

ASHTABULA CITY COUNCIL MEETING MINUTES

CITY OF ASHTABULA, OHIO

4717 Main Avenue, Ashtabula, OH 44004

Regular Meeting

Monday, July 20, 2015

CALL TO ORDER: Council met in a **REGULAR MEETING**. The President of Council called the meeting to order at 7:00 p.m.

OPENING CEREMONY (Prayer/Pledge/Moment of Silence): Pastor Doug Wright of First Baptist Church, Park Avenue, offered the opening prayer, and the Pledge of Allegiance was recited.

MEMBERS PRESENT:

Mrs. Josephine Misener	(Ward 4 Councilor)
Mr. Kris E. Hamrick	(Ward 5 Councilor)
Mr. Richard F. Balog	(Ward 1 Councilor)
Mr. August A. Pugliese	(Ward 2 Councilor)
Mrs. Alice T. Cook	(Ward 3 Councilor)
Mr. Christopher J. McClure	(Vice President)
Mr. J. P. Ducro IV	(President)

MEMBER(S) ABSENT: None

OFFICER(S) PRESENT:

Mr. James M. Timonere	(City Manager)
Mr. Michael Franklin	(City Solicitor)
Mrs. Dana D. Pinkert	(Finance Director)

OFFICER(S) ABSENT: Mrs. LaVette E. Hennigan, MMC (Clerk of Council)

EXCUSED ABSENCE(S): None

SUNSHINE LAW: The Finance Director certified conformity to the Sunshine Law.

PRESENTATION(S): None

EXECUTIVE SESSION: N/A

RECONVENE OPEN MEETING: N/A

ACTION RESULTING FROM EXECUTIVE SESSION: N/A

CONSENT AGENDA

The Consent Agenda is a means whereby Council is able to efficiently conduct business by grouping routine items and disposing of or enacting them by one motion, a second, and a vote.

APPROVAL OF MEETING MINUTES - None

FORMAL LEGISLATION REQUESTS - None

PUBLIC DISCUSSION (Consent Agenda Legislation Only) - None

LEGISLATION READING - None

(end of consent agenda)

REGULAR BUSINESS AGENDA

READING AND DISPOSAL OF MEETING MINUTES - None

CITY MANAGER'S REPORT

Burton-Scot Contractors LLC – Paving Program CO No. 4 Final

The City Manager requested an ordinance to execute Change Order No. 4 with Burton-Scot Contractors LLC of 11330 Kinsman Road Newbury, OH 44065 in the amount not to exceed \$20,758.89 for the purpose of additional work at the intersection of Ohio Avenue and Carpenter Road. Funds for this expenditure will be taken from the Permanent Improvement account, number 412. Mr. Pugliese moved, Mrs. Cook seconded to grant the Manager's request; motion CARRIED.

IT Services

The City Manager requested an ordinance to enter into an agreement with Conneaut Telephone Company of 224 State Street, Conneaut, OH 44030 for the purpose of providing on-site computer, file server, software, internet, and other technical services and support for the City of Ashtabula in the amount not to exceed \$67,600.00. Funds for this expenditure will be taken from the General Fund 101. Mr. Pugliese moved, Mrs. Cook seconded to grant the Manager's request. Discussion: The President asked if the contract rate is the same as it has been for the past two 'terms'. The City Manager responded, yes. The motion CARRIED.

Ashtabula River Pipe Excavation

The City Manager requested an ordinance to enter into an agreement with Lake Erie Ship repair & Fabrication, LLC of 1459 State Route 46 South, Jefferson, OH 44047 for the purpose of providing pipe excavation in the Ashtabula River in the amount not to exceed \$12,383.00. Funds for this expenditure will be taken from Fund 503, Capital Improvements. Mr. Pugliese moved, Mr. McClure seconded to grant the Manager's request; motion CARRIED.

Codified Ordinance 937.02 (g)

(Clerk of Council/Transcriber's Note: This item was not presented)

I would like to repeal Codified Ordinance 937.02(g) in its entirety for the purpose of ending the capital charge for payment of the Equalization Basin indebtedness and imposing a capital charge for payment of long term debt service for the Water Pollution Control Plant.

Capital Improvement Debt Charge

(Clerk of Council/Transcriber's Note: This item was not presented)

I would like an ordinance to enact new Codified Ordinance Section 937.02(g) for the purpose of providing for payment of long term debt for capital improvements to the City of Ashtabula's Water Pollution Control Plant.

Questions and Comments for the City Manager

West 32nd Street CSX Railroad Overpass: The Ward 4 Councilor reported the work at the West 32nd Street railroad underpass is really looking nice, and asked how it began. The City Manager reported the 2014 Code Enforcement activity with CSX Railroad began the process. There has been a lot of "arm twisting" to get them to do the work. They will contact our Police Department for traffic control when they redo the façade, including the hole, and painting. He said he appreciates what is being done.

Norfolk/Southern Railroad's Center Street Overpass: The Ward 4 Councilor inquired about this overpass. The Manager said N/S has been much less cooperative.

The Vice President said while he believes the railroads have their own construction engineers he would like to know if we are going to have the County Engineer take a look at the West 32nd Street & Lake Avenue overpass just in case a couple tons of train going over it, and concrete, that may be still green, begins falling on windshields. The City Manager said about two or three years ago, during our annual bridge assessment, he asked our engineer to provide him with a brief overview of his determination of the bridge because of our concerns. "They did have some concerns and all of that report was forwarded to CSX, who then allegedly came out and looked at it, and had issued it all clear, for that bridge". He said the County Engineer does not inspect railroad bridges. The Vice President said, "We own what goes under it not what goes over it". The Manager responded, "That's correct".

The Ward 4 Councilor reported seeing a newspaper article a few weeks ago about the possible restoration of the West 32nd Street railroad depot. She asked the Manager who was looking at that and if he had any dialogue with anyone. He said he has not spoken with the interested parties but has spoken to Ohio House Representative John Patterson who "this group" has been in contact with. He then said, "Again I would state, and this is still true as of today, for public use the depot has to be a certain amount of feet away from the main tracks. I believe it was 75. There are portions of that building that are 17 feet from the tracks. A while back when we were doing the same code enforcement on the CSX bridge, we were doing so for the 32 Street CSX Railroad Depot. CSX said the building was too far gone, they did not need it for their operations, and were going to move forward to demolish it.

At that time he made contacts with local investors and people who were very interested in saving and restoring the building. CSX agreed that if there was such a project they would give the interested parties the building as long as it met the public use setback. When CSX revealed that the project did not meet said requirements, CSX was told to move forward with their plans. Now the group is trying to get Amtrak to stop at the Depot and meet the public use setback from the tracks. This attempt is going to take much more time, but they are working on it, while at the same time working on establishing a 501(c)(3).” The City Manager reported the City did such things as pave the road and remove commercial structures to prepare for the restoration of the Depot when it was thought that it was going to be repurposed. He said the City is still very willing to assist with the transfer or restoration of the Depot property. He said if making it an Amtrak stop is not successful, there is probably no other use for it unless the building is relocated. He said to move the structure would be a feat because it would fall apart. The Manager reported that Representative Patterson (who believes the task would be monumental) said the group would not want it for ‘public use’ but merely as an Amtrak train stop. The President said he has attended a few of the group’s meetings, that they are working to make it an Amtrak passenger train stop, and if successful the building could be repurposed and used for a concession stand, etc.

Lamar Outdoor Advertising: The Ward 2 Councilor asked the Manager if he has had contact with the company about their overgrown properties. The Manager said “notices are sent”.

Steam Engine Visit: The City Manager announced a Steam Engine is scheduled to arrive on Main Avenue on Saturday, July 25 and 26, from Noon until 2:00 p.m., carrying 660 to 700 people each day. He said a display of the *December 29, 1876* train disaster, and the group who is trying to make a film about the event, will be located inside St. Peter’s Episcopal Church. A small group of people are working on setting up the event in South Park and St Peter’s. They will also serve as the greeters and provide hospitality to our visitors. He encouraged resident’s attendance.

Columbus Avenue Railroad Crossing: The Ward 2 Councilor reported the crossing is really bad and needs attention. The Manager said he believes they are going to start redoing it because he saw “road closed” signs on the crossing. He said the City inquired about the crossing when trying to schedule our but did not receive a response.

CITY SOLICITOR’S REPORT

Income Tax Provisions: At the request of the City Council, the City Solicitor explained the new income provisions as set forth by the State of Ohio. The following conversation is transcribed as close to verbatim as possible.

City Solicitor: The two provisions do two separate things. One provision is designed to put the question on the ballot and the other one is designed to actually frame the question.

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The question, quite simply, is whether or not the voters will allow us to replace the existing 1.8% income tax with a virtually identically 1.8% income tax with the single most important change being that the tax would be for a continuing period of time. There would be no automatic expiration every three years, as we have currently. And, by way of explanation about why that is coming before Council and will be coming before the voters, you need to understand that the State of Ohio has made a comprehensive change in the municipal income tax collection law. The State has imposed some additional restrictions and has sought to make municipal income tax uniform throughout the State. So, that while the rates might be different, whether it's a half percent, one percent, 1.5, 2... the methods of collection and what's exempt and what's counted will be the same in every municipality in the State. When the State did so, the State said, in part, if a city is intending to collect an income tax greater than one percent, that question must be put before the voters. The State went further and said the language that is put before the voters shall say this... And, it's very basic... Shall the income tax at the rate of (fill in the blank) for the purpose of (fill in the blank) be approved. In other words, there's no longer any provision for insertion of language limiting it to one year, two years, three years, five years, ten years. And again, the ballot language is mandatory. So, the City of Ashtabula has an income tax issue that comes up for approval every three years, and it has been approved, I believe for something well in excess of 40 years at 1.8%. But, we can't do that any longer – at least there's nothing in the Revised Code that suggests we can. So, what Council has done, at my suggestion, is put this issue before the voters now so that the voters can now determine whether or not they will approve the income tax for a continuing period of time. There is no tax increase; I want to make that perfectly clear. After the newspaper articles began coming out I was asked some questions by people... well is this like a property tax levy where if you replace it, it looks like it's the old rate but it's really a higher rate. No, it's an income tax. The rate stays at 1.8%. No one will be looking at a tax increase. And, in fact, and I would defer to the Finance Director here, but my reading of the new tax code that the State is having us adopt, is that there are some exemptions and some (for lack of a better word) income averaging treatments of taxes of income for businesses that will result in us probably collecting less tax than we do now under this revision. So, from a sheer income stand point, it would be great if we could keep things the way they were, but, the State has said we cannot. The big changes I said... there's no automatic expiration of this tax. It will continue in place unless the voters (and the voters always have this right, they have the right of referendum), can circulate a petition. And, I believe our Charter requires 10% of the registered voters in the City need to sign the petition. And, then the question can be put on the ballot. But, if this provision is passed, and I want everyone to be very clear on this, (1) there is no tax increase, (2) there is no automatic expiration – the tax continues until and unless the voters take it upon themselves to put the question on the ballot and vote it down."

Ward 2 Councilor: Mr. Solicitor, if the voters vote it down the way most of the Council is asking to have it passed, we will not have any income tax percentage in 2016 – Correct, because this goes through 2015 – Correct.

City Solicitor: No, I believe our current income tax continues under the – the State of Ohio has given us a sundown provision so that tax levies currently in effect can stay in effect according to their terms as long as they were voted upon. I'm talking about taxes in excess of 1%. Ours was voted upon so it can stay in effect. But, it expires by the language of the ballot that we last put on, on December 31, 2016. So, we have a year and a half left to collect the current income tax, and, then something would have to be done anyway or we lose approximately 40% of our General Fund.

Ward 2 Councilor: Is it against the State of Ohio Revised Code to do it every three years, or can we keep it the way we've been doing it the last 40 plus years.

City Solicitor: It's hard to answer because this law is so new. And, I think it says two conflicting things. On the one hand it says if you have an existing income tax which was approved by the voters, you can continue to collect it. On the other hand it says after January 1, 2016, no city, (with that exception), no city can impose a tax of more than 1% unless it puts the question of collecting that tax on the ballot. Because there are very few cities (Ashtabula's the only one I know of – I'm sure there must be some out there) that put their income tax up for a periodic approval, the provision for that doesn't seem to have been written into this bill. The assumption throughout this bill seems to be that we're dealing with cities that pass income taxes for a continuing period of time at a certain rate. So, the short answer, Mr. Pugliese, and I'm not trying to duck it, I honestly don't know how the courts would decide that if we tried to put on a three year renewal after January 1, 2016 when the State of Ohio has said if you want to tax more than 1% you must do it this way – and we're not doing it that way. I honestly don't know if we'll be allowed to or not. You would think that there wouldn't be any great objection to it, and that might be the case. But, I honestly don't know, that's why I've advised Council to use the safe harbor of following the Revised Code, which says you put it before the voters, if they approve it according to the language that you must use, then it's approved for a continuing period of time – for good or for ill.

Ward 2 Councilor: So, the new rule, Revised Code 718, states that if we implement a tax it is forever to our taxpayers, without them voting on it.

City Solicitor: The mandatory ballot language doesn't provide for a termination after a period of time. And, it is mandatory. It says the form of the ballot shall be as follows, and then there's a brief sentence, as I said, the voters must vote on the question and it's in quotes, "shall the income tax at (fill in the blank percent) for the purpose (fill in the blank) be approved. There's no blank for one year, for five years, for ten years – nothing like that. And, that's why I say I think our situation is so unusual that it wasn't within the contemplation of the Ohio Legislature. That's why I have advised, again, that Council enter the safe harbor of doing what the Revised Code says.

Ward 2 Councilor: So, the State of Ohio is telling us our voters don't have a right to vote on a tax that they have to pay. I know there are a lot of taxes that they do have to pay.

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But, this is a tax that we've had for 40 plus years and I feel it's the right for the citizens to vote on that tax every three years. I just feel that way about it. I've done it all my life too. I just think that the State of Ohio is taking away the voters right to vote on something that they're paying for.

City Solicitor: And, I understand your point of view. I can only point out though that this issue will be on the ballot just as it has been for the last 40 plus years. It's just that if it's approved it will not be on the ballot again in the future. So, there is no taking away of the right to vote, it just needs to be fully understood by the voters that approval of the tax levy is approve for a continuing period of time.

Ward 2 Councilor: I don't want the residents to think that I'm against the tax – I'm not. I've been on many, many tax campaigns throughout the years – 40 plus years, as Mr. Franklin said. But, I just feel that the right to vote for something that you're paying for – you should still have that right. And, if our voters say no to the new 718 what do we do if we're only allowed to put 1% on when 1.8% is not enough.

City Solicitor: Well, our situation is a little more dire than that because the City of Ashtabula Charter make it clear that any income tax measure must be brought before the voters. It doesn't say every three years, or every five years, or every 10 years, or for a continuing period of time. But, it says if it's an income tax measure it must be presented to the voters for approval. I have to read that as we don't have Charter authority to impose the 1% that the State of Ohio allows cities to charge by statute without a vote of the people. Whether or not the State's exercise of its constitutional right to regulate income tax trumps our Charter, which is also constitutionally based, or whether our Charter trumps Chapter 718 in that regard, I don't know. That's several years of litigation down the road to decide that. But in conversations with the Manager and the Finance Director my understanding is whether we're collecting 1% or zero, either way the services that can be offered by the City are so enormously degraded that the quality of life would suffer so dramatically that it's very hard to envision. So, there's no question from a fiscal prospective that we need the 1.8%, because, as I say it's a big chunk of our General Fund.

Ward 2 Councilor: Evidentially, it's a cloudy situation right now. If we would continue with the 1.8% every three years and the State of Ohio challenges and we lose then we could be in serious trouble. Or, if we put the 1.8% on for every three years, as we have been for 40 plus years, and it passes maybe the State won't bother it – maybe they will just say this is one city that's different than the rest of Ohio.

City Solicitor: And, that's possible.

Ward 2 Councilor: We just don't want to take that chance.

City Solicitor: I personally, as the legal counsel for the City, can't advise that sort of gamble with that big a chunk of the City's budget. I have to encourage following the law and seeking a safe resolution – one that is not subject to court challenge.

Ward 1 Councilor: I have one question. I don't know if it's for Mr. Franklin or the Finance Director. I understand that there'll be no other changes to our tax code. Our tax code, itself, stands as it already is – correct. In other words, I heard something about income averaging that I hadn't heard before. Are there any other changes in the tax code of the City that we already have established.

Finance Director: I think what the Solicitor was referring to is some of the 'net operating loss carry forwards'. That's part of what will apply to businesses and residents with Schedule E and C income. Just about every type of business income an individual could have they can offset their losses against them. The only thing you can't offset losses against are W-2 wages. So, that's one of the things going...

President: And you can go back several years to apply those losses to this year's income.

Finance Director: It's not going to be retro. But, once it starts, yes, they will phase in, but eventually it will be a five (5) year net loss carry forward allowance. And, there are other changes that will affect us that really aren't in the collection. But, there's just too many to list.

Ward 1 Councilor: And, that's separate from this issue that we're going to vote on.

Finance Director: Exactly.

Ward 1 Councilor: This is just 1.8% income tax, in perpetuity – basically. I just wanted to make sure there's nothing else from the State for us to...

City Solicitor: Part of what this safe harbor, I'm talking about, requires us to do... well, actually no matter how we pass our income tax, the State of Ohio has said from January 1, 2016 forward you will collect your income tax in accordance with the State's enactments. So, as those change in Columbus they will automatically change here, as well. The City, again, by decision of the State Legislature, this City no longer has very much discretion in what it considers to be income and what it excludes from income.

Vice President McClure: So, we put the 1.8% on the ballot for this November. If it passes we're in accordance with the State, we've got the 1.8%, and instead of it being in three years we've got it continually. Okay, so that's the good news – Right. We're over that hump. I think it depends on your perspective whether it's good news or bad news. Since it's already good until 2016 we'll just consider it good news and it goes on. If it doesn't pass the question is do we go to zero, 1%, or 1.8% through 2016. I'm a little confused about that. It could only be those three things, right. So, it doesn't pass November 2015, what goes to our tax at that point.

City Solicitor: The City will be entitled to collect, as I read 718.04, the City will be entitled to collect its existing tax according to the authorization of the voters. And, the voters authorized that to be collected through December of 2016. So, the 1.8% will be collected next year. It will have to be collected in accordance with the new State guidelines, but we can continue to collect it. It's after 2016, if there is no approval that my fear is, by the terms of our Charter, our income tax goes to zero – the City ceases to exist.

Vice President McClure: Given that line, then... if it doesn't pass November of 2015 we would have several other elections that we could campaign for a continuation of 1.8%. Is that accurate or inaccurate.

City Solicitor: Yes, the State keeps the existing language, and it's similar to our Charter, that says the income tax (whatever it says) can be approved by the voters at a General or a Special Election called for that purpose. So, there's a General Election this November. The May election next year would be considered a Special Election. If there were some sort of desire to try again in August that can be a Special Election next year, and, ultimately the November General Election next year. At that point that's about it.

FINANCE DIRECTOR'S REPORT

Formal Legislation Requests: The Finance Director formally requested the following legislation:

ORDINANCE

2015-86 AN ORDINANCE DESIGNATING KEYBANK NATIONAL ASSOCIATION AS AN APPROVED DEPOSITORY FOR THE CITY OF ASHTABULA, OHIO, AND AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS WITH KEYBANK NATIONAL ASSOCIATION FOR THE PURPOSE OF PROVIDING DEPOSITORY SERVICES. (Finance Director). Mr. Balog moved, Mr. Pugliese seconded to grant the Finance Director's request.

Discussion: The Vice President requested permission to abstain from the vote as his wife is the manager of the KeyBank branch located in our Municipal Building. It was determined that the abstention would take place during the formal vote on the legislation.

The Finance Director reported that after the request for proposals were received, the services were analyzed. KeyBank came in with an annual savings of almost \$4,000. Two other items were considered when making the decision to go with KeyBank. They are:

1. Employees safety in that we will not have to leave the building to bank;
2. There will be a volume increase of certain types of City activities and KeyBank submitted the lowest price or those activities.

This bid is let every five (5) years. The motion CARRIED.

ORDINANCE

2015-89 AN ORDINANCE REPEALING EXISTING SECTION 189.02 OF THE CODIFIED ORDINANCES OF THE CITY OF ASHTABULA, OHIO, AND ENACTING NEW SECTION 189.02, SUBJECT TO THE APPROVAL OF THE ELECTORS THEREOF, FOR THE PURPOSE OF COMPLYING WITH CHAPTER 718 OF THE REVISED CODE OF OHIO IN ORDER TO CONTINUE TO IMPOSE THE EXISTING TAX UPON MUNICIPAL INCOME, AT THE EXISTING RATE OF ONE AND EIGHT-TENTHS PER CENT (1.8%), EFFECTIVE JANUARY 1, 2016, AND AUTHORIZING THE SUBMISSION OF THE QUESTION OF APPROVAL OF SAID ORDINANCE TO THE ELECTORATE OF THE CITY AT AN ELECTION TO BE HELD ON NOVEMBER 3, 2015. (Finance Director – to comply with new tax laws passed by Ohio State Legislature)

Discussion: The President commented that the purpose of this legislation is to comply with the new requirements set forth by the State of Ohio. Mr. Balog moved, Mrs. Cook seconded to grant the Finance Director’s request; motion CARRIED.

CITY COUNCIL COMMITTEE REPORTS and COMMUNICATIONS

Community/Economic Development/Parks & Recreation (Mrs. Misener/Mr. McClure)

The Committee Chair reported the following:

July Meeting: The committee did not meet last week.

Formal Legislation Request: Mrs. Misener moved, Mr. Balog seconded to formally request legislation prohibiting parking the length of Mattson Drive on the south side of road; motion CARRIED.

Parks & Recreation: The Parks & Recreation Board met on Tuesday, July 14, at 6:30 p.m., at 6:30 p.m., at Walnut Beach. They discussed the positive things happening at Clifford Kadon Presidential Park (CKPP).

Pavilion Construction: They are “suffering a setback” in putting up the pavilion. The dedication was to be scheduled for last month, but it was revealed by the Ashtabula County Engineers department that a certified engineer has to approve the pavilion plans. As it stands right now we are putting out feelers to see who we can get to do this. It can be costly. For example one quote was for \$5,000. The hope is that someone would step forward to place their seal on the plans so the pavilion can be constructed.

Block Party: CKPP is planning for their 4th Annual Block Party, on Saturday August 8, at 6:00 p.m. A movie under the stars, food, and games will be provided.

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Peace Stone: On the way to this meeting she saw work being performed on the Peace Stone installation, in preparation for its dedication on Saturday, July 25, at 11:30 a.m. The Chair invited the public to attend.

Next Meeting: August 11 at 4:00 p.m.

Finance and Personnel - (Mr. Ducro IV/Mr. Balog)

The Chair announced there was no June meeting and had no report to give.

Public Works/Utilities/Schools – (Mr. McClure/Mr. Pugliese)

The Chair reported the committee did not meet in July, but will do so on Friday, August 7, at 8:00 a.m.

Safety Forces – (Mr. Balog/Mrs. Misener)

The Chair announced the committee will not meet in July. He announced they met on Monday, June 22, and reported the following:

OBCI (Ohio Bureau of Criminal Investigation): gave an overview of their services, said their relations with our current Police Department are excellent, and that they have always had good interactions with them.

Legislation Discussed

Facsimile Firearms: The committee discussed at length, voted to bring to full council, noted these are the guys with orange tips at the end of them which sometimes fire plastic pellets and sometimes other things. But, they can be misconstrued as real firearms or made to look like real firearms. Mr. Balog moved, Mrs. Misener seconded to report out of committee to the full council the request for Facsimile of Firearms legislation; motion CARRIED.

Creative Sentencing: The committee discussed ways to legislate sentencing to assist our municipal court judges so they can more creatively sentence (e.g., pick up trash, get a G.E.D.). Law enforcement agents say it is rare someone will spend time in jail for committing a misdemeanor, so creative sentencing gives us more tools to make violators pay some type of public price to us.

Fire Department: The Fire Chief talked about disaster planning for the oil that passes through the City on mostly Norfolk/Southern trains. The Chair said he has seen it on CSX tracks also.

Questions and Comments for Safety Forces Committee

The President asked for an update on Police Levy hires. The City Manager responded that the one candidate who was finishing up at the academy has done so, and has taken the state test and passed, and will be “put on very, very soon”. The candidate whose time as an Air Marshall is almost complete will be able to start “the beginning to mid August”. Two dispatchers have been hired. Sixteen (16) people passed the most recent Civil Service (CS) test. They have through the end of this month to complete the physical agility testing. Then the CS Commission will certify the list, and the remainder of officers will be considered from the names on the list. The persons who most recently took the test had to already be enrolled in the police academy, just starting their academy time or partially through it.

The Ward 4 Councilor asked how many more will be hired. The Manager said four (4) because there was one resignation.

The Ward 4 Councilor asked how long after new patrol officers come on board are they able to go out on their own. The Manager said he believes the City puts them through a 12 week course at which time they are on the road training with one of our officers. Once the list is certified the process will begin with interviews, background checks, polygraphs, psychological, and then Police Chief Stell and his staff will make recommendations for hire.

Work Session - None

FORMAL LEGISLATION REQUESTS

The President entertained a motion to formally request:

RESOLUTION

2015-90 A RESOLUTION AUTHORIZING THE SUBMISSION TO THE ELECTORS OF THE CITY OF ASHTABULA, OHIO, AT AN ELECTION TO BE HELD ON NOVEMBER 3, 2015, THE QUESTION OF CONTINUING TO IMPOSE THE EXISTING ASHTABULA CITY INCOME TAX AT THE EXISTING RATE OF 1.8% FOR THE PURPOSE OF PROVIDING POLICE AND FIRE PROTECTION, PAYING THE COST OF PUBLIC IMPROVEMENTS AND OTHER CURRENT OPERATIONS OF THE CITY OF ASHTABULA. (City Council). Mr. Balog moved, Mrs. Cook seconded.

Discussion: The President announced this resolution compliments Ordinance No. 2015-89, which the Finance Director brought forth during her report. The motion CARRIED.

PUBLIC DISCUSSION (Regular Agenda Legislation Only)

The President provided a brief account of the Legislation Agenda. There were no public comments.

CONSENT AGENDA DISPOSAL

The President entertained a motion to dispose of Legislation Nos. 2015-87, 88, and 89 by consent agenda. Mr. Balog moved, Mrs. Cook seconded; motion CARRIED.

Abstention: The President entertained a motion to permit the Vice President to abstain from voting on Ordinance No. 2015-86. Mr. Pugliese moved, Mrs. Misener seconded; motion CARRIED.

LEGISLATION READING (Consent Agenda)

The Finance Director presented the following legislation for consent agenda approval:

ORDINANCE

2015-87 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE CONNEAUT TELEPHONE COMPANY FOR ON-SITE SERVICE FOR A PERIOD OF TWO (2) YEARS IN AN AMOUNT NOT TO EXCEED \$67,200.
(City Manager)

ORDINANCE

2015-88 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO CHANGE ORDER NO. 4 TO CONTRACT WITH BURTON SCOT CONTRACTORS, LTD. FOR ADDITIONAL SERVICES AND MATERIALS ON THE ASHTABULA CITY PAVING PROJECT. (City Manager)

RESOLUTION

2015-91 A RESOLUTION ACCEPTING AND APPROVING THE DONATION OF A MONUMENT TO THE MEMORY OF MR. TRACY SCOTT LAMSON. (Laborers' International Union of North America Local 245)

Mr. Balog moved, Mrs. Cook seconded to waive the reading of the legislation; motion CARRIED. Mr. Balog moved, Mrs. Cook seconded to waive the Charter requirement of two readings. On the roll call to waive the Charter requirement of two readings: Mrs. Misener, Mr. Hamrick, Mr. Balog, Mr. Pugliese, Mrs. Cook, Mr. McClure, Mr. Ducro IV voted yea; motion CARRIED. On the roll call to adopt the legislation: Mrs. Misener, Mr. Hamrick, Mr. Balog, Mr. Pugliese, Mrs. Cook, Mr. McClure, Mr. Ducro IV voted yea; motion CARRIED.

The Finance Director presented the following ordinances for individual consideration:

ORDINANCE

2015-86 AN ORDINANCE DESIGNATING KEYBANK NATIONAL ASSOCIATION AS AN APPROVED DEPOSITORY FOR THE CITY OF ASHTABULA, OHIO, AND AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS WITH KEYBANK NATIONAL ASSOCIATION FOR THE PURPOSE OF PROVIDING DEPOSITORY SERVICES. (Finance Director)

Mr. Balog moved, Mrs. Cook seconded to waive the reading of the legislation; motion CARRIED.
Mr. Balog moved, Mrs. Cook seconded to waive the Charter requirement of two readings. On the roll call to waive the Charter requirement of two readings: Mr. Hamrick, Mr. Balog, Mr. Pugliese, Mrs. Cook, Mrs. Misener, Mr. Ducro IV voted yea, Mr. McClure abstained; motion CARRIED. On the roll call to adopt the legislation: Mr. Hamrick, Mr. Balog, Mr. Pugliese, Mrs. Cook, Mrs. Misener, Mr. Ducro IV voted yea, Mr. McClure abstained; motion CARRIED.

ORDINANCE

2015-89 AN ORDINANCE REPEALING EXISTING SECTION 189.02 OF THE CODIFIED ORDINANCES OF THE CITY OF ASHTABULA, OHIO, AND ENACTING NEW SECTION 189.02, SUBJECT TO THE APPROVAL OF THE ELECTORS THEREOF, FOR THE PURPOSE OF COMPLYING WITH CHAPTER 718 OF THE REVISED CODE OF OHIO IN ORDER TO CONTINUE TO IMPOSE THE EXISTING TAX UPON MUNICIPAL INCOME, AT THE EXISTING RATE OF ONE AND EIGHT-TENTHS PER CENT (1.8%), EFFECTIVE JANUARY 1, 2016, AND AUTHORIZING THE SUBMISSION OF THE QUESTION OF APPROVAL OF SAID ORDINANCE TO THE ELECTORATE OF THE CITY AT AN ELECTION TO BE HELD ON NOVEMBER 3, 2015. (Finance Director – to comply with new tax laws passed by Ohio State Legislature)

Mr. Balog moved, Mrs. Cook seconded to waive the reading of the legislation; motion CARRIED.
Mr. Balog moved, Mr. McClure seconded to waive the Charter requirement of two readings. On the roll call to waive the Charter requirement of two readings: Mr. Pugliese, Mrs. Cook, Mr. McClure, Mrs. Misener, Mr. Hamrick, Mr. Balog, Mr. Ducro IV voted yea; motion CARRIED. On the roll call to adopt the legislation: Mr. Pugliese, Mrs. Cook, Mr. McClure, Mrs. Misener, Mr. Hamrick, Mr. Balog, Mr. Ducro IV voted yea; motion CARRIED.

RESOLUTION

2015-90 A RESOLUTION AUTHORIZING THE SUBMISSION TO THE ELECTORS OF THE CITY OF ASHTABULA, OHIO, AT AN ELECTION TO BE HELD ON NOVEMBER 3, 2015, THE QUESTION OF CONTINUING TO IMPOSE THE EXISTING ASHTABULA CITY INCOME TAX AT THE EXISTING RATE OF 1.8% FOR THE PURPOSE OF PROVIDING POLICE AND FIRE PROTECTION, PAYING THE COST OF PUBLIC IMPROVEMENTS AND OTHER CURRENT OPERATIONS OF THE CITY OF ASHTABULA. (City Council)

Mr. Balog moved, Mrs. Cook seconded to waive the reading of the legislation; motion CARRIED.
Mr. Balog moved, Mrs. Cook seconded to waive the Charter requirement of two readings.

Discussion: A question was posed as to whether the Charter requirement of two readings applied to a resolution. The President reported that he was given instructions to treat this resolution the way in which an ordinance is treated due to its nature.

On the roll call to waive the Charter requirement of two readings.

Point of Order: The Vice President called a Point of Order and questioned that while our Charter does not require that Charter requirements for a resolution be waived; but it is being done so because of the nature of the resolution. The City Solicitor said, "The Ohio Revised Code talks about submitting these ballot issues to the Board of Elections in the form of a resolution. Our preferred term is ordinance. Now, typically an ordinance is something that can have the effect of law, whereas a resolution is a statement of Council, either in recognition or approval of something or requesting action be taken by someone else. So, this resolution is requesting that the Board of Elections place it on the ballot, but it does have the force of law if it's passed correctly and voted upon – the Board of Elections doesn't have any choice. So, I would recommend the two readings on this. The Vice President further stated that our Charter doesn't require two readings as stated in the motion. The Solicitor said it is a resolution that has the effect of an ordinance.

The President called for the roll call to waive the Charter Requirement of two readings: Mr. Hamrick, Mr. Balog, Mr. Pugliese (voted nay), Mrs. Cook, Mrs. Misener, Mr. McClure, Mr. Ducro IV voted yea; motion CARRIED by a vote of 6 to 1. On the roll call to adopt the legislation: Mr. Hamrick, Mr. Balog, Mr. Pugliese (commented* and then casted his nay vote), Mrs. Cook, Mrs. Misener, Mr. McClure, Mr. Ducro IV voted yea; motion CARRIED by a vote of 6 to 1.

*Mr. Pugliese commented, "Mr. President, before I vote, I think everyone knows how I'm going to vote. I just want to say that I am definitely not against the city income tax. It's been something that we've survived on for 40 plus years, and probably another 40 plus years we will have the income tax. It's something that's definitely needed. If the 1.8 % does go down and we have to implement a 1% income tax to our residents because the State says we would be allowed to do that according to the new Revised Code 718, we would still be in trouble, because 1% is not enough. The 1.8% is not enough. As you could see right now we're having a shortage of a lot of employees in this City. We're trying to get things done with very few employees. But I feel that for those 40 plus years the residents of this City have supported our City income tax. They've come out every three years. Now I think there was twice that we had to put it on the ballot - twice in those 40 plus years. But, yet the residents do come out and they do vote for it. And, it's something that is definitely needed. But, I just want everyone to know that I do not feel that it's right that the State of Ohio is mandating that our voters that have voted 40 plus years for the City income tax, cannot vote. So, therefore I'm voting no.

UNFINISHED BUSINESS

Traffic Signalization Project: The Vice President asked what the deadline is for the project to be completed. The Manager did not recall the extension date. He said ground loops were just installed. The entire traffic pattern at Route 20 and Station Avenue is being changed. It's no longer going to be five lanes on each side, with a long wait, etc. Plus the project requires coordination with the Cleveland Electric Illuminating Company to install new meters in boxes. He said the engineer and Perram Electric will issue an update this week, and believes the completion date is close.

Manhole Cover: The Ward 2 Councilor suggested that before the new traffic lights are turned on at 23rd Street and Columbus Avenue, the “deep manhole cover” located as you are coming around the corner and going west on to 23rd Street be temporarily covered up. The Manager will have crews look at it tomorrow.

Missing Valve Cover: The President reported that it appears a cap is missing on a hole in front of ... The Manager said the President did notify him and a note was sent to Aqua Ohio.

NEW BUSINESS - None

MISCELLANEOUS - None

GENERAL PUBLIC DISCUSSION

Mr. Larry Fielder, Euclid Ohio (originally from Lake County) re: Wounded Warriors in Action (WWIA): reported 2015 will be the 4th year for the WWIA event. The WWIA foundation is not to be confused with Wounded Warriors Project – it is totally different. The first year was in Vermillion. It was ‘marginally successful’ due to not many fish in that area. We knew the fish were in Ashtabula and knew a good group could be assembled to make the event happen this year. With the assistance of the American Legion [it] has become one of the foundation’s premiere events. There are WWIA chapters throughout the United States, were founded in Wisconsin (their strongest state), with Ohio being their second strongest. WWIA provides free outdoor sporting activities for Purple Heart (PH) recipients to recognize and honor their sacrifice, encourage independence and connections with communities. The event will be for two days and is not open to the public. This year’s event has received the support of American Legion 103, The Legion Riders, the City of Ashtabula, and the City of Ashtabula Police Department. The WWIA founder will be at this year’s event. Some Vietnam and Iraq PH recipients will be present. The event will take place at Kister Marina, begin on Friday, July 31, at mid afternoon, with a meet and greet, and an escort provided by the Legion Riders with a tour of the City led by Ashtabula City Police Captain Gerald Cornelius.

The President thanked WWIA for bringing the project to Ashtabula City.

The City Manager said he and others on the dais had the pleasure of attending last year’s event. He said it was humbling to see what WWIA does for veterans, which he appreciates. He said he also appreciates WWIA electing our City, wants to make sure they have a wonderful time, and invited them to call on him for assistance.

EXECUTIVE SESSION: None

RECONVENE OPEN MEETING: N/A

ACTION RESULTING FROM EXECUTIVE SESSION: N/A

CLOSING REMARKS

Meetings

The President announced the next Regular Council Meeting is scheduled for Monday, August 3, at 7:00 p.m.; Pre-Council at 6:00 p.m. He issued a reminder to "Remember to Keep Believing in Ashtabula"

ADJOURNMENT

Hearing no further business to come before this Council, the President adjourned the meeting at 8:41 p.m.

DATE APPROVED: August 17, 2015

ATTESTED BY: J.P. Ducro IV
J.P. Ducro IV
President of Council

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