

Council met in a **SPECIAL MEETING**. The President of Council called the meeting to order at 8:30 a.m., the Ward 4 Councilor offered the opening prayer, and the Pledge of Allegiance was cited.

**Member(s) Present:** Mr. August A. Pugliese, (Ward 2)  
Mr. James M. Trisket, (Ward 5)  
Mrs. Julie A. Lattimer, (Ward 4)  
Mrs. Ann I. Stranman, (Ward 3)  
Mr. Richard F. Balog, (Ward 1)  
Mr. J. P. Ducro IV, (President)

**Member(s) Absent:** Mr. Christopher J. McClure, (Vice President)

**Officer(s) Present:** City Manager James M. Timonere  
City Solicitor Michael Franklin  
City Auditor/Acting Treasurer Dana D. Pinkert  
Clerk of Council LaVette E. Hennigan

**Officer(s) Absent:** None

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

**PURPOSE:** The President announced the purpose of this Special Meeting was to permit City Council to discuss and vote on legislation pertaining to natural gas supply and a resolution authorizing the necessity to place a 2.5, five year, Police Levy on the November 5, 2013, General Election Ballot.

**WELCOME:** The President welcomed visitors.

**DISCUSSION – Proposed 2.5 mil, 5 year Police Levy on November 3, 2013 General Election Ballot**

**Ward 1 Councilor/Safety Forces Committee Chair:** It is time to give the citizens a chance to vote on enhancing their police protection. Thousands of dollars in Local Government Funds have been lost. The City needs to begin replacing those funds. Safety Forces has always been my priority. Most of citizens are going to want more police protection. Some may not want to pay for it, but we are faced with the realities that this is the only way we can get enhanced funding.

**Manager:** After reviewing variables, he recommended to the Safety Forces Committee a 2.5 mil levy that would generate a little over \$530,000 a year. The average home in our community is in the \$50,000 to \$75,000 range. At a \$75,000 valuation, it would cost the taxpayer an additional \$66 per year; at \$50,000 it would be an additional \$44 per year.

Ashtabula City Council Special Meeting  
Wednesday, July 24, 2013

**Ward 4 Councilor:** Is the suggested millages the whole Police department budget or will it supplement their budget.

**Ward 1 Councilor:** Added revenue. If we were to, again, hit the wall and become short citywide, we are going to have to work out a formula that cuts that makes proportional cuts. But, this would always be additional money only for the Police department.

**Ward 4 Councilor:** Voiced concern with changes in Council that might jeopardize the Police Department budget set by this Council, which might decrease to a point where the levy revenue has to be their funding.

**Ward 1 Councilor:** This was discussed at the Committee meeting.

**City Auditor/Acting City Auditor:** The basic consensus at the Committee meeting was Council and the Administration has to be committed to keep Police funding at a certain level. In 2013, the Police Department budget is \$2.6 million. In addition to what the levy will bring in essential says the Police Department consistently needs a \$3 million budget. It boils now to a commitment, realizing there will be times cuts will need to be made.

**President:** The Manager's concern with initially bringing this issue to the floor was will people perceive the City would tax the citizens for \$500,000 but take \$500,000 from the Police department budget. And, how can we ask for the levy when we cannot promise the Police department budget would not be cut. My response to the Manager was all we can do is be honest as elected officials. I think that's one of the things that has happened as elected officials, is what you say you're going to do and then what actually happens in the long term doesn't always turn out that way. I feel very comfortable and confident in saying the intent would be to never decrease the Police department budget from the City by the amount that this levy would be. However, we cannot have any control over – we also can't make the promise that we can't ever decrease the Police department budget, just as we can't make a promise we can't decrease any other department's budget depending on what happens with the funding that we get from other sources – from real estate tax evaluations, from income tax that would come in, from government funding that we received. Those are things that are not fixed funding sources for the City. So, all I would say is that I would make a promise, as long as I'm in office, I would never be in favor of cutting the Police department budget solely if there were budget cuts simply because we have a half a million dollars – a 2.5 mil levy on there to subsidize that. If cuts had to be made they need to be made equally throughout departments within the City. And, I know at different times that hasn't happened. I know I've talked to Chief Stell about a particular incident several years ago where there was almost a complete shift from a grant that came in versus what a budget was cut. And, I don't believe that's right at all. I recognize, and I think everybody on this Council recognizes, we need more Police protection. We don't need to find a way to keep the same amount of Police budget in place and police protection in place and just fund it differently. We need more protection. And, likewise, I noticed in the language of the ordinance, one of the things was for the maintenance of structures and equipment and that sort of thing.

My goal, and I believe the Manager's goal, is to use as much as this levy as possible for personnel. So whether that's part time or full time or dispatchers or officers or a combination thereof, we want to use it to put personnel on the street to help protect our citizens, and try to stem the tide of the criminal element that we have in our community.

**Ward 4 Councilor:** asked the President if he would restate what he just said when the ordinance is up for a vote so his remarks will be a part of the minutes for the record – thus anyone looking back will know Council's intent.

**Manager:** concurred with the President's comments. There is a reality that we don't know what's going to happen with the Local Government Fund. We don't know what's going to happen with income tax, property tax, etc., on a year-to-year basis. So my struggle with bringing it up was just that, how are we going to say that that \$2.6 million budget remains the same and this is additional. Because like you said we have to figure out a way to get more law enforcement on the streets. I do agree that we can't promise that that's going to be that way, but we'll do our best to maintain it.

**President:** While promises can't be made, I can make a commitment to make that happen. Putting it on the ballot for 5 years versus another timeframe should be discussed for the Ward 4 Councilor's benefit who was not present. To put the levy on for one year would be senseless. Three years seemed like progress would just begin and would have to renew again. Five years would give us the opportunity to give the department something they could budget and build on for a series of years and hopefully show some results to the public to help them feel more confident in renewing the levy if it came up again. Whoever the elected officials are at that time couldn't keep that promise to keep that funding as close to what it was if it wasn't paying the results that we hoped that it would. The citizens have a right to vote on it again as they do this time to see if they feel confident in supporting it. Of all the things that we need in the City our security is certainly one of the things that's most needed. I would hope that the community would support it in that respect.

**Police Chief Stell:** "I support the levy".

#### **DISCUSSION – Gas Suppler Contract**

The Manager reported the gas rate fluctuates daily. The process is such that proposals are let, bids were received, and we accept the lowest bid which is usually lower by a large margin. He wanted to get this issue on this special meeting agenda to try and lock in the rate. The Manager recommended a 24 month contract with IGS, at a rate of \$4.99 per mcf. Currently the City is paying \$6.99 per mcf. Spikes in rates are predicted, such is also true for electric rates. The Manager would like to lock the City in for two years to avoid the potential rate increase. The current contract is up in September. The Waste Water Treatment Plant's monthly gas bill is between \$3,000 and \$6,000 due to the digester operations. The hope is to get off the digester system, get the methane repaired, and burn that instead of the natural gas.

**FORMAL LEGISLATION REQUEST**

Mr. Balog moved, Mr. Trisket seconded to formally request RESOLUTION NO. 2013-120 titled A RESOLUTION DECLARING IT NECESSARY TO LEVY AN ADDITIONAL TWO AND ONE-HALF (2.5)-MILL TAX FOR A PERIOD OF FIVE (5) YEARS FOR THE PURPOSE OF PROVIDING AND MAINTAINING MOTOR VEHICLES, COMMUNICATIONS, OTHER EQUIPMENT, BUILDINGS, AND SITES FOR SUCH BUILDINGS USED DIRECTLY IN THE OPERATION OF THE ASHTABULA CITY POLICE DEPARTMENT, OR THE PAYMENT OF SALARIES OF PERMANENT OR PART-TIME POLICE, COMMUNICATIONS, OR ADMINISTRATIVE PERSONNEL TO OPERATE THE SAME, INCLUDING THE PAYMENT OF ANY EMPLOYER CONTRIBUTIONS REQUIRED FOR SUCH PERSONNEL UNDER SECTION 145.48 OR 742.33 OF THE REVISED CODE, AND REQUESTING THE ASHTABULA COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE CITY OF ASHTABULA, ASHTABULA COUNTY, OHIO, AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY SUCH ADDITIONAL TAX; motion CARRIED.

Mr. Pugliese moved, Mr. Trisket seconded to formally request ORDINANCE NO. 2013-121 titled AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH INTERSTATE GAS SUPPLY, INC., FOR THE PURPOSE OF PROVIDING THE CITY OF ASHTABULA WITH NATURAL GAS THROUGH AUGUST, 2015, at \$4.99 per mcf; motion CARRIED.

The President asked if another piece of legislation is required to place a levy on the ballot. The Clerk of Council responded she will deliver Resolution No. 2013-120 to the Ashtabula County Auditor today. Once the Auditor certifies funds the resolution proceeding with the submission of the question of the levy will be placed before Council for a vote on August 5. The County Auditor has 10 days to act, but believes it will be sooner because City Auditor/Acting Treasurer Pinkert has been in contact with County Auditor Roger Corlett, and he knows it is coming.

**LEGISLATION READING**

**RESOLUTION NO. 2013-120 A RESOLUTION DECLARING IT NECESSARY TO LEVY AN ADDITIONAL TWO AND ONE-HALF (2.5)-MILL TAX FOR A PERIOD OF FIVE (5) YEARS FOR THE PURPOSE OF PROVIDING AND MAINTAINING MOTOR VEHICLES, COMMUNICATIONS, OTHER EQUIPMENT, BUILDINGS, AND SITES FOR SUCH BUILDINGS USED DIRECTLY IN THE OPERATION OF THE ASHTABULA CITY POLICE DEPARTMENT, OR THE PAYMENT OF SALARIES OF PERMANENT OR PART-TIME POLICE, COMMUNICATIONS, OR ADMINISTRATIVE PERSONNEL TO OPERATE THE SAME, INCLUDING THE PAYMENT OF ANY EMPLOYER CONTRIBUTIONS REQUIRED FOR SUCH PERSONNEL UNDER SECTION 145.48 OR 742.33 OF THE REVISED CODE, AND REQUESTING THE ASHTABULA COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE CITY OF ASHTABULA, ASHTABULA COUNTY, OHIO, AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY SUCH ADDITIONAL TAX, was presented. Mrs. Lattimer moved, Mrs. Stranman seconded to waive the reading of the ordinance; motion CARRIED.**

The President asked if this is the language that will go on the ballot.

The Solicitor responded, "Unfortunately it is. The general requirements of the State Board of Elections and thus the County Board of Elections is that if you are seeking a levy for what's known as outside mileage, first of all the Revised Code has a laundry list of reasons that you can seek, or purposes for which you can seek, an additional levy. The requirement of the Boards of Elections is that you must state your resolution and the ballot language must be in almost precise mimicry of the Revised Code language in order for it to be approved. This is the language found in 5705.19(j), which authorizes a Police levy. So we are bound to use this precise language. And, I agree, it's awkward. I agree it's a little tough for the average voter to read all the way through it. But, for what it's worth, it does permit the monies generated by this levy, if passed, to be used in any portion of the Police operations. Not just salaries, not just Police cars, not just communications. It can be used where it's needed. So, it can fully supplement the budget of the department".

The President said the most important thing is officer personnel, and he noticed that it is the last thing that is mentioned. He wants the electorate to know what his emphasis would be on the use of the funds so he likes to see personnel be the first item mentioned in the language of use.

The Solicitor said between now and August 5 he will double check his understanding with the Board of Election. Sometimes they will informally advise me. Typically they want to see the resolution as it is passed before they will forward it to Columbus and get an opinion. His experience is that they look for the precise language of the Revised Code.

The Ward 4 Councilor said how the levy is promoted will aid in helping the electorate understand.

The Clerk of Council reported one of her requirements as Clerk of Council is to publish legislation within ten days of its passage. Section 4 of this legislation states "no publication of this Resolution shall be necessary other than that provided in the Notice of Election", and asked for the Solicitor to comment. The Solicitor said this resolution and the one that will appear before Council on August 5 are covered by Section 91 of the Ashtabula City Charter and Ohio Revised Code 5705.191. The "Notice of Election" is sufficient. The Clerk said not having to publish this and the forthcoming resolution will aid in eliminating some of the confusion the electorate might have.

Mrs. Stranman moved, Mr. Trisket seconded to waive the Charter requirement of two readings. On the roll call to waive the Charter requirement of two readings: Mr. Pugliese, Mr. Trisket, Mrs. Lattimer, Mrs. Stranman, Mr. Balog, Mr. Ducro voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mr. Pugliese, Mr. Trisket, Mrs. Lattimer, Mrs. Stranman, Mr. Balog, Mr. Ducro voted yea; motion CARRIED.

**ORDINANCE NO. 2013-121 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH INTERSTATE GAS SUPPLY, INC., FOR THE PURPOSE OF PROVIDING THE CITY OF ASHTABULA WITH NATURAL GAS THROUGH AUGUST, 2015**, was presented. Mrs. Lattimer moved, Mrs. Stranman seconded to waive the reading of the ordinance; motion CARRIED. Mrs. Stranman moved, Mr. Trisket seconded to waive the Charter requirement of two readings. On the roll call to waive the Charter requirement of two readings: Mr. Pugliese, Mr. Trisket, Mrs. Lattimer, Mrs. Stranman, Mr. Balog, Mr. Ducro voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mr. Pugliese, Mr. Trisket, Mrs. Lattimer, Mrs. Stranman, Mr. Balog, Mr. Ducro voted yea; motion CARRIED

The Clerk of Council asked the Manager if the amount of \$4.99 should appear in the blanks provided in this ordinance. The Manager responded yes.

#### **Closing Comments**

The President thanked everyone for coming, for giving their support to allowing citizens an opportunity to vote to strengthen our Safety Forces/Police Department.

#### **Adjourn**

Mrs. Stranman moved, Mrs. Lattimer seconded to adjourn the meeting at 8:50 a.m.

DATE APPROVED: **September 16, 2013**

ATTESTED BY: \_\_\_\_\_  
**J.P. Ducro IV**  
**President of Council**

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