

Council met in a **SPECIAL MEETING**. The President of Council called the meeting to order at 5:00 p.m., the Clerk of Council offered the opening prayer, and the Pledge of Allegiance was cited.

Member(s) Present: Mrs. Ann I. Stranman (Ward 3)
Mr. Richard F. Balog (Ward 1)
Mr. August A. Pugliese (Ward 2)
Mr. James M. Trisket (Ward 5)
Mr. J.P. Ducro IV (President)

Member(s) Absent: Mrs. Julie A. Lattimer (Ward 4)
Mr. Christopher J. McClure (Vice President)

Officer(s) Present: City Manager James M. Timonere, City Solicitor Michael Franklin
Acting City Auditor Karen S. Jury, Clerk of Council LaVette E. Hennigan

Officer(s) Absent: None

SUNSHINE LAW CERTIFICATION: The Clerk of Council certified Sunshine Law requirements were met.

PURPOSE: The President of Council announced the purpose of this Special Meeting was to permit Council to:

1. Discuss and vote on legislation;
2. Discuss Street Lighting Assessment Reductions;
3. Discuss City Council Committee Restructuring & Quorum; and
4. Discuss Public Participation at Regular Council Meetings.

WELCOME: The President welcomed Ms. Alice Cook and Mr. Thomas Lawrence (citizens)

LEGISLATION

Formal Legislation Request: The Manager asked for, AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH JACK DOHENY SUPPLIES OHIO, INC., FOR THE PURPOSE OF SEWER JET EQUIPMENT REPAIRS. Mr. Pugliese moved, Mrs. Stranman seconded to approve the Manager's request. The Manager reported a pump located on the truck busted; two quotes were secured; the quote of \$15,536.25 being the lowest; and that this is a piece of equipment that is regularly used throughout the City. The President asked what the equipment life expectancy is. The Ward 2 Councilor replied about 15 years; and said the pump previous to the one presently being used was 20 years old. The motion CARRIED.

Legislation Reading

ORDINANCE NO. 2012-36 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH JACK DOHENY SUPPLIES OHIO, INC., FOR THE PURPOSE OF SEWER JET EQUIPMENT REPAIRS, was presented. Mrs. Stranman moved, Mr. Pugliese seconded to waive the reading of the ordinance; motion CARRIED. Mrs. Stranman moved, Mr. Pugliese seconded to waive the Charter requirement of two readings. On the roll call to waive the Charter requirement of two readings: Mrs. Stranman, Mr. Balog, Mr. Pugliese, Mr. Trisket, Mr. Ducro voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mrs. Stranman, Mr. Balog, Mr. Pugliese, Mr. Trisket, Mr. Ducro voted yea; motion CARRIED.

Legislation Request: The Manager requested an ordinance for an emergency temporary sewer connection agreement between State Road Medical and the City of Ashtabula, Ohio. Mrs. Stranman moved, Mr. Trisket seconded to grant the Manager's request. The City Manager explained the following: "State Road Medical has been having issues with their septic system. They have been under quite a bit of pressure from the OEPA to get that fixed. The expense to get that fixed is quite large. And, as you know, we've been talking about JEDDS down in that area – and running the sewer up State Road. As we have come to learn it is quite complicated from some of the things that were done in the past til now, and the actual large line that we think is coming down State Road is going to be some time off. Where Mr. McVoy, who owns State Road Occupational, where his property is, is within 50 feet of the line that's already out there for DeMaximus. Because we do not feel the JEDD and everything will be in place, and the main line would be in place in the timeframe that Mr. McVoy needs to comply, he is willing to put that small line in to be able to do that. We'll work on a JEDD for him (that property alone), and what I'm asking for is to allow us to make that agreement knowing that the JEDD is forthcoming, so that we're asking him to sign without the JEDD; but within the language of what we're going to ask for when the ordinance is presented to Council." Mr. McVoy will pay for the expense to tie-in; plus a tap-in fee. And, he also understands that when the main line comes down State Road he will have to tie in to that. The Manager reported that whether Mr. McVoy is going to receive a credit for what is required once the JEDD is in place, for what he is doing now, has to be discussed. The Manager said compared to the EPA fines Mr. McVoy is facing, what he has to pay now is far less. The President said it seems unfair for him to have to pay twice to tap into the sewer. The Manager said he does not know the size of Mr. McVoy's line that he has to tap in. Once Council authorizes this request, Mr. McVoy should be able to tie in fairly quickly. The Manager said what has complicated the issue is Mr. McVoy's JEDD will be one of the possible 6 JEDDs the City ends up having in that particularly area. The Ward 2 Councilor said he remembers it being said (prior to this City Manager), that JEDDs would be in place prior to any action being taken. He said he knows this is an emergency; that he will vote for it; but believes the JEDD should have been in place before anybody is allowed to tie in. "We're going at this, more-or-less with a blank check, not knowing what the tap in is going to be, and that will have to be discussed at a later date. But, I just wish that we could have had these JEDDs – and I'm not blaming anyone here – I know there was a lot of discussion over the last few years that these JEDDS were ready to go, ready to go, that's all we heard, and they never happened. I know it's something that we need for the betterment of the whole community and I will be voting for it; but I just wish we already had the JEDDs in place so we know what the charge was going to be and how many people are involved." The President said, "I guess I think it is kinda of unfair to them, cause if we come back with a proposal that we think is realistic and they say, gee, you're really sticking it to me...we don't even have any short of a benchmark to go on for what their particular JEDD would be." The Manager said, "The difficulty that we have come to find out, and we kept on hearing, and I heard it as well before taking this seat, it's all ready to go; it's already to go – but we are still in discussion with Ashtabula County and Ashtabula Township and are finalizing some language within the first, what we would consider the first JEDD. I am of the opinion that that's pretty much done. We're just waiting for Mr. Sartini to get back to us on the last revisions that we sent. I think that's pretty much done. Having said that as we've had discussions with some of the larger employers out there, and how some of these things are going to tie into our sewer line; the fact that one business needs and wants to tie in, but because they're tying in five other businesses are affected through a spider agreement, those have made this extremely complicated. Some of those businesses have things coming up – expansions coming up, and so on and so forth, putting the burden of a 1.8% tax on their payroll and their net income would be a significant burden. My opinion is some of these JEDDS need to be tailored to those businesses to make it beneficial to them.

Because, quite frankly, besides them discharging into our sewers, and offering to have police or fire support that they needed, or offering trash pickup and things like that, that they would have access to, there's not much more we're bringing to the table with it."

The Ward 3 Councilor noted the City does have a job creation tax credit.

Manager: All of that stuff, and this is why I say each of these JEDDs are going to kind of have to be tailored towards the business we're talking to. All of those things need to be taken into consideration. JEDDs don't have to be the full 1.8%. We would love it to be when we're hearing some of the payrolls that are out there. Or is there a way that all current employees pay half of it, and any new employees pay something coming on. There's already a lot of fear amongst those businesses of what this means, and we're just doing our best to try to sell this to them rather than shove it down their throats as it was done in the past. So we're being very sensitive to this. We had a very large meeting at Ashtabula Township - one or two of the trustees were there, one or two county commissioners were there, Growth Partnership put it on so that we could hear some of the businesses issues of what they were told before. So, basically we're starting from square one when it comes to a lot of these businesses. But, like I said, the first JEDD that has been discussed for quite some time; I think we're pretty darn close to having that completed - the language of it; and then it's just implementation after that. There's a lot that goes along with the implementation. I wholeheartedly agree that we should have had this in place a long time ago. I think the way that Mr. Franklin has drafted the first draft that he sent to me to look at - I think there are some safeguards for us, and I'll share those if the request is granted. But, we're going to have enough safeguards in there that would still benefit us, I believe, even though we don't have the JEDD in place yet. Hopefully once we hear back from Mr. Sartini I think we're done with it - it's just then a matter of negotiating it with the businesses affected - or in the first round of it. But I do believe this is going to be something we may have to do with each business out there. So, we might have JEDD one, two, three, four, seven, twelve, whatever." The motion CARRIED.

STREET LIGHTING ASSESSMENT REDUCTIONS

Discussion

Mr. Thomas Lawrence, 1330 Thayer Avenue: he has had a plot of land for 40 years which is the size of the 2nd floor conference room. The land tax is \$7.00 per year. Any of the property tax increases received over the years have never showed up on this land because it was considered part of his main lot. This year the street lighting assessment appeared and is four times more than the property taxes. He was aware of the August 2011 assessment reduction deadline. However, because he has never had a tax assessed to the property he did not believe he had to submit a reduction application. The property value has increased from 3.00 to \$7.00. He reported the parcel is 60 foot wide by 110 deep; plus 30 foot x 60 foot wide beyond that. He reviewed the ordinance today and saw what a parcel of land was, and found out it is any land. He believes he should not be assessment the \$36.00 street lighting assessment. He said he purchase 30 feet from his Ohio Avenue neighbor whose lot was deep compared to those on Thayer Avenue which are short. Over the years other Thayer Avenue owners did the same.

The President thanked Mr. Lawrence for calling him; and reported on the reason he asked for the meeting. He said he believes the previous council did what was required, and more, to notify property owners of the assessment.

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He said upon hearing complaints from numerous citizens, he felt one of the things he was uncomfortable with was people who were technically entitled to the reduction, were not able to be considered this year based on lack of knowledge of the assessment, not getting notification of the assessment in the same manner they received the property tax bill, and based on the fact they missed the August 15, 2011 deadline. He said this Council is working through the process.

Much discussion took place regarding the assessment and how to proceed in order to provide the opportunity for property owners who were not aware of the assessment reduction to apply. The County Auditor's response regarding the proposed refunds was reviewed; the response was as follows:

Sent: Friday, February 17, 2012 4:34 PM; **Subject:** Ashtabula lighting assessment

Karen,

We understand that you and the City are contemplating some changes to the Lighting Assessment. We will do anything we can to assist. You will need to revise the City Ordinance to authorize something other than what is being billed now. Once you do that here are the options we see if you want to change what has already been billed:

1. Anyone who has already paid here at the County would have to get the refund from you.
2. If they haven't paid yet we will accept a certification from you. This is very unusual, but Roger wants to help as much as possible. Your certification must read something like "A Clerical Error has been found by the City" and whatever you need from there to list parcels that either get \$0 or whatever you and the City decides. Our correction will show up on 2nd half billing.

Ideally the City would leave current billing as-is and only change the assessment going forward. Please let us know your thoughts and if there is more I can offer.

Dennis DeCamillo, Deputy Auditor/Real Estate Manager, Ashtabula County, OH, 440.576.1436 v, 440.576.3446 f

It was noted that a few commercial/industrial entities inquired about the assessment reduction, (e.g. Harbor football field's twelve parcels are all assessed \$36.00). The Manager reported that perhaps several Wade Avenue commercial entities would seek assessment reductions for their \$18.00 assessments, but had not done so to date.

ACTIONS:

The President suggested the consideration of not modifying commercial/industrial assessments should not be taken up at this time.

The President suggested March 1 or April 30 as the deadline for accepting additional assessment reduction applications. If the applicant qualifies then they, too, would be entitled to a refund for the 2011 taxes paid in 2012.

The President asked that Council seriously consider removing the annual assessment reduction renewal process. He suggested it should be a onetime application process, unless something pertaining to the property changes. This will eliminate citizen burden.

Mrs. Stranman moved, Mr. Pugliese seconded to repeal Ordinance No. 2011-90 titled AN ORDINANCE ENACTING A SPECIAL ASSESSMENT UPON ALL REAL PROPERTY IN THE CITY OF ASHTABULA, OHIO, IN ORDER TO PAY A PORTION OF THE COST OF PROVIDING STREET LIGHTING, for the purpose of amending the application process to a one time only requirement unless something at the property changes; motion CARRIED.

Mrs. Stranman moved, Mr. Pugliese seconded to enact a new street lighting assessment ordinance with the inclusion of the one-time application fee stipulation; motion CARRIED.

Mrs. Stranman moved, Mr. Pugliese seconded an ordinance authorizing the City Auditor to issue refunds on the 2011 tax year billed and paid in 2012. It was suggested that an August 15, 2012 application deadline be included in the legislation. The Council gave the Acting City Auditor permission for her and the Solicitor to determine the refund timeline. The motion CARRIED.

The President thanked Council for going through the process of hearing his concerns regarding the assessment reductions.

CITY COUNCIL COMMITTEE RESTRUCTURING & QUORUM

The Council discussed committee assignment restructuring in light of:

- a. The difficulty of getting a quorum; and
- b. Citizen concern with the quorum process.

ACTION: Mr. Trisket moved, Mr. Pugliese seconded, and the motion CARRIED, to approve the following Council Committee restructure:

COMMUNITY / ECONOMIC DEVELOPMENT / PARKS & RECREATION

MEETING DATE/TIME: 1st Wednesday @ 6:00 p.m.

Ann Stranman – **Chair**

Richard Balog – **Vice Chair**

August Pugliese

James Trisket (ex-officio – abstain from voting in the event of a tie)

FINANCE & PERSONNEL

MEETING DATE/TIME: 2nd Friday @ 8:00 a.m.

J.P. Ducro, IV – **Chair**

Julie Lattimer – **Vice Chair**

August Pugliese

Christopher McClure (ex-officio – abstain from voting in the event of a tie)

PUBLIC WORKS / UTILITIES / SCHOOLS

MEETING DATE/TIME: 2nd Tuesday @ 8:00 a.m.

August Pugliese - **Chair**

Richard Balog – **Vice Chair**

Ann Stranman

Julie Lattimer (ex-officio – abstain from voting in the event of a tie)

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SAFETY FORCES

MEETING DATE/TIME: 3rd Friday @ 8:00 a.m.

Richard Balog - **Chair**

James Trisket – **Vice Chair**

J.P. Ducro, IV

Christopher McClure (ex-officio – abstain from voting in the event of a tie)

It was noted that ex-officio members are not counted towards the quorum but have all rights of a committee member.

Public Participation @ Regular Council Meetings

Discuss (e.g., leading in Pledge; Offering Prayer; Calling the Roll): The President reported a radio personality asked if he could, from time-to-time, perform the roll call at regular council meetings.

ACTION: The Council agreed that granting a request to lead the meeting in the Pledge of Allegiance should be honored. They believed the roll call to be an official responsibility of the Clerk of Council and desired for it to remain as such. Regarding offering the prayer, it was noted that a few communities extend an invitation to various clergy persons to offer the prayer. No motion was made by this Council to enact the same policy; however Council is willing to grant such privilege if asked. The President will let the radio personality know of Council's decision.

Mr. Ducro moved, Mr. Pugliese seconded to adjourn the meeting at 6:45 p.m.

DATE APPROVED: April 2, 2012

ATTESTED BY: _____

**J.P. Ducro IV
President of Council**

ATTESTED BY: _____

**LaVette E. Hennigan, MMC
Clerk of Council**