman who does live at the address where the tree is located, called the city and indicated that she was concerned about the tree and the safety of the tree. As he understands it, the arborist went out. In his conversation with Mr. Plough, he indicated that the majority of the top of the tree has been cut out. It's only 25 or 30 feet at the highest.

Mr. Plough said that it's maybe 15 feet at the top. He was talking about the branches that extend over it.

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Mr. Cimino said Mr. Plough had indicated to him that there were decay. He thought there was damage from lightening and that some of the limbs, in his opinion, needed to come down. The things he was relating to him didn't seem to support the idea that the tree was a good, standing tree. He thinks there is a probably a difference. Mr. Plough's opinion seems to be that as long as there are leaves on a tree, it should stand. As far as people who want to look at it as far as safety, they may have a different opinion. He thinks that's one issue that has to be evaluated in this situation. Safety and the condition of the tree vs. Mr. Plough's opinion. He doesn't have any problem with Mr. Plough's support of trees and how they grow. He lives with a lot of trees around his house. Some probably have issues but he hasn't taken the time to do anything about it. The bottom line is, he probably could. As far as these trees are concerned, Mr. Plough's advocacy is fine but there are other issues beyond that advocacy that may create liability. He thinks that's where they are different. He thinks Mr. Plough has to try to understand that as far as what happens and how it happens. Hopefully, Mr. Plough understands his position when it comes to the City has no Shade Tree Commission. The bottom line, as far as the duties of the Shade Tree Commission are set out in 282.04. Basically it talks about them creating a plan that deals with every aspect of trees and shrubs on the City rights of way, sidewalks, parks, wherever it may be. It's a plan. It sets the criteria that need to be established as far as how you go about planting, replanting, removing and there is a long list of things they have to do. He doesn't have a problem with that being the issue of how the Shade Tree Commission operates and then that being a guideline. But whoever it is, in the City, the administration or throughout the community, would have to follow whatever is addressed what happens to trees. It's in the ordinance. That one indicates it's been there since 1991. Those things should be done. As far as the steps that need to be taken in order to get that accomplished, as he understands it: first there was an ordinance proposed to amend the existing ordinance. It dealt with residents and citizens of the City of Ravenna and expanding that to a larger pool of people. Ms. Michael indicated they need to address that issue. That's fine and it needs to be discussed and a decision made in that regard. But once that is done, the process of appointing members to the commission begins. That process includes recommendations from the mayor's office then it comes before this Council. This Council then evaluates those people and decides whether they approve the recommendation or not. If they don't approve a person or individual, the mayor goes back to the drawing board and looks for another person until they have five people that compose that board or Commission. What he said in his letter today, when the first Commission was appointed, there was one person for three years; two people for one year and two people for two years. Obviously, they don't have any of that to begin with so they don't have that staggered appointment. He threw out in his letter, maybe they ought to follow that same staggering when the new board is appointed.

Mr. Seman said there is another issue with a five year plan. That is the budget. One of the problems was, cuts had to be made. They were planting trees every year and Ravenna was a tree city, every year he was on Council up to the point where the money was cut to buy new trees. Of course, part of the charge of the Planning Commission is planting new trees. That's a budgetary item.

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Mr. Cimino said that the plan that is developed by the Shade Tree Commission comes before this Council on an annual basis and it has to be approved by Council. To the extent that dollars and cents are involved, that plan has to be approved by Council. Council has to authorize that the Shade Tree Commission is not out of line on what they are requesting to be done. There are all kinds of checks and balances through this whole process but as far as getting it done, he thinks the steps that need to be taken or the evaluation as to whether it should be beyond the city limits as far as the people who should be eligible to be on the board, he would say this to Mr. Plough, if it's chosen that they want to go beyond the borders of the City of Ravenna, they are probably going to have to re-advertise that position to let people know, beyond the city borders that there are openings for this board. He would think if it happens in that fashion, it may need to be addressed.

President Ricciardi asked if there was a reason for closing the threshold for applicants.

Mayor Bica said they put a date on it in the newspaper, saying they were going to accept applications from this point to this point. At this time, everything is up in the air.

President Ricciardi asked if that means they will accept applications.

Mayor Bica said that they will once they get all this clarified, he would assume they are going to advertise again. He thinks they may have to go back to the drawing board.

Cyrus Plough asked why there has to be 20 questions made up by the mayor or his committee.

Mr. Cimino said in his opinion, that he put in his letter, was the criteria, as far as the ordinance is concerned, is what John said, being a resident of the City of Ravenna. But he can see, if someone would be interviewing somebody for a job, a position, board or commission, they could find out if they have some ideas that might be beneficial to that committee or commission. They have to understand there is a certain amount of discretion that is given to the person who proposes an applicant. They have to come up with some reason or some thinking in their own mind, in his opinion, as to how they are going to sift out between one person or the next. One administration might have one idea; another administration may have another idea as to how they want to put people on. He doesn't know if there is any real basis or limitation in relation to that. People have different ideas and have different thoughts about how something should be done. As far as that is concerned, whatever the recommendation is, it comes to Council. Council then has to review those recommendations.

Cyrus Plough said that Council has neglected for years to put in a Shade Tree Committee.

Mr. Cimino said he appreciates Mr. Plough's frustration based upon his fervor for trees and how things are done in regard to trees.

Mr. Cyrus Plough said that they need to name a Shade Tree Commission first.

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Mr. Cimino said that he can appreciate that and hopefully they're going to get to that point.

Mr. Cyrus Plough said that he's heard that for two or three years from him. He sat up there three years ago.

Mr. Cimino said, in all honesty, he doesn't have a whole lot to do with the Shade Tree Commission. He certainly doesn't appoint them. He doesn't approve appointments and he doesn't take any action in that regard.

Mr. Cyrus Plough asked what Mr. Cimino was speaking for if he doesn't have anything to do with it.

Mr. Cimino said he's speaking because he was asked some questions regarding what this ordinance means. John has discussed some issues. He's trying to respond to those issues.

Mr. Cyrus Plough asked why Mr. Cimino doesn't try to respond to a few citizens.

President Ricciardi said they are not here to argue and they're done going back and forth here.

Mr. Cyrus Plough said that he's under the impression that government was supposed to be of the people, by the people and for the people and when you come up to this City Council, it's like standing in front of a tank in Tiananmen Square.

President Ricciardi said everybody has a different interpretation of what that means, of the people, for the people and by the people. Everybody has a different opinion about that. At this stage of the game, he thinks they need to get that before the Committee. Then Messrs. Plough can come in and express their views once again. He and John are not too far off the same page in terms of planting trees. He's tired of these little scrub bushes they have been putting up all over the City. He's said before, they took out a nice oak in front of his house and now he has a little junk tree that sits there and blossoms once a year and does nothing else. In terms of budget, he thinks there are ways to work around that. Every year he has little saplings coming up in his garden and all around the house. He has planted five of those about five years ago. He took one out this spring that wasn't doing real well. He has four others; two pin oaks and a couple of maple trees that are now towering over that little tree the City planted. It's within feet of that tree. There was no reason not to put a nice tree back there. It's not on the side of the road where the power lines are. You can be a tree city but there are a quality of trees out there and these arborists tend to put in these trees that don't grow a lot. He would assume that is in deference to the power companies. Maybe they can get good citizens to bring little saplings when they are needed.

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Ms. Michael asked if there could be a special Streets & Sidewalks meeting before the next Council meeting to decide whether or not they want to open it up to the township or leave it the way it is.

President Ricciardi said that it's not just the township. It could be any one outside of the City. He thinks that's the issue, at this point, for the mayor in determining who to bring before this Council as possible appointees.

Mr. Berry said if they open it up like that then there would have to be some qualifiers, such as one or two arborists, etc.

Mr. John Plough said he would like to know who came up with the idea that the people from outside the City could sit on that Commission. He'd like to know who came up with those ideas.

Mayor Bica responded that he did.

Mr. John Plough asked why he came up with that idea.

Mayor Bica said he thought he made it very clear to Mr. Plough as well as to Council that there was a very qualified applicant from the township who volunteered to be on the commission.

Mr. John Plough said that qualified again, which they don't have any criteria. Again, the qualification part is confusing him because there is no qualifications in the ordinance. They discussed this the last time; qualified in what sense. What are the arborist guidelines. Who can be an arborist? Anybody can be an arborist.

Mr. Cimino said that he agrees with Mr. Plough that the ordinance only says that a person has to be a resident of the City of Ravenna. The only thing as far as an interview, they have some kind of a plan in mind as to what they might be interested in. In his opinion, when he goes to this meeting that's going to be set to deal with this issue as to whether or not someone lives inside or outside of the City, he thinks Mr. Plough will be able to address that issue then.

Mr. Plough said he's just saying, is it somebody's friend that they want appointed?

Mayor Bica said he thinks that's inappropriate.

Mr. Cimino said they can talk about it at that meeting.

Mr. John Plough said that the arborist, service director or mayor could have a friend who wants appointed so they go back and change the ordinance? That offends him.

Mr. Cimino said he can express that at the meeting.

Mayor Bica said he could appoint a friend who lives within the city limits.

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Mr. John Plough said he would like to make it clear at this time that they should not be cutting trees down in this City until the Shade Tree Commission is in place because nobody has the right to appeal what's going on in this City now. They're making decisions and cutting trees down arbitrarily, unilaterally, with no input from Council, no input from the public, nothing. That's not the way it's supposed to be done. You can argue all you want about whether a tree is dangerous or not but that's not the point. The point is, you're doing it in violation of the law and there is a criminal penalty for it.

Mr. Ferguson said that if this falls under Streets & Sidewalks, let's set a meeting date right now. One thing that is going to happen if they attend this meeting or anybody else attends this meeting, he's not going to sit and listen to raised voices and hostilities. They are going to talk like gentlemen and get this thing resolved. He's not going to sit and listen to repetitive BS. They are going to say what has to be said and they're going to get it over and done with.

Mr. John Plough said that it's a free country.

Mr. Ferguson said that he hasn't said anything and they haven't heard a word from him but what they are repetitive. They're saying the same things over and over.

Mr. Cyrus Plough said that's because Council hasn't taken any action.

President Ricciardi noted that it's getting out of hand. What they are going to do is set a date and time right now.

After some discussion, it was decided by those present that a meeting would be scheduled for Monday, October 29th at 6:00 PM to discuss the Shade Tree Commission membership.

John Plough said he came for one reason tonight. That is to try to get these trees from coming down stopped until there is a Shade Tree Commission. Can they agree on that? Can they get Council to recommend that or do something on that?

Nick Dudek said the tree that was cut down was in front of his mom's house. It had some branches that were looking to fall down. She sent a letter to someone at the administration regarding her concerns. He doesn't know the details after that.

The clerk said the arborist would have inspected it and made her recommendation.

Mr. Dudek said he did notice that the upper portions of it did have some rot but the trunk looked kind of solid. That's what he noticed after it came down.

John Plough said he would assume more trees are going to be cut down.

President Ricciardi said he can't assume that. He doesn't know.

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John Plough said that one still hasn't come down on Madison. Can't they get this to be stopped. One person shouldn't be able to call up and have a tree cut down by an arborist coming out and looking at it, whether they live on that property or not. They shouldn't be allowed to do that.

President Ricciardi asked how many people does it take to do that.

John Plough said that's why these ordinances are in place. So that a collective body can make a decision. It would be brought to Council. Council would take it to the Shade Tree Commission and they investigate it. The Shade Tree Commission investigates it as a group of five people.

Mayor Bica said that they would be five people they could ask if they are qualified to make any decisions.

President Ricciardi said they'll move it along as fast as they can. He's not going to guarantee him somebody's not going to cut down a tree.

John Plough said that tree can come down tomorrow is what he's saying.

President Ricciardi said he would hope not but he can't sit there and promise him. He doesn't have the authority to say stop cutting trees in this community.

John Plough said he thinks Council does have that authority. Because it's not being done in connection with the ordinance. It's being done arbitrarily and no chance for appeal by a citizen which is the last one he showed them. A citizen can't appeal it when trees are being cut down randomly at will with no input by Council or by the public or by Shade Tree Commission.

Mr. Seman said he doesn't think there is a mechanism for Council to approve every tree that cuts down.

John Plough said he thinks the annual plan is for that.

Mr. Seman said that the annual plan would and if something comes up, it would be referred to Shade Tree?

John Plough said that if something comes up, it's supposed to be referred to the Commission.

Mr. Seman said that all Council does is approve the commission members. They don't do the appointing. Administratively, decisions are made about the trees. Council doesn't make any decisions about the trees.

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John Plough said that Council make decisions on appeal if there is a question about a tree, shrub or anything. The way it's being done now, there is no access for appeal and he thinks that is a violation of the sunshine law. When the ordinance says it's supposed to be done that way and it's not being done that way and being done behind closed doors with no public meetings, these decisions to cut the trees down. He asked if he can get an agreement with Mayor Bica that the trees are not going to come down until these things are settled or not. He has authority to do that.

Mayor Bica said he would have to discuss it with the service director because the service director has coordinated with the arborist on those trees.

Mr. Cimino said he told them that if there is something that is a danger and is going to create harm or injury to person or property, that they need to take action to avoid liability for the city.

John Plough asked if they have been contacted by two people or more. He's curious. The service director isn't here to answer these questions.

President Ricciardi asked what Mr. Plough means, who has been contacted by two people.

John Plough said that Mr. Dudek's mother called and somebody else said a lady called about the tree on Madison today. So two people have contacted them and the arborist came down and apparently decided that rather than trimming the dead parts out, just to cut them down. Apparently, that's what happened.

Mr. Cimino said he believes that is a logical analysis of what happened.

John Plough said, again, he doesn't think that should be happening.

Mr. Cimino said he has the right to feel that way. When they have the meeting on the 29th, please show up there.

John Plough said that the problem is, in the meantime, there might two, three, four, five or 25 more trees coming down.

Mr. Cimino responded that the only thing he can say is if there is a liability to the city and somebody is either going to sue for property damage or personal injury because something may have happened because they should have taken action on after receiving notice, the city is going to be liable for that. He wants to say, as the law director, that they should avoid that.

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John Plough said if he believes that somebody has committed a violation of the Shade Tree Commission then he's going to see that they are criminally prosecuted. He can say the same thing Mr. Cimino is saying, in a different way. He's saying he's worried about liability. Well, he's worried about the ordinance being followed and he thinks criminal actions are appropriate for people that just ignore it. That's what is being done.

Cyrus Plough said he wanted to express, also, that he doesn't believe the arborist and the service director should be from out of the city or anybody on that tree thing. He just thinks anybody involved with Ravenna City should be a resident of Ravenna City.

President Ricciardi said that's one of the issues they will be considering at the committee meeting.

John Plough said that the service director and arborist aren't residents.

Cyrus Plough said he wants to complain about the service director and arborist being not of this city.

There being no further business before the Committee, the meeting adjourned at 8:20 P.M.

ATTEST:

Clerk of Council

Francis M. Ricciardi, Chairman
Finance Committee