

Ashtabula City Municipal Building)
City of Ashtabula, Ohio)

Monday, August 16, 2010

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)
Ms. Betty S. Kist (Vice President), Mr. Charles P. Brockway
(President)

Member(s) Absent: Mr. James M. Trisket (Ward 5)

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

Excused Absence: Mrs. Lattimer moved, Mrs. Stranman seconded, to excuse the Ward 5
Councilor from this meeting; motion CARRIED.

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

READING AND DISPOSAL OF MEETING

The minutes of the July 6 Executive Session 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 - None

QUESTIONS AND/OR COMMENTS FOR THE CITY MANAGER

Do Not Block Drive

The Ward 2 Councilor asked the Manager for the status of his request that a "do not block drive" sign be placed at Ferry Street and East 6th Street. The Manager said the sign is being made.

High Grass

The Ward 1 Councilor reported high grass at 2030 and 2506 West 9th Street. The Manager said it will be taken care of tomorrow.

Hole in Street

The Ward 1 Councilor reported there to be a hole in the street on Norman Avenue Extension.

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High Grass

The Ward 1 Councilor reported high grass on Andrew Street, Norman Avenue Extension, Cemetery Road and West 9th Street.

Sewer Repair

The Ward 1 Councilor reported a sewer located at Thayer Avenue and West 9th Street needs repaired.

Garbage Pick Up

The Clerk of Council asked if garbage will be picked up on Labor Day, Monday, September 6. The Manager replied no, and that there will be a one day delayed all week.

CITY SOLICITOR'S REPORT

November Ballot

The Solicitor explained an amendment to Charter Section 91.1 titled Elector Approval of Income Tax, is scheduled for the November 2 general election ballot. This particular Charter section requires voter's approval before an income tax could be passed by Council. He reported the November amendment does not change the income tax amount nor does it ask for an additional income tax. It changes the timing requirements of City Council passing a resolution to put any income tax before the voters. It's a housekeeping measure to bring our Charter requirements in line with State law for submitting ballot issues to the Board of Elections; and was requested by the Board.

Agenda Items 5 and 6

The Solicitor reported he asked that this evening's legislation agenda items 4 and 5, enacting new sewer rates, be placed on two readings. He stated, "Our new agreement with the County requires that we give the County 30 days advance notice before enacting new sewer rates. So I'm requesting that Council, if it would consider the first reading on those two ordinances tonight, and authorize the Clerk to delay putting them on for their second reading until your second meeting in September. That way tomorrow I can give timely notice to the County that City Council is considering enacting a change in the sewer rates, and that will comply with the new sewer agreement."

QUESTIONS AND/OR COMMENTS FOR THE CITY SOLICITOR

East 6th Street Streetscape Project & East 6th Street Café

The Ward 2 Councilor reported the project looks nice, with the exception of the condition of the East 6th Street Café, and asked for an update. The Solicitor reported he has not heard anything since the August 2 Council meeting; and as far as he knows the status is the same.

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He reported, "The gentleman has been ordered to tear down or fix up. He is in violation of that order. The County Prosecutor's office, to my knowledge, has not yet had the opportunity or has not yet had the time to prepare and file a charge of contempt threatening him with court sanctions. But, it is my hope that that will be the course of action that they take, sooner rather than later."

Sewer Amendment Legislation

The President asked if it is okay for the second reading of the sewer rate ordinances not to take place at the September 6 Regular Council meeting, but rather the September 20 Regular Meeting. The Solicitor replied, "The Charter speaks to the number of meetings, but does not specify that they must be in consecutive meetings".

Union Avenue R.V. Parking Violation

The Ward 2 Councilor stated the Manager previous reported that a letter was sent to the R.V. owner ordering the vehicle moved on August 13. The Manager replied that on Friday afternoon this matter was discussed with the owner, that the owner has found storage, and will move the R.V. this week. The Manager said he will follow through.

CITY AUDITOR'S REPORT

July Finances

General Fund Expenses: Projected \$5,698,000.00; Actual Expenses \$5,758,000.00; about \$60,000.00 behind projection. Part of it is from the Police Department for a grant expenditure that will be reimbursed soon. He asked the Police Chief for a copy of the grant so the numbers can be reflected in the budget.

General Fund Revenue: Projected \$6,351,000.00; Actual Expenses \$6,800,000.00 - a majority of the shortfall comes from income tax.

General Fund Cash: Projected \$673,000.00; Actual Cash \$271,000.00.

The Auditor reported rumors are circulating that "the City is fine, the Auditor is mistaken, and the State of Ohio says the City is fine". Therefore he presented a Cash Flow Trend Report, which was emailed to various ones as part of the July Financial Report. He provided the following overview of actual cash versus projected cash on an accumulative basis: January (- \$19,000.00); February \$30,070.00; March (- \$93,708.00); April (- \$114,000.00); May (- \$342,000.00); June (-\$367,000); and July (- \$401,000.00). He reported, "The City is not okay. I believe we'll be out of cash in the General Fund in November".

QUESTIONS AND/OR COMMENTS FOR THE CITY AUDITOR

Assessed Property Values

The Manager reported Page “28S of the City’s Comprehensive Annual Financial Report (CAFR) has a chart for Total Assessed Property Value for the City, which in 2006 was a shade under \$250,000,000.00. In 2006 the average sale price of a residential property in the City was about \$83,000.00. In 2009 total assessed property values dropped a little below \$250,000,000.00 and the sale prices of houses dropped from a little over \$80,000.00 to a little under \$40,000.00”. He asked why the total assessed property value has gone down quickly and the sale price of houses has dropped over half. The City Auditor offered a few suggested reasons and stated it would ultimately be a question for the County Auditor. The City Solicitor provided the following explanation: “Houses, unlike shares of stocks or commodities, are not traded on exchange where you can check and find out what the bid ask is and determine the average value. Houses are valued primarily by comparable sales. And, that is what is called a trailing indicator. You must have a certain number of comparable sales before you have a valid assessment of value. So in 2009 you saw comparable sales or sales drop dramatically from 2006. That, I would suggest, was an offshoot of the recession, which began in earnest in 2008. And, one of the leading causes of that, or one of the largest symptoms of that, was a large number of mortgage forfeitures and foreclosures, which meant a lot of homes cycled back onto the market in a very distressed condition. You had a mortgage lender that was just trying to get rid of it. And, that would be considered a valid sale because it’s not a foreclosure sale, but it’s a sale by a bank that has foreclosed a property that it doesn’t want and wants to get rid of. But I think you will unfortunately see, Mr. Cantagallo, when the 2010 valuations come out, a further erosion of our property tax values. Now, I will say this, and I say this advisedly, and Mr. Corlett and possibly the members of this Council will not necessarily appreciate me saying this, but there is no real incentive for an owner, if he’s between his periodic countywide reappraisal for the County Auditor to go through on a property-by-property basis and say this house on this street I know comparable sales there – I need to devalue that by 40%. You can cause that to happen by filing an appeal or an objection to your assessment. You must file that by a date in March and you must produce some evidence that the assessment and the valuation of your property are higher than the market would permit. Other than that, like the rest of us, you wait until the next round of reappraisals that the County Auditor is required to do on a periodic basis, and the comparable sales will catch up as a trailing indicator, and you will see an erosion of your property’s value”. The City Auditor reported the erosion will be seen by the property taxes the schools, county and city receive. The Manager acknowledged that his question was answered. The President added that if property values were devaluated or cut in half, the levy requests would have to be higher than what presently is being requested.

CAFR (Comprehensive Annual Financial Report)

The Ward 3 Councilor announced the City’s CAFR may be viewed on the City’s website under the City Auditor menu; and that it has interesting statistical information. The Auditor stated the CAFR is a detailed step of audited financial statements for the City, just like a corporation produces.

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CITY COUNCIL COMMITTEE REPORT

Community Development and Parks & Recreation - (Mr. Trisket, Chair): The President reported the Committee will meet in a combined meeting with the Safety Forces Committee on Wednesday, August 18, at 8:00 a.m.

Economic Development and Port Authority - (Mrs. Stranman, Chair): reported the Committee met on Wednesday, August 11, at 6:00 p.m. and reported the following:

Lift Bridge Community Association (LBCA)

The LBCA requested \$10,000.00 in Revolving Loan Funds (RLF) for 2011. \$10,000.00 was given to them for 2009 and in 2010 - \$20,000.00 total. Their 2011 fund request will be used for the Bridge Street Streetscape Project, to be conducted by Ohio State University. The Committee supports these efforts. In the interest of time, the Committee advised the LBCA to submit a written proposal to the Manager, work with the Manager's Executive Assistant Brenda Sanders, and bring the outcome to the full Council.

Ashtabula Downtown Development Association (ADDA)

Ms. Roberta Madar-Pruett reported the "Shop Ashtabula Coupon Book" is available. The proceeds will be used Downtown lighting and landscaping. The book was a collaboration of Mr. Oscar Tomasio, owner of Casa Capelli and ADDA member) and Kent State Ashtabula Campus students, under the direction of Jeff Wheeler. This allowed students to get hands on experience in various areas.

ADDA will print a newsletter to inform of the community of their projects.

Mission Statement

The Committee decided the appointment of an adhoc committee would be good to assist in producing a City of Ashtabula mission statement. The Clerk will put a request out for volunteers and the committee's formation will depend on interest. This Committee would like the adhoc committee to consist of persons from Council, human resources, various City departments, labor unions, citizens, business leaders, students, and someone to take the committee through the process. The committee will be provided sample municipal mission statements, and the Committee desires that the process not be lengthy. The Chair asked the Manager to let his department heads know, and to seek their involvement. This Committee hopes that ownership in the statement will result in adherence to the statement. Interested persons may contact the Clerk of Council at 992-7119 or lavetteh@cityofashtabla.com.

CAFR

The Committee Chair commented on the statistical information found on page S30, comparing the top 10 City employers in 2000 and 2009. In 2000 there were 5,077 employees; in 2009 the number dropped to 3,671 – a decrease of \$1,406. This is reflective of the loss in city income tax revenue. The Chair believes this to be a big part of why the City is in financial trouble.

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She said as the Chair of this Committee she believes economic development and more jobs should be the City's focus, and that she will try to do what she can.

Ashtabula County Economic Development Steering Committee

The Chair reported the Steering Committee released their top 20 goals. The City's ED Committee will discuss how they impact us, and will use them to assist in creating a vision statement for the City, with the goal of creating economic development opportunities.

Harbor Visitor's Center

The Center is now open and located inside the Blue Goose Gift Shop on Bridge Street. They are seeking information on countywide eateries and guest rooms, and asked that menus and marketing materials be sent to them at Post Office Box 2838, Ashtabula, Ohio 44005-2838.

Wine & Walleye Festival

The Festival will take place August 28 and 29. Discount tickets are available on the festival's website and at various physical locations.

Upcoming Meeting

The next Committee meeting is tentatively scheduled for Wednesday, September 8, at 6:00 p.m. It might be cancelled to allow time for progress to be made on some of the agenda items.

Questions for the Committee

RLF Funds

The Ward 2 Councilor asked if the funds are available to satisfy the LBCA's \$10,000.00 request. The Manager replied yes. He reported the money is not classified as a loan meaning it does not require repayment, is to be used to generate business, and the Association has to present a program/plan showing how the fund's will be used. The Councilor verified \$20,000.00 was given to the Association thus far.

Mission Statement Adhoc Committee

The Ward 4 Councilor announced that it is this Committee's hope that only one meeting would be required to produce the statement.

Finance and Personnel - (Ms. Kist, Chair): reported there was no August meeting; and the next meeting is scheduled for Wednesday, September 8, at 9:00 a.m.

Legislation Requests

Ms. Kist moved, Mrs. Lattimer seconded, AN ORDINANCE ESTABLISHING LIMITED CREDIT CARD CONVENIENCE CHARGES IN ORDER TO OFFSET MERCHANT FEES BEING PAID BY THE CITY OF ASHTABULA.; motion CARRIED.

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Public Utilities and Schools - (Mr. Pugliese, Chair): announced there to be no report and no meeting scheduled.

Public Works - (Mrs. Lattimer, Chair): reported on the Committee's Monday, August 9, meeting, as follows:

Sewer Rates

The Chair reported the City has not "kept up with their annual sewer rates" and are "running into problems with Permanent Improvement funds. The Committee suggested the rates be increased by \$0.005 cents per cubic foot. Revenue from the increase would go "into the regular operating fund". Capital improvement rates will be increased by \$0.012 cents per cubic foot. For the average user the increase represents \$.0.60 cents. The revenue from this increase would go into the Operating Funds. \$1.42 of the increase will capital improvement funds, which can only be spent for capital improvement projects with a lifespan of (5) or more years. She reported Industrial rates were also increased.

Legislation Requests

Mrs. Lattimer moved, Mrs. Stranman seconded, AN ORDINANCE REPEALING, IN ITS ENTIRETY, CODIFIED ORDINANCE SECTION 937.02, ENTITLED LEVY OF CHARGES; motion CARRIED.

Mrs. Lattimer moved, Ms. Kist seconded, AN ORDINANCE ENACTING NEW CODIFIED ORDINANCE SECTION 937.02, ENTITLED LEVY OF CHARGES.

Street Lighting

Street lighting has increased \$8,000.00 per month. A few ways to cover the increase were reviewed. There are 2,700 lights throughout the City, costing the City an average of \$38,000.00 per month. The law says only intersections have to be illuminated. The photocells could be removed. However it costs \$14.00 per light, per month, therefore about 1000 cells would have to be removed to save \$14,000.00 per month, which does not cover the street light costs, but would help to reduce it. The Committee asked everyone, "Would it be worth the \$2.50 per month to have street lighting, and be assessed for such cost?" Street lighting's safety factor was discussed in relation to the proposed increase and the option of not having it. The Committee decided it would be best to asses each property owner \$2.50 per month, or \$32.00 per year. Mrs. Lattimer moved, Mrs. Stranman seconded, AN ORDINANCE ENACTING A SPECIAL ASSESSMENT UPON ALL REAL PROPERTY IN THE CITY OF ASHTABULA, OHIO, IN ORDER TO PAY A PORTION OF THE COST OF PROVIDING STREET LIGHTING. The Ward 3 Councilor said the Committee realizes residents do not like to pay for something they have not had to in the past. And that other communities are either considering the same, or have begun to charge. The City's street lighting cost is paid out of the General Fund which is the same fund the police, fire and public works employees are paid out of. So when the City pays more for street lighting it reduces the funds available to for other services. The Chair said, "When expenses keep rising and revenue is down, increases, while not popular, are necessary.

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The ordinance is schedule for two readings allowing time for citizen response, and for the Auditor's Office to do what is necessary. The Ward 2 Councilor said while he believes the "subject is important, he could not lend his support for this request at this time, especially when Ohio American Water Company just put out an email stating 400 customer's service was disconnected due to non-payment". He said residents are charged out and can handle nothing more. He said he is in favor of the request to increase sewer rates. The Ward 1 Councilor asked if the proposed increase is a form of tax. The City Solicitor said the Ohio Revised Code says it is an assessment and explained the difference between a tax and an assessment. The Ward 2 Councilor suggested this request and the one for sewer rate increases go on the ballot. The Solicitor replied if it goes on the ballot it becomes a tax levy. The Vice President said totally agrees with the Ward 2 Councilor on the proposed street lighting assessment, and is not for sewer rate increases either. She said, "People are doing what they can do and now is not the time to ask them for more". The President asked for a roll call vote on the request to place a special assessment upon property taxes to assist the City with its street lighting costs: Mr. Rose (nay); Mr. Pugliese (nay); Mrs. Stranman (yea); Mrs. Lattimer (yea); Ms. Kist (nay); Mr. Brockway (yea). The motion **FAILED** by a 3-3 tie.

Resolution Request

Mrs. Lattimer moved, Ms. Kist seconded, A RESOLUTION DEDICATING AND NAMING THE PUBLIC PARK KNOWN AS NORTH PARK AS THE "L CPL. KEVIN M. CORNELIUS MEMORIAL PARK" IN MEMORY OF KEVIN MICHAEL CORNELIUS AND IN RECOGNITION OF HIS ULTIMATE SACRIFICE IN THE SERVICE OF HIS COUNTRY; motion CARRIED.

Safety Forces - (Mr. Rose, Chair): announced the Committee will jointly meeting with the Community Development Committee on Wednesday, August 18, at 8:00 a.m.

Legislation Requests

Mr. Rose moved, Ms. Kist seconded, AN ORDINANCE REPEALING, IN ITS ENTIRETY, PAYROLL ORDINANCE NO. 2010-37, PASSED ON MARCH 15, 2010, FOR THE PURPOSE OF ELIMINATING THE DIVISION OF POLICE RANKS OF PROBATIONARY SERGEANT, NON-PROBATIONARY SERGEANT, AND PROBATIONARY CAPTAIN; AND ESTABLISHING THE RANKS OF PROBATIONARY LIEUTENANT AND NON-PROBATIONARY LIEUTENANT AT THE RATE OF PAY OF THE FORMER NAMED PROBATIONARY AND NON-PROBATIONARY SERGEANT, RESPECTIVELY; motion CARRIED.

Mr. Rose moved, Ms. Kist seconded AN ORDINANCE AUTHORIZING COMPENSATION, SALARIES AND WAGES TO ALL EMPLOYEES OF THE CITY OF ASHTABULA, OHIO; motion CARRIED.

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Mr. Rose moved, Mrs. Lattimer seconded, to enact new legislation titled, AN ORDINANCE TO ENACT NEW LEGISLATION TITLED “ALARM INSTALLATION, MONITORING AND OPERATION COMPANIES”; motion CARRIED.

Mr. Rose moved, Mrs. Lattimer seconded, to enact legislation titled “REGULATION OF AUTOMATIC ALARM SYSTEMS”; motion CARRIED.

Public Works Committee Request

Mrs. Lattimer moved, Mr. Rose seconded, to approve the Parks & Recreation Board’s request for \$350.00 to \$500.00 to make bench repairs at Nappi Field, and other repairs to the surrounding area. The second part to the request was for the City to remove brush and restring the fencing along the east side of the property to better protect the park. The motion CARRIED.

Texting Legislation Back to Safety Forces Committee

The Vice President reported legislation recently passed prohibiting texting while operating a motor vehicle within the City. The legislation should have included cell phone usage, both of which were the Committee’s request. The Clerk of Council reported several emails were produced to try and clarify the Committee’s initial intent, and it has been determined that the matter will be referred back to the Safety Forces Committee.

Work Session (Mr. Brockway, Chair): announced no session is scheduled, but will be if needed.

Regular Council Meeting

The President announced the next Regular Council meeting will take place on Tuesday, September 7, due to the observance of Labor Day on Monday, the 6th.

FORMAL LEGISLATION REQUEST - None

PUBLIC’S QUESTIONS AND/OR COMMENTS ON TONIGHT’S LEGISLATION - None

LEGISLATION READING

AN ORDINANCE AMENDING THE TRAFFIC CONTROL MAP TO PROHIBIT PARKING ON THE NORTH SIDE OF BRIDGE STREET BETWEEN HULBERT AVENUE AND 1105 BRIDGE STREET, was presented for its first reading. Ms. Kist moved, Mrs. Lattimer seconded, to waive the reading of the ordinance; motion CARRIED. The ordinance was placed on its first reading.

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AN ORDINANCE AMENDING THE TRAFFIC CONTROL MAP TO PROHIBIT PARKING ON THE WEST SIDE OF LAKE AVENUE BETWEEN WEST 6TH STREET AND 511 LAKE AVENUE, was presented for its first reading. Ms. Kist moved, Mrs. Lattimer seconded, to waive the reading of the ordinance; motion CARRIED. The ordinance was placed on its first reading.

AN ORDINANCE AMENDING THE TRAFFIC CONTROL MAP FOR TO AUTHORIZE A HANDICAP CROSSING SIGN TO BE ERECTED ON WEST AVENUE 10 FEET SOUTH OF WEST 38TH STREET, was presented for its first reading. Ms. Kist moved, Mrs. Lattimer seconded, to waive the reading of the ordinance; motion CARRIED. The ordinance was placed on its first reading.

AN ORDINANCE REPEALING, IN ITS ENTIRETY, ORDINANCE NO. 9097, PASSED ON OCTOBER 4, 1982, PERTAINING TO PARKING ON BRIDGE STREET AND LAKE AVENUE, TITLED “AN ORDINANCE AMENDING THE TRAFFIC CONTROL MAP AND FILE”, was presented for its first reading. Ms. Kist moved, Mrs. Lattimer seconded, to waive the reading of the ordinance; motion CARRIED. The ordinance was placed on its first reading.

AN ORDINANCE REPEALING, IN ITS ENTIRETY, CODIFIED ORDINANCE SECTION 937.02, ENTITLED LEVY OF CHARGES (Sewer Rates), was presented for its first reading. Ms. Kist moved, Mrs. Lattimer seconded, to waive the reading of the ordinance; motion CARRIED. The ordinance was placed on its first reading.

AN ORDINANCE ENACTING NEW CODIFIED ORDINANCE SECTION 937.02, ENTITLED LEVY OF CHARGES (Sewer Rates), was presented for its first reading. Ms. Kist moved, Mrs. Lattimer seconded, to waive the reading of the ordinance; motion CARRIED. The ordinance was placed on its first reading.

ORDINANCE NO. 2010-114 AN ORDINANCE REPEALING, IN ITS ENTIRETY, PAYROLL ORDINANCE NO. 2010-37, PASSED ON MARCH 15, 2010, FOR THE PURPOSE OF ELIMINATING THE DIVISION OF POLICE RANKS OF PROBATIONARY SERGEANT, NON-PROBATIONARY SERGEANT, AND PROBATIONARY CAPTAIN; AND ESTABLISHING THE RANKS OF PROBATIONARY LIEUTENANT AND NON-PROBATIONARY LIEUTENANT AT THE RATE OF PAY OF THE FORMER NAMED PROBATIONARY AND NON-PROBATIONARY SERGEANT RESPECTIVELY, was presented. Ms. Kist moved, Mrs. Lattimer seconded, to waive the reading of the ordinance; motion CARRIED. The Vice President asked if a Civil Service exam is necessary to reclassify. The Manager inaudibly replied no. Ms. Kist moved, Mrs. Lattimer seconded, to suspend the Charter requirement of two readings. On the roll call to suspend the Charter requirement of two readings: Mr. Rose, Mr. Pugliese, Mrs. Stranman, Mrs. Lattimer, Ms. Kist, Mr. Brockway voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mr. Rose, Mr. Pugliese, Mrs. Stranman, Mrs. Lattimer, Ms. Kist, Mr. Brockway voted yea; motion CARRIED.

ORDINANCE NO. 2010-115 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, to suspend the Charter requirement of two readings. On the roll call to suspend the Charter requirement of two readings: Mr. Rose, Mr. Pugliese, Mrs. Stranman, Mrs. Lattimer, Ms. Kist, Mr. Brockway voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mr. Rose, Mr. Pugliese, Mrs. Stranman, Mrs. Lattimer, Ms. Kist, Mr. Brockway voted yea; motion CARRIED.

ORDINANCE NO. 2010-116 AN ORDINANCE REPEALING, IN THEIR ENTIRETY, THE EXISTING RULES AND REGULATIONS OF THE CIVIL SERVICE COMMISSION 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, to suspend the Charter requirement of two readings. On the roll call to suspend the Charter requirement of two readings: Mr. Rose, Mr. Pugliese, Mrs. Stranman, Mrs. Lattimer, Ms. Kist, Mr. Brockway voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mr. Rose, Mr. Pugliese, Mrs. Stranman, Mrs. Lattimer, Ms. Kist, Mr. Brockway voted yea; motion CARRIED.

ORDINANCE NO. 2010-117 AN ORDINANCE ENACTING NEW RULES AND REGULATIONS OF THE CIVIL SERVICE COMMISSION 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, Mr. Rose seconded, to suspend the Charter requirement of two readings. On the roll call to suspend the Charter requirement of two readings: Mr. Rose, Mr. Pugliese, Mrs. Stranman, Mrs. Lattimer, Ms. Kist, Mr. Brockway voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mr. Rose, Mr. Pugliese, Mrs. Stranman, Mrs. Lattimer, Ms. Kist, Mr. Brockway voted yea; motion CARRIED.

ORDINANCE NO. 2010-118 AN ORDINANCE TO APPROPRIATE FROM UNAPPROPRIATED WASTE WATER TREATMENT FUND 503, THE SUM OF \$320,500.00, FOR THE WEST 30TH STREET OPWC SANITARY SEWER PROJECT, was presented. Ms. Kist moved, Mrs. Lattimer seconded, to waive the reading of the ordinance; motion CARRIED. Ms. Kist moved, Mrs. Lattimer seconded, to suspend the Charter requirement of two readings. On the roll call to suspend the Charter requirement of two readings: Mr. Rose, Mr. Pugliese, Mrs. Stranman, Mrs. Lattimer, Ms. Kist, Mr. Brockway voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mr. Rose, Mr. Pugliese, Mrs. Stranman, Mrs. Lattimer, Ms. Kist, Mr. Brockway voted yea; motion CARRIED.

ORDINANCE NO. 2010-119 AN ORDINANCE ESTABLISHING LIMITED CREDIT CARD CONVENIENCE CHARGES IN ORDER TO OFFSET MERCHANT FEES BEING PAID BY THE CITY OF ASHTABULA, was presented. Ms. Kist moved, Mrs. Lattimer seconded, to waive the reading of the ordinance; motion CARRIED. Ms. Kist moved, Mrs. Lattimer seconded, to suspend the Charter requirement of two readings.

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The Ward 4 Councilor reported she thought the funds would be taken from the Paving Fund. The Auditor replied these are OPWC funds that are going to go directly from the State of Ohio to the vendor, but the City is now required appropriate the funds, show it as an expense on our books even though the money does not come to the City's books. On the roll call to suspend the Charter requirement of two readings: Mr. Rose, Mr. Pugliese, Mrs. Stranman, Mrs. Lattimer, Ms. Kist, Mr. Brockway voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mr. Rose, Mr. Pugliese, Mrs. Stranman, Mrs. Lattimer, Ms. Kist, Mr. Brockway voted yea; motion CARRIED.

RESOLUTION NO. 2010-113 A RESOLUTION DEDICATING AND NAMING THE PUBLIC PARK KNOWN AS NORTH PARK AS THE "L CPL. KEVIN M. CORNELIUS MEMORIAL PARK" IN MEMORY OF KEVIN MICHAEL CORNELIUS AND IN RECOGNITION OF HIS ULTIMATE SACRIFICE IN THE SERVICE OF HIS COUNTRY, was presented. Ms. Kist moved, Mrs. Lattimer seconded, to waive the reading of the resolution; motion CARRIED. Ms. Kist moved, Mrs. Lattimer seconded, to adopt the resolution. On the roll call to adopt the resolution: Mr. Rose, Mr. Pugliese, Mrs. Stranman, Mrs. Lattimer, Ms. Kist, Mr. Brockway voted yea; motion CARRIED.

UNFINISHED BUSINESS – None

MISCELLANEOUS BUSINESS

Ohio State Treasurer (Kevin Boyce) Programs

The Ward 3 Councilor reported a representative from the State Treasurer's office spoke at this evening's Pre-Council meeting about various programs citizens and businesses may take advantage of, such as: Grow Now (small business development), AgLink (agricultural funding), and EcoLink (energy conservation - reduced interest rate for energy efficient upgrades). To learn more visit www.ohiotreasurer.gov.

Bridge 2 Bridge Walk/Run

The Ward 4 Councilor announced the first Bridge-2-Bridge Walk/Run will take place October 30. This year's proceeds will go to the L Cpl Kevin Cornelius Memorial Fund.

Ashtabula Area City Schools Levies

The Ward 4 Councilor announced two levies will appear on the November 2 general election ballot: A Permanent Improvement Reduction Levy – was 3 mils, reduced to 2.5 mils; and a 4.9 mil Operating Levy. Mrs. Lattimer moved, Mrs. Stranman seconded, for Council's support of these levies. The Councilor reported a letter of support has been requested. The Clerk announced the Solicitor informed the dais at the August 2 Regular Council meeting and at other meetings that all actions of Council should be by way of resolution or ordinance.

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The Solicitor said “This may seem like a distinction without a difference, but it is not. The legislative power of the City may be exercised only by ordinance or resolution. If Council deems it appropriate to by something other than ordinance or resolution authorize the Clerk to express the collective opinion of Council as to a matter that does not involve the legislative authority of the City, it can do so. If it is the desire of Council to produce a formal resolution for execution by the members of Council so there signatures can perhaps be reproduced in the newspaper or something like that, then by all means I have no aversion to preparing a resolution for the next meeting.” The Ward 4 Councilor suggested a letter. The Clerk asked who would be responsible for the letter. The Councilor asked the Clerk to do so. The motion CARRIED.

Ashtabula County District Library Levy

The Ward 3 Councilor also attended tonight’s Pre-Council meeting to present their 2009 annual report and tell why the library is placing a levy request on the November 2 general election ballot. Ms. Kist moved, Mrs. Lattimer seconded, for a letter of support for the library levy; motion CARRIED.

Amended Council Rules

Mrs. Lattimer moved, Mrs. Stranman seconded, to adopt the amended Council Rules; motion CARRIED.

NEW BUSINESS – None

PUBLIC’S GENERAL PORTION

Mr. Doug Monroe, 1307 West 6th Street: reported Bridge Street is being over taken by flower pots. He said he has not seen an abundance of flowers such as what is on Bridge Street, and suggested next year they are scaled back.

Mr. Monroe said he witnessed a police officer sleep at the old Harbor Methodist Church, which is now a Hispanic Church. He called the Police Department, and asked the Safety Forces Committee of Council to touch on it in their next meeting.

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Mrs. Lattimer moved, Ms. Kist seconded, to adjourn the meeting at 8:45 p.m.

DATE APPROVED: _____

ATTESTED BY: _____

Charles P. Brockway
President of Council

ATTESTED BY: _____

LaVette E. Hennigan, MMC
Clerk of Council