

ASHTABULA CITY COUNCIL
CITY OF ASHTABULA – COUNCIL CHAMBERS
4717 Main Avenue, Ashtabula, OH 44004

EMERGENCY MEETING MINUTES
Monday, February 26, 2018

Council met in an **EMERGENCY MEETING**. The President of Council called the meeting to order at 7:30 a.m.; the Ward 2 Councilor offered the opening prayer and the Pledge of Allegiance was recited.

Member(s) Present:	Mr. August A. Pugliese	(Ward 2 Councilor)
	Mr. Michael D. Speelman	(Ward 4 Councilor)
	Ms. Jane Haines	(Ward 5 Councilor)
	Mr. Christopher J. McClure	(Vice President)
	Mr. John S. Roskovics	(President)

Member(s) Absent:	Mr. Reginald M. Holman	(Ward 3 Councilor)
	Mrs. Kym Harley	(Ward 1 Councilor)

Officer(s) Present:	Mr. James M. Timonere	(City Manager)
	Mrs. Dana D. Pinkert	(Finance Director)
	Mrs. LaVette E. Hennigan, MMC	(Clerk of Council)

Officer(s) Absent:	Michael Franklin	(City Solicitor)
---------------------------	------------------	------------------

SUNSHINE LAW CERTIFICATION

The Clerk of Council certified conformity to the Sunshine Law.

PURPOSE

The President announced the purpose of this Emergency Meeting was to permit City Council to consider legislation regarding income tax collection and administration as required by the State of Ohio.

WELCOME

Visitors were present.

EXPLANATION / PURPOSE OF LEGISLATION

The Finance Director reported:

- House Bill (HB) 49 included income tax provisions which said municipalities had to adopt all the income tax provisions found in the HB by January 31, 2018, and make sure it includes tax year 2018
- We have not adopted the provisions because we were a part of the opposition to the bill
- After receiving word last week that the first answer to the opposition sided with the State of Ohio, she felt it was time to send the request for legislation to City Solicitor

Franklin to draft; letting him know it might be time for City Council to enact the legislation because we do not know what the repercussions are if the legislation is not enacted

- This has put the City of Ashtabula in a Catch 22, because we are still in opposition to part of the Bill, but are adopting the provisions because we are required to; and
- All communities are going through the same thing.

COMMENTS / QUESTIONS from ADMINISTRATION (Finance Director is providing the answers)

Q: Because we have not enacted the legislation, will it affect us in any way?

A: No, we will be fine because we are making it for the whole year. HB49 specifically says you have to say you're adopting it and that it includes year 2018.

Q: Are we repealing our opposition?

A: No.

Q: We are still in opposition?

A: Right! We are still part of that, but it almost sounds like we are doing two different things. The thought is if the municipality does not enact the legislation, and we lose the opposition, that we will lose our ability to tax.

C: The Ohio State Supreme Court said, "It isn't".

A: But they may do an appeal; they are working on something else, per my last email.

Q: Okay. But, for all intents and purposes, we hired legal counsel; they lost the first round.

A: Right.

Q: So, within that appeal, will there be something that says, we obtained counsel so therefore your January 31, deadline didn't happen because we had obtained counsel. Are we going to try to get some dispensation from that?

A: We are not going to hear about this.

Q: So, the January 31, date was just more procedural?

A: Right. And, I would not have had a special meeting for it, but the Solicitor thought we should.

Q: So, you don't think they are going to hold our feet to the fire on this?

A: No. I think if we did not do it by the end of the year, actually, and everything panned out with the opposition and it stayed on the State's side, then we'd have to be saying why we didn't enact the legislation.

LEGISLATION AGENDA

Formal Legislation Request (Council Rule 21)

The Clerk of Council presented the following request for legislation in accordance with Council Rule 21 of the City Council Rules of Order:

ORDINANCE NO. 2018-18, AN ORDINANCE REPEALING, IN ITS ENTIRETY, CODIFIED ORDINANCE SECTION 191.02 FOR THE PURPOSE OF COMPLYING WITH REQUIREMENTS OF THE OHIO LEGISLATURE REALTED TO INCOME TAXATION COLLECTION AND ADMINISTRATION. (Finance Director)

ORDINANCE NO. 2018-19, AN ORDINANCE ENACTING CODIFIED ORDINANCE SECTION 191.02 FOR THE PURPOSE OF COMPLYING WITH REQUIREMENTS OF THE OHIO LEGISLATURE REALTED TO INCOME TAXATION COLLECTION AND ADMINISTRATION. (Finance Director)

Mr. Pugliese moved, Mr. Speelman seconded to approve the formal legislation requests; motion CARRIED.

Consent Agenda Format

Mr. Pugliese moved, Mr. Speelman seconded to dispose of the legislation in consent agenda format; motion CARRIED.

Public Discussion / Comments

None

Legislation Reading

The Clerk of Council presented the following legislation for City Council's consideration:

ORDINANCE NO. 2018-18, AN ORDINANCE REPEALING, IN ITS ENTIRETY, CODIFIED ORDINANCE SECTION 191.02 FOR THE PURPOSE OF COMPLYING WITH REQUIREMENTS OF THE OHIO LEGISLATURE REALTED TO INCOME TAXATION COLLECTION AND ADMINISTRATION. (Finance Director)

ORDINANCE NO. 2018-19, AN ORDINANCE ENACTING CODIFIED ORDINANCE SECTION 191.02 FOR THE PURPOSE OF COMPLYING WITH REQUIREMENTS OF THE OHIO LEGISLATURE REALTED TO INCOME TAXATION COLLECTION AND ADMINISTRATION. (Finance Director)

Mr. Pugliese moved, Mr. Speelman seconded to waive the reading of the legislation; motion CARRIED. Mr. Pugliese moved, Mr. Speelman second to waive the Charter requirement of two readings. On the roll call to waive the Charter requirement of two readings: Mr. Pugliese, Mr. Speelman, Ms. Haines, Mr. McClure, Mr. Roskovics voted yea; motion CARRIED. On the roll call to adopt the legislation: Mr. Pugliese (yea), Mr. Speelman (yea), Ms. Haines (nay), Mr. McClure (yea), Roskovics (yea). The motion CARRIED by a 4 to 1 vote, but will not take effect for 30 days due to the lack of 5 or more affirmative votes.

Ashtabula City Emergency Council Meeting
Monday, February 26, 2018

ADJOURN: The President adjourned the meeting at 7:43 a.m.

DATE APPROVED: MARCH 5, 2018

ATTESTED BY: John S. Roskovics
John S. Roskovics
President of Council

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