

Council met in a **REGULAR MEETING**. The Council President called the meeting to order; the Ward 4 Councilor offered the opening prayer and the Pledge of Allegiance was cited.

Members Present: Mr. Joseph L. Rose (Ward 1), Mr. August A. Pugliese (Ward 2)
Mrs. Ann I. Stranman (Ward 3), Mrs. Julie A. Lattimer (Ward 4)
Mr. James M. Trisket (Ward 5), Ms. Betty S. Kist (Vice President)
Mr. Charles P. Brockway (Council President)

Member(s) Absent: (NONE)

Officer(s) Present: City Manager Anthony J. Cantagallo, City Solicitor Michael Franklin
City Auditor Michael A. Zullo, Clerk of Council LaVette E. Hennigan

Officer(s) Absent: (NONE)

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

Excused Absence: (NONE)

READING AND DISPOSAL OF MEETING MINUTES

The minutes of the **February 16 Regular Meeting** were presented. Ms. Kist moved, Mrs. Lattimer seconded, that the reading of the minutes be waived; motion CARRIED. There being no corrections, the minutes were approved as presented.

The minutes of the **March 1 Public Hearing** were presented. Ms. Kist moved, Mrs. Lattimer seconded, that the reading of the minutes be waived; motion CARRIED. There being no corrections, the minutes were approved as presented.

The minutes of the **March 1 Regular Meeting** were presented. Ms. Kist moved, Mrs. Lattimer seconded, that the reading of the minutes be waived; motion CARRIED. There being no corrections, the minutes were approved as presented.

CITY MANAGER'S REPORT

2010 Group Health Insurance

The City Manager requested an ordinance to enter into an agreement with Huntington Insurance of 221 South Church Street, Bowling Green, Ohio 43402, for the purpose of providing consulting services for the City of Ashtabula's Group Health Insurance, in the amount not to exceed \$24,000.00 annually. Huntington Insurance provided the best and most responsible proposal for this service. Mrs. Lattimer moved, Mr. Trisket seconded, the City Manager's request; motion CARRIED.

Goodwill Drive – Licursi Change Orders

The City Manager requested an ordinance to execute Change Order No. 2 with Licursi Construction, Inc. of 11729 Chillicothe Road, Chesterland, Ohio 44026, for the purpose of a time extension. There is no change in funding associated with this change order. Ms. Kist moved, Mrs. Lattimer seconded, the City Manager's request; motion CARRIED.

The City Manager requested an ordinance to execute Change Order No. 3 with Licursi Construction, Inc. of 11729 Chillicothe Road, Chesterland, Ohio 44026, for the purpose of overruns/underruns and final payment. This Change Order will not exceed the contract amount as it has brought the project total in under budget. The new project total will be \$400,589.63; a difference of \$11,092.07 from the original project cost of \$411,681.70. Ms. Kist moved, Mrs. Lattimer seconded, the City Manager's request; motion CARRIED.

New Ford Explorer – Fire Department

The City Manager requested an ordinance to purchase a new Ford Explorer for the Fire Department through the Ohio Law Enforcement Support Office, in the amount not to exceed \$21,231.00. Funding for this expenditure will be taken from the Permanent Improvement Account, Number No. 412-200-5550, titled Fire Equipment. Ms. Kist moved, Mrs. Lattimer seconded, the City Manager's request. The Ward 1 Councilor asked which Committee of the Council this came out of; the Manager did not know; the Councilor stated it should have come out of Safety Forces; the Manager suggested the request was made by that Committee; the Ward 1 Councilor/Safety Forces Committee Chair reported it had not been to the Committee – that the Committee did not meet last month; and the Manager apologized. The Ward 4 Councilor asked the Manager or City Auditor to explain that so much of the City's funds have to be placed in the Permanent Improvement (PI) line item. The City Auditor reported current legislation requires 10% of all income tax dollars to be placed in the PI Fund; and that about \$200,000.00 in property tax revenue are placed there also; which can be used for purchasing vehicles or paving roads. The President asked if the purchase is coming out of PI Fire Department funds and if there are funds for the purchase. The Auditor replied yes to both.

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The President called for a voice vote; the Ward 1 Councilor voted nay; the Clerk reported the Ward 1 Councilor, on a few occasions, has advised her that if a matter does not first come out of Committee, that the item must receive a unanimous vote of Council in order for it to be presented; and ask that she be allowed to consult the Council's Rule. The Clerk reported Council Rule 14 titled "Order of Business" states, "*No ordinance or resolution may be presented without first being presented to the proper Council committee, unless unanimous consent of the members of Council present is given, by a roll call vote. The President of Council may, at any time, permit a member to introduce an ordinance, motion or resolution out of the regular order, provided no objection is made.*" On the roll to allow the request to be presented: Mr. Rose (nay); Mr. Pugliese (yea); Mrs. Stranman (yea); Mrs. Lattimer (yea); Mr. Trisket (yea), Ms. Kist (yea); Mr. Brockway (yea). The request **FAILED** to obtain unanimous consent as required by Council Rule 14. The matter was referred to the March 17 Safety Forces Committee agenda.

NSP Demolition Project – Change Order

The City Manager requested an ordinance to execute Change Order No. 1 for Bonamase Contracting of 860 Boardman-Canfield Road, Boardman, Ohio 44512, in the amount not to exceed \$2,250.00. The purpose of this change order is to remove damaged/decayed trees located on the following properties: 5006 Woodman Avenue, 1100 West 37th Street, 629-631 West 29th Street, and 3909 Spencer Avenue, in the City of Ashtabula. Funding for this expenditure will be taken from Account Number 290-182-5420, entitled NSP Demo/Landbanking. Ms. Kist moved, Mrs. Lattimer seconded, the City Manager's request. The Vice President expressed gratitude for the removal of the Woodman Avenue structure. The Clerk of Council reported Housing & Community Development Director Jason Strong asked that the removal of a tree at 907 West 38th Street be added to this change order, the cost for which is \$250.00, thus increasing the change order to \$2,500.00. The Clerk reported the City Auditor approved the availability of funds for the addition; and the motion CARRIED.

Parks & Recreation Board Appointment

The Manager announced the appointment of Mr. Earl Tucker to the Ashtabula City Parks & Recreation Board, effective immediately to fill an unexpired term that will expire on May 21, 2010. Mrs. Lattimer moved, Mr. Trisket seconded, the Manager's request; motion CARRIED.

QUESTIONS AND/OR COMMENTS FOR THE CITY MANAGER

Parks & Recreation Board Appointment

Ms. Kist moved, Mr. Pugliese seconded, the appointment of Mrs. Wanda Rose, to the Ashtabula City Parks & Recreation Board; motion CARRIED.

Agenda Item Removal

The City Manager requested the removal of Agenda Item No. 3 from the docket, titled, “AN ORDINANCE AUTHORIZING THE CITY MANAGER TO DISPOSE OF AN OBSOLETE VEHICLE. Ms. Kist moved, Mr. Trisket seconded, the City Manager’s request; motion CARRIED. The item was referred to the March 17 Safety Forces Committee agenda.

Payroll Ordinances

The City Manager requested AN ORDINANCE REPEALING IN ITS ENTIRETY PAYROLL ORDINANCE NO. 2010-22, PASSED ON FEBRUARY 16, 2010, FOR THE PURPOSE OF PERMITTING A REDUCTION IN THE COMPENSATION TO BE PAID TO THE CITY MANAGER, CITY SOLICITOR AND ASSISTANT CITY SOLICITOR. Mrs. Lattimer moved, Mr. Trisket seconded the Manager’s request; motion CARRIED. The Vice President said she plans to vote in favor of this ordinance and voiced her disappointment that the Manager and Solicitor asked for their raises to be deferred for repayment. The Ward 4 Councilor reported the 10% pay cut the Manager and Solicitor are taking will not be returned to them; that the gentlemen took a pay raise deferment until next year; and said “It’s 13% for the year”. The President announced this discussion should have taken place during the “discussion” portion of the legislation request and ended debate.

The City Manager requested AN ORDINANCE AUTHORIZING COMPENSATION, SALARIES AND WAGES TO ALL EMPLOYEES OF THE CITY OF ASHTABULA, OHIO. Ms. Kist moved, Mrs. Lattimer seconded the Manager’s request; motion CARRIED.

Recreational Vehicle Removal

The Ward 1 Councilor asked for the status of his request to have the recreational vehicle parked at 1209 Union Avenue removed. The Manager reported employees in the City’s “enforcement section are conversing with the owners to determine if the owner is going to remove it on his own or if the City Solicitor is going to have to cite him into court”. The Councilor reported daily fines should be assessed. The Manager said he would not comment on fines because he is not familiar with such, but would comment that Code Enforcement employees and the City Solicitor “are going through the process”; and that there are three other such vehicles being worked on.

Animals

The Ward 1 Councilor reported one dog runs loose; one is tied up and three cats are at 1226 Burlingham Drive.

Potholes

The Ward 2 Councilor reported he realizes the weather just broke but wanted to report City streets are full of potholes. The City Manager reported there were four trucks out today attending to them. The Councilor reported West 38th Street is horrible; that motorists have to travel in the south lane by the old Pepsi Company.

CITY SOLICITOR’S REPORT – (NONE)

QUESTIONS AND/OR COMMENTS FOR THE CITY SOLICITOR

The Ward 2 Councilor asked for the status of the East 6th Street Café’s structural issue. The City Solicitor reported it has been scheduled for a default hearing, the date for which might be mid-May, and that he will check on it and call the Councilor with the date.

CITY AUDITOR’S REPORT

The City Auditor reported the following February 2010 numbers were presented to the Finance & Personnel Committee on March 9:

EXPENDITURES

Expenditures:	Projected	= \$895,106
	Actual	= \$770,708

Scheduled to be paid in February was \$90,000.00 in tax refunds to various entities, and a \$45,000.00 litigation settlement payment, none of which were made due to the lack of available funds. If paid the City would have been over budget.

REVENUES

Municipal Income Tax:	Projected	= \$433,000
	Actual	= \$364,908 (discouraging)

Local Government Funds:	Projected	= \$170,235
	Actual	= \$120,967(discouraging)

(these funds come from sales tax revenues)

February 2010 Revenues:	Projected	= 1,151,000.00
	Actual	= 1,076,000.00

As of February 26, the income tax revenue on the same day in 2009 was 81,502.59 behind.

The Auditor’s Line Item Report causes him some concern about the Police Department (as it has in the past). He projected in February they would spend \$184,115.00; they spent \$204,482.00. He reported he continues to let them know, as he has in times past, how much they have been budgeted, and the amount that should be spent each month in order to remain within budget for the year. He reported the overtime line item is not bad in that he projected \$10,008.00 and they spent \$14,087.00. He reported the department’s biggest deficit is their Operating and their Salaries & Wages, which was projected at \$132,000.00 and \$140,000.00 was spent.

Auditor’s Summary: February was a terrible, terrible month for the City of Ashtabula in the areas of revenue and spending.

QUESTIONS AND/OR COMMENTS FOR THE CITY AUDITOR

General Fund Cash Balance

The Vice President asked for the actual General Fund cash balance. The Auditor reported that as of February 28, it was \$119,752.00, which includes the transfer of \$250,000.00 from the Workers' Compensation Fund. Had the transfer not be done the cash balance would be negative. He reiterated that refunds that were due to be made to various entities and payment to Ashtabula Area City Schools were not made. He reported if the State cuts our Local Government funds based on the amount of sales tax revenue received, the whole General Fund budget will have to be reviewed.

Health Insurance

The Ward 4 Councilor asked for a health insurance update. The Auditor reported it was one bright spot in last month's financial picture. On March 9, he reported the following to the Finance & Personnel Committee: "One of the bright spots this month was our Health Insurance Fund. This month we transferred in, as we do every month, \$220,000.00, between the General Fund, Sanitation Fund, and the Water Pollution Fund, and our bills only came to \$121,000.00 this month. Now what I perceive happened was anyone that's on the HAS [*Health Savings Account*] insurance plan (most people who have the plans that have deductibles), in December everybody said, well I've already met my deductible, I've already maxed out my fee, so let me go get taken care of what I have to. And that's why our bill was so humongous in January. And then what we seen in February was not much usage because everyone had either bought the drugs, went to the doctors, or got their test done in December. And, that's what I think happened. And, I hope the trend continues because it was a bright spot in not a good picture." He concluded by saying the fund still has a **negative** cash balance of **\$418,733.00**.

CITY COUNCIL COMMITTEE REPORT

Community Development and Parks & Recreation - (Mr. Trisket, Chair): announced there was no March meeting; and that the Committee is scheduled to meet on Wednesday, April 7, at 8:00 a.m.

The Chair reported he and the Ward 2 Councilor met with the Ohio Division of Wild Life, Department of Fish & Wildlife Services, and the Ohio EPA regarding NRDA funds, in relation to wetland usage. He reported "a game plan has been established to move forward; the next step is to meet with the City Solicitor regarding some of the issues, meet with the individuals who attended the meeting and go from there".

Parks & Recreation Line Item for Funding

The Chair requested an ordinance for a line item specific to Parks & Recreation for past, present and future Ohio American Water Company franchise fee funds, to be placed in one solid account. The Vice President seconded. The City Auditor asked if the Councilor wanted a percentage of the funds to go to the General Fund (GF) to be used for miscellaneous items and the remainder of the funds placed in the Permanent Improvement (PI) account; making not that the previous Council instructed him to place 100% of the fees in the PI account. The Committee Chair asked for his colleagues' thoughts. The Ward 4 Councilor reported much of the work needed in the parks will be repair and maintenance, which activity does not qualify for PI Funds; therefore placing 100% of the funds in the PI account would be restrictive. She suggested a GF line item titled Parks & Recreation would allow the funds to be "directed more efficiently or effectively". The Vice President asked the Auditor's thoughts; the Auditor said he is simply looking for guidance and reiterated his understanding of the previous Council's instructions; noting they did not want the fund to be used for wages or "other items", but capital improvements. The Vice President reported she remembered Council recommending the funds be placed in a separate line item for Parks & Recreation; and asked the Clerk for clarification. The Clerk agreed with the Vice President. The Ward 1 Councilor suggested rent collected from Walnut Beach concession stand operators be used for small Parks & Recreation Board requests for Walnut Beach. The Auditor reported rent has not been received from the stand operators. The Ward 5 Councilor suggested remaining with his original motion for a line item specific to Parks & Recreation for past, present and future Ohio American Water Company franchise fee funds, to be placed in one solid account. The President suggested a 20/80 split of the funds, such as is the case with the income tax revenue going into the PI Fund. The Ward 5 Councilor reiterated he would like to proceed with his original motion because it is the most efficient – that being strictly a line item that does not specify capital or permanent improvements, but allows the funds to be available for Parks & Recreation usage; and that the usage be approved by Council. The Vice President asked if the funds are allowed to be moved to the PI Fund, when needed, if they are all placed in the GF. The City Auditor replied yes; at which time the Vice President agreed with the Ward 5 Councilor; and the motion CARRIED.

NRDA Meeting

The Clerk reminded the Chair that the Committee's unofficial meeting was recorded, and asked what should be done with the recording. The Chair asked the Clerk to transcribe the meeting for information purposes.

Walnut Beach Concession Stand Rent

The Vice President asked to revisit this topic because the City Auditor earlier reported no concession stand rent was collected in 2008 or 2009. The Manager reported rent was collected and placed in Lands & Buildings. The City Auditor agreed to research this matter and report back to the Council.

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Economic Development and Port Authority - (Mrs. Stranman, Chair): announced the Committee's March meeting was cancelled, and that they are scheduled to meet on Wednesday, April 14, at 6:00 p.m.

Finance and Personnel - (Ms. Kist, Chair): announced the Committee will meet on Wednesday, April 14, at 9:00 a.m.

The Clerk of Council reported that in light of this evening's passage by Council of the Manager and Solicitor's request that their 3.5% increase be deferred to the end of the year, the beginning of next year or to the end of their term, that Council allow the six salaried personnel under their supervision to meet with them in order to discuss a contract. She suggested all salaried personnel should be dealt with separately; and that the same should be the case for the elected officials. She reported Payroll and Human Resources Specialist Carolyn Sheldon has suggested Council put in writing the benefits their salaried personnel should receive, thus allowing her, the Council, and the effected personnel to know how to proceed. She reported Council was pressed to cut their salaried personnel's salary; even to the point where the City Manager, on Council floor, announced the unions were not going to negotiate with him until Council did something. Council acted by reducing their salaried personnel's pay 10% across the board with no deferral option. She reported there are employment agreements with fire, police and 1197 personnel, but when it comes to non-union personnel it depends on what their supervisors suggest; which in and of itself is different. She said in order for things to be done decently and in order, the dos and don'ts should be put in writing. The Ward 4 Councilor suggested that because their salaried personnel do not have the opportunity to meet with all members of Council, a meeting be set up under Finance & Personnel, or in a manner where all member of Council may be present like a special work session. The Vice President concurred and asked the Clerk to set up the meeting with all members of Council.

Public Utilities and Schools - (Mr. Pugliese, Chair): asked the City Solicitor how much longer before Wade Avenue annexation is complete. The Solicitor reported he believes "it's done and filed".

Public Works - (Mrs. Lattimer, Chair): reported the Committee's next meeting is scheduled for Tuesday, April 6, at 8:00 a.m., on the second floor.

Safety Forces - (Mr. Rose, Chair): announced the Committee is scheduled to meet on Wednesday, March 17, at 8:00 a.m.

Proposed Texting Prohibition Legislation

The Clerk of Council reminded the Solicitor of the Committee's request for him to provide them with proposed legislation for prohibiting texting while operating a motor vehicle, for their review.

The City Solicitor reported he is aware of it; was hoping he would not be asked for it because he “does not believe the City needs to be jumping into it because of dependency of state legislation on the issue”; and that he could provide the committee with Conneaut’s legislation, as a starting point. The Clerk reported the Committee has Conneaut’s legislation. The Solicitor said he does not know how to improve upon Conneaut’s; asked the Clerk if she forwarded comments to him, and said if the Committee desires to move forward with local legislation he would incorporate the comments and try and get “them back” before the end of the day tomorrow, if at all possible. The Clerk asked the Committee Chair if he desires to still move forward with local legislation; the Chair replied yes. The Vice President remembered other legislation samples being provided; the Clerk confirmed this to be true and that all Council members received them.

Pedestrian Walkway Signs

The Ward 2 Councilor reported Harbor merchants have asked for the placement of pedestrian walkway signs on Bridge Street. The Chair said the Committee will discuss it on March 17; and suggested the signs be sturdy like those in Madison, Ohio. The Ward 4 Councilor/Public Works Committee Chair reported her Committee has been looking at this issue; were looking at sturdier ones like used in Andover, Ohio, and not the flimsy ones used before, and that she will provide this Committee’s Chair with the photographs.

Work Session (Mr. Brockway, Chair): announced the next Session is scheduled for Monday, April 12, at 6:00 p.m.

FORMAL LEGISLATION REQUEST - (NONE)

PUBLIC’S QUESTIONS AND/OR COMMENTS ON TONIGHT’S LEGISLATION – (NONE)

LEGISLATION READING

ORDINANCE NO. 2010-33 AN ORDINANCE AMENDING THE TRAFFIC CONTROL MAP AND FILE FOR THE PURPOSE OF PLACING ONE (1) HANDICAPPED PARKING SPACE 20 FEET EAST OF HULBERT AVENUE ON THE NORTH SIDE OF BRIDGE STREET, was presented, for its second reading. Ms. Kist moved, Mrs. Lattimer seconded, to waive the reading of the ordinance; motion CARRIED. Mrs. Lattimer moved, Ms. Kist seconded, the adoption of the ordinance. On the roll call to adopt the ordinance: Mr. Rose, Mr. Pugliese, Mrs. Stranman, Mrs. Lattimer, Mr. Trisket, Ms. Kist, Mr. Brockway voted yea; motion CARRIED.

ORDINANCE NO. 2010-34 AN ORDINANCE AMENDING THE TRAFFIC CONTROL MAP AND FILE FOR THE PURPOSE OF PROHIBITING PARKING FROM THE NORTHEAST CORNER OF BRIDGE STREET & HULBERT AVENUE TO A POINT 20 FEET EASTERLY FROM HULBERT AVENUE, was presented for its second reading. Ms. Kist moved, Mrs. Lattimer seconded, to waive the reading of the ordinance; motion CARRIED. Ms. Kist moved, Mrs. Lattimer seconded, the adoption of the ordinance. On the roll call to adopt the ordinance: Mr. Rose, Mr. Pugliese, Mrs. Stranman, Mrs. Lattimer, Mr. Trisket, Ms. Kist, Mr. Brockway voted yea; motion CARRIED.

ORDINANCE NO. 2010-35 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO CHANGE ORDER NO. 1 TO CONTRACT WITH A. BONAMASE CONTRACTING FOR ADDITIONAL WORK IN THE DEMOLITION OF FOUR VACANT & BLIGHTED STRUCTURES, was presented. Ms. Kist moved, Mrs. Lattimer seconded, to waive the reading of the ordinance; motion CARRIED. Ms. Kist moved, Mrs. Lattimer seconded, that the Charter requirement of two readings be suspended. On the roll call to suspend the Charter requirement: Mr. Rose, Mr. Pugliese, Mrs. Stranman, Mrs. Lattimer, Mr. Trisket, Ms. Kist, Mr. Brockway voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mr. Rose, Mr. Pugliese, Mrs. Stranman, Mrs. Lattimer, Mr. Trisket, Ms. Kist, Mr. Brockway voted yea; motion CARRIED.

ORDINANCE NO. 2010-36 AN ORDINANCE REPEALING IN ITS ENTIRETY PAYROLL ORDINANCE NO. 2010-22, PASSED ON FEBRUARY 16, 2010, FOR THE PURPOSE OF PERMITTING A REDUCTION IN THE COMPENSATION TO BE PAID TO THE CITY MANAGER, CITY SOLICITOR AND ASSISTANT CITY SOLICITOR, was presented. Ms. Kist moved, Mrs. Lattimer seconded, to waive the reading of the ordinance; motion CARRIED. Ms. Kist moved, Mrs. Lattimer seconded, that the Charter requirement of two readings be suspended. On the roll call to suspend the Charter requirement: Mr. Rose, Mr. Pugliese, Mrs. Stranman, Mrs. Lattimer, Mr. Trisket, Ms. Kist, Mr. Brockway voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mr. Rose, Mr. Pugliese, Mrs. Stranman, Mrs. Lattimer, Mr. Trisket, Ms. Kist, Mr. Brockway voted yea; motion CARRIED.

ORDINANCE 2010-37 AN ORDINANCE AUTHORIZING COMPENSATION, SALARIES AND WAGES TO ALL EMPLOYEES OF THE CITY OF ASHTABULA, OHIO, was presented. Ms. Kist moved, Mrs. Lattimer seconded, to waive the reading of the ordinance; motion CARRIED. Ms. Kist moved, Mrs. Lattimer seconded, that the Charter requirement of two readings be suspended. On the roll call to suspend the Charter requirement: Mr. Rose, Mr. Pugliese, Mrs. Stranman, Mrs. Lattimer, Mr. Trisket, Ms. Kist, Mr. Brockway voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mr. Rose, Mr. Pugliese, Mrs. Stranman, Mrs. Lattimer, Mr. Trisket, Ms. Kist, Mr. Brockway voted yea; motion CARRIED.

UNFINISHED BUSINESS

Public Works 2010 Overtime Budget

The Ward 2 Councilor reported the Manager improperly spoke during his radio time when he said he did not know where the Council President “got the \$40,000.00” in overtime remaining for Public Works. The Councilor reported \$49,300.00 in overtime was approved in the original 2010 budget; \$9,207.00 had been spent; leaving a balance of \$40,090.20; and that the Manager chose not to use it. The Manager replied, “that’s correct”. The Ward 4 Councilor reported while the money is in the budget, the budget is almost one million dollars short. She said, “I am not defending one side or the other, but when things are put into perspective, we have to watch what is being said”. The Ward 1 Councilor reported he is saying the Manager chose not to plow the streets. The Ward 4 Councilor confirmed that to be true, and said it was his choice.

MISCELLANEOUS BUSINESS

Meeting Announcements

Regular Council Meeting

The President reported the next Regular Council meeting will be televised on Monday, April 5, at 7:00 p.m., the Pre-Council meeting will be at 6:00 p.m. and both are open to the public.

Public Hearing

The President announced Council will meet in a Public Hearing on March 22, at 5:30 p.m., to hear public comments regarding the Ashtabula Harbor Historical District boundaries.

Special Meeting

The President announced Council will meet in a Special Meeting on March 22, at 5:45 p.m., to permit Council to vote on legislation pertaining to the Ashtabula Harbor Historical District boundaries.

NEW BUSINESS

Resolution Requests

Ms. Kist moved, Mr. Rose seconded, to have a resolution drafted commending 13 year old Charles T. Ranck III for receiving his Eagle Scout honor on Saturday; and thanked the Manager for sending a proclamation. The Ward 5 Councilor reported he is friends with the family, complimented the young man’s abilities, and said he is sure to be a future Ashtabula area leader. The motion CARRIED.

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Ms. Kist moved, Rose seconded, to have a resolution drafted commending Mr. Willard (Buck) Whitman for providing good and dedicated driving service to City Taxicab & Transport Company customers since 1960. It was reported that Mr. Whitman has missed no time from work and has live in Ashtabula City since 1930. The motion CARRIED.

PUBLIC'S GENERAL PORTION

Mr. John Ginnard, 4619 Main Avenue, Owner of e-comm Café: “Good evening. My name is John Ginnard, 4619 Main Avenue, Ashtabula. I’m owner of e-comm Café as well. I need to address several items with Council as well as Mr. Cantagallo, this evening. The definition of malfeasance according to dictionary.com is [the performance of a public official of an act that is legally unjustified, harmful or contrary to law]. I charge tonight Mr. Cantagallo, that you have performed an act of malfeasance in office. I believe your actions, or the lack thereof, on the weekend of February 26, 27 and 28, endangered the safety of the citizens of Ashtabula by not allowing the street services to plow the streets. You willfully, and with malice, failed to authorize it. The statement you made in front of Council and the media, on March 1, that I will not change the decision, and you reiterated that tonight, as well as saying we don’t have the money to spend. Now according to the 2009 budget (*should be 2010 budget*) that you presented to this Council you had \$49,000.00 in overtime for the plowing or for that department. As reiterated by Mr. Rose tonight, you chose not to use that money and keep the citizens of this City safe. I got a problem with that. You continually ignore the needs of this City for your own self-justice; for your own self benefit. I don’t know why. Today you finally presented your 10% pay cut that you said you were going to do last Tuesday. Now, why it took that entire week to get around to doing it, I don’t know. But, you have to understand the 3.5% raise that you’re going to get in January 2011, that doesn’t add up. The rest of the City Council employees don’t have that option. Why is it you and Mr. Franklin can take the 3.5% - put it in the bank. That, I believe, is wrong. You continually are doing things - are saying things that you’re going to do and never follow through with it. In regards to your 12 furlough days that you were going to take without pay, for the year; again, you’re not going to do it, or you haven’t said you’re going to do it. And, even if you do say you’re going to do it, who knows if you actually are. I wish the other employees – city employees, who had to take the 10% pay cut, plus the furlough days, had the option of banking their monies, as well. The embarrassments that you have brought to this City and your position with your blatant lies and half truths has got to change. And we need someone to bring credibility back to Ashtabula. I’m asking tonight Mr. Cantagallo, for the resignation of you from the position of City Manager of Ashtabula, so that we can start getting credibility back in the City, and this City start to grow again. Your answer?

City Manager: No comment.

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Ginnard: Again, you failed to step up to the plate – to do the right thing. Now I'm asking the City Council to please review the issues of malfeasance in office by the City Manager. And, if the City Council can't step up to the plate to do that, as well, there will be a recall process started to remove you from office.

Solicitor: I request a leave of Council to correct just one misunderstanding that Mr. Ginnard may possess. The pay ordinance that Council passed tonight, and that the Manager requested, and that I agreed to [Solicitor was told he could not be heard by the audience]. I'm sorry. The pay ordinance that was passed tonight – the amendment that the City Manager requested, and that I agreed to, insofar as our compensation is concerned, does defer the balance of the pay raise that we received automatically in December of 2009. Now, that pay raise, I will add, is given annually by reason of an ordinance passed in 2007. But, in addition to that, the Manager and myself have waived or given up permanently 10% of our compensation. So, our compensation was first rolled back to where it was before December 1, 2009 and then 10% of that was taken away. So we are receiving 90% of the amount we received last year. and the pay raise, if there is to be one, will not come into effect until next year. So, I would like to reiterate – the pay cut is 10% consistent with the pay cuts accepted by the direct employees of Council.

Mr. Ginnard: Mr. Franklin, so what you're telling me is the 3.5% will start next year and you're not banking from today until January 2011.

Solicitor: What we have said, Mr. Ginnard, is that the pay raise, the one that went in automatically as of December 1, the balance of it will be deferred until the first pay after January 1 of 2011; and both the Manager and myself have said that whether we take it at that time or receive it at that time is obviously going to depend upon the financial resources of the City. But, on top of that there is a 10% reduction in pay. Just to give you an idea on mine. As of 12/1/2009, my compensation went to \$74, 557.58 per year; as of now – as of March 1 actually, we made the pay cuts retroactive to March 1, my compensation is \$64,832.68. Now, of that approximately \$3,000.00 may be recovered by me; I might get it back in January 2011.

Mr. Ginnard: Okay, so what you're telling me is, yes, you did take the 10% just like the rest of the Council did; but you're taking 3.5% and banking it until January.

Solicitor: In addition to the 10% I have deferred the 3.5% that I received as of December 1. So, I've taken the 10% - step one; step two, I've deferred the 3.5%. It's both.

Mr. Ginnard: But you're still going to get the money.

Solicitor: I hope; I hope everyone gets their money.

Mr. Ginnard: Thank you.

Ashtabula City Council Regular Meeting
Monday, March 15, 2010

Mr. Pugliese moved, Mr. Trisket seconded, to adjourn at 8:30 p.m.; motion CARRIED.

DATE APPROVED: _____

ATTESTED BY: _____

Charles P. Brockway
President of Council

ATTESTED BY: _____

LaVette E. Hennigan, MMC
Clerk of Council



Fraternal Order of Police

RECEIVED
MAR 01 2010
ASHTABULA CITY CLERK

ASHTABULA LODGE NO. 26
CENTRAL POLICE STATION
P.O. BOX 91
ASHTABULA, OHIO 44005-0091

Mr. President and Ladies and Gentlemen of the Council:

In recent weeks it has been stated that our union, the Fraternal Order of Police Lodge #26, has not done its part in reference to concessions and cost reduction in connection to the budgetary situation in the City of Ashtabula. This letter of information will rectify this misnomer. We would like to first address staffing levels. Since 1997 this union and the police department has realized a significant reduction in manpower. Full time employees numbered 42 in 1997; currently we have 34 full time union employees, a reduction of 8 full-time positions lost through retirements, resignations, etc... We have also seen 3 part time correction officers and one temporary Ordinance Officer relieved of their duties due to lay-offs within the Police Department. It is written in section 38.05 of the Collective Bargaining Agreement (Union Contract) between the City of Ashtabula and the Fraternal Order of Police Lodge #26 that the City will replace any vacancy in the first week of the following year who has been terminated, resigned, or retired. In examining the aforementioned levels, we can see that this agreement has not been met. Furthermore, as a contractual obligation this would in fact constitute a major concession from the Union's standpoint. Salaries and benefits combined for these 8 employees equates to literally hundreds of thousands of dollars deviated from the police department's budget. The Union, understanding the tough economic times, have continually worked with the City in this matter and to date has only requested that this matter be discussed and hopefully rectified at a later time. With this level of reduction in man power it is exceedingly difficult to provide the service the public expects and demands. The fact that in the past few of weeks we have had two major drug busts and a homicide within our city limits as well as the fact that we handle an average of well over 20,000 calls for service each year is an unpleasant reminder that the demand is definitely still there.

In section 20.04 of the union contract the City is required to provide the officers ammunition and range time for 3 firearms qualification annually. We are sure that any reasonable person recognizes the benefit for police officers to be proficient with their firearms. F.O.P. 26 has conceded 2 of these qualification exams. We now only do one firearms qualification, which is the State minimum, rather than the three mandated by the contract as a means to save the City money. In the past few years the ammunition budget

has been approximately \$3600.00 per qualification. This year, even with cut backs on purchasing, the ammunition cost will still be \$3600.00. This is due to the recent 125% increase in the cost of ammunition. Having conceded 2 qualifying exams the City has saved approximately \$7200.00. This savings is in addition to the overtime no longer paid to each officer to qualify three times a year and which the City has realized by not having to pay firearms instructors to be present during our qualification as required by Department Policy and the State of Ohio.

The members of our union have also entered in an agreement with the Chief of Police that said members will not cash in overtime credit compensation (OTC) for pay unless in dire need. Under Federal and State law the City can not prevent employees from cashing out their banked OTC. This money, having been earned by each employee working over their regularly scheduled shift, cannot be kept from them but the number of requests by employees to receive their earnings has been significantly reduced to help the City financially. The dollar figure for all Police Department employees combined that have money in OTC is approximately \$80,000.00 if they were to cash it all in today.

When asked by the Chief if we had any further ideas as to how to reduce costs the union suggested not to fill overtime that may occur during the hours of 3 A.M. and 11 A.M., thus reducing staffing levels by 25% during that 8 hour time frame. We have been operating at these levels for nearly a year. This has now been taken a step further. In a recent order from the Chief of Police: No longer will overtime be paid at any time when the road personnel consist of one (1) sergeant, and two (2) patrolmen. This is an overall 25% reduction in staffing levels for road patrol across the board and a significant decrease in service provided to the public and the safety of the officers. In addition to this reduction, union members on a 12 hour shift are required to adjust/reduce their schedule by four hours each pay period so as not to work more than 80 hours in a pay period.

Additionally, officers have reduced their training at certified facilities. Training is not only a contractual obligation for the City as stated in 20.04 of the union contract but also mandated by the State of Ohio in many cases. In the year prior to March of 2009, officer training costs were approximately \$15,000.00. Due to recent budgetary constraints training has been reduced to a mere \$3,500.00. This is more than a 75% reduction in training and is yet another contractual concession made by the Union.

Measures have also been taken in the jail to reduce operating costs. We no longer contract with any food service providers. The union agreed more than a year ago to prepare the meals as a cost saving measure to keep correction officers employed. In the first year this cost savings was approximately \$10,000.00. However, due to City wide layoffs the City did not retain these corrections officers. Officers are now required to prepare all meals for the inmates. This requires an officer to vacate his road duties to tend to the preparation of meals. In addition to meal preparation, and since the loss of our corrections officers, road personnel are required to perform all the jail duties of laid-off corrections officers. Those duties include: housekeeping, booking and release of inmates, visitations, laundry, medication, video arraignment, dairy and food deliveries, hourly inspections, and any/all other unforeseen situations, once again leaving road staffing short. Also, currently we are down 50% of our dispatchers, lost through attrition. Officers are required to handle dispatching duties which takes more valuable manpower off the road.

Additional cost saving measures have recently been implemented and consist of the following: 50% of the Detective Bureau has been reassigned to road patrol duties. Captains will no longer work holidays in order to save on overtime costs and overtime will not be filled below the aforementioned staffing levels. This is well below any previous minimum staffing levels. Furthermore, two other supervisory/Division Commanders now are required to work an 8 hour road patrol shift each and every week in addition to their primary duties to help with shortfalls in staffing on the road.

The Union is of the understanding that the police department budget has been reduced each year for the past three years. Currently the overall budget is approximately \$375,000.00 less than what we finished the year with in 2007. Of that total reduction \$143,000.00 was cut from the budget request based upon 2009 expenditures shortly after obtaining a grant in the amount of \$147,000.00/year to hire additional officers. These officers are greatly needed to help sustain a proper and well functioning police department however, this apparent supplanting of grant funds may put our grant that we worked so hard to get in jeopardy for not appropriating the grant funds properly.

Now let us address the overtime which has consistently decreased with a concentrated effort of the Chief, Supervision and the road personnel. Here are the numbers in overtime for both sworn personnel and civilian employees.

Sworn

2007- \$362,995.00

2008- \$260,722.00

2009- \$249,408.00

2010- \$130,109.00

Civilian

2007- \$36,100.00

2008- \$23,533.00

2009- \$18,500.00

2010- \$15,123.00

As you can see overtime has been reduced greatly between the end of 2007 to the end of 2008. The Police Department on its own reduced its overtime expenditures by well over \$100,000 which also happens to be the 1st full year under the 12 hr. shift and take-home car program. The Union maintains that these two measures are a significant reason for the dramatic reductions in overtime costs. The Police Dept. was able to further reduce its overtime expenditures in 2009 only to have this line item slashed by another \$120,000 for 2010. With mandated off-duty court appearances and other mandatory overtime costs this massive reduction may make it impossible to live within our current overtime appropriation. These overtime reductions equate to an average pay reduction of several thousands of dollars for every employee in the Union. This is all real money as is the overtime credit account that our officers are not receiving.

It is the position of this union that with the aforementioned concessions and working with the Chief and the City Manager to implement cost saving measures, non-replacement of lost personnel and massive reductions in the department's overall budget that we in fact already have and still do go well above and beyond in an effort to help tackle this current budgetary crisis.