

Council met in a **PUBLIC HEARING**. The President of Council called the meeting to order at 5:15 p.m.

Member(s) Present: **Mr. James M. Trisquet**, (Ward 5)  
**Mr. August A. Pugliese**, (Ward 2)  
**Mr. Richard F. Balog**, (Ward 1)  
**Mrs. Ann I. Stranman**, (Ward 3)  
**Mr. Christopher J. McClure**, (Vice President)  
**Mr. J. P. Ducro IV**, (Council President)

Member(s) Absent: **Mrs. Julie A. Lattimer**, (Ward 4)

Officer(s) Present: **City Manager James M. Timonere**, **City Auditor Dana D. Pinkert**  
**Clerk of Council LaVette E. Hennigan**

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

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

**PURPOSE:** The Council President announced the purpose of this Public Hearing was to comply with the provisions of Ohio Revised Code Section 715.75 titled "Hearing and Notice", to allow for public comments and recommendations regarding the JOINT ECONOMIC DEVELOPMENT DISTRICT (J.E.D.D.) CONTRACT BETWEEN THE CITY OF ASHTABULA AND SAYBROOK TOWNSHIP (DEPOT ROAD – ST JOHN SCHOOL).

**WELCOME:** No visitors were present

**DISCUSSION:** None

### **COUNCIL & ADMINISTRATION QUESTIONS AND/OR COMMENTS**

President: Are there other Saybrook JEDDs foreseen.

Manager: According to the new City/County Regional Sewer Agreement (CCRSA) (*December 2009*), any new development requiring a new tap into the sanitary sewer system, as long as that sewer eventually comes to our Waste Water Treatment Plant, that development is required to get into a JEDD agreement. If the business or development does not want to enter into a JEDD, there are provisions in the CCRSA that allow the City to inflate the cost of accepting their sanitary sewer, or add administration fees, etc., to the cost of them doing business. New development is pretty easy. They are familiar with the JEDD process, and can expect the tax they will be paying. Anything requiring a new tap, and I believe even a change in the use of that tap, if it's an existing line, will have to either enter into a JEDD or abide by the provisions that we set after that.

President: Are the townships (*Ashtabula and Saybrook*) in favor of the JEDDs.

Manager: It is income they have never received. It is a shared portion of the income tax, business tax, and is revenue that will help maintain sewers.

President: How does this differ prior to the December 2009 CCRSA.

Manager: The way that I understand this, with signing the new CCRSA, annexation was taken off the table. Put in its place was the ability to sign the JEDD agreement. It does not mean that if someone petitions to annex it could not be considered. In the type of development being considered in this JEDD agreement where the development is not contiguous to City property, we could not annex it anyway – we would have just collected the tap-in fee and the charge for usage. The JEDD adds the extra layer of income tax revenue.

President: I have been told by many in the public that they believe the City was sold down the drain when they gave away their sewers. He asked members of Council who were serving at the time the CCRSA was negotiated and passed as law, if “this is a good catch up or make up, or attempt to make good on something that maybe didn’t work out so well for the City in the pass.”

Ward 5 Councilor: “Absolutely it is. I think it’s a wonderful step forward. We can’t control what was done in the past, especially if it wasn’t something [we] did. This is something that we can do to help move forward and help benefit us as a city. My understanding is that annexation is not completely off the table, but there are steps that have to take place prior to that ever becoming an option for us. Those steps wouldn’t be in play if it was requested by the township property. Yes, this definitely is something that is beneficial for us as a City. Maybe not necessarily something that will make up a hundred percent for giving away the sewers eons ago, but is definitely something good.”

Ward 2 Councilor: “The JEDD is something that we can go after, but annexation would have been the solution. So this takes the place of annexation. If you can’t have annexation then the JEDD agreements still does allow the City to increase their revenue. So, it’s good.”

Ward 3 Councilor: “When we voted on this I was on Council at that time. We actually got the opinion of the former auditor, the Solicitor, everybody that was serving at that time, and everybody seemed to think it was the best possible solution. Of course it wasn’t perfect, but it was an agreement that was negotiated; that went back and forth until it was something that all parties could agree on. If we would have said no, and started annexing the township properties by force, that would have been tied up in court 10, 20 years. We wouldn’t have seen any benefit from that. And, then we would have had the court costs for court time. So it got to be, where is that really going to get us, except for we’re going to have a whole bunch of people ticked off at us.

Vice President: “The more we use this, the better. But, to echo what Mr. Pugliese (Ward 2 Councilor) said, annexation for the City of Ashtabula would be the best solution”. Choosing annexation would not bode well and create expenditures, “let’s not forget about it, though”. Let’s use, the JEDDS, use the JEDDS, and use the JEDDS.

But, as a City, let us never forget that it's our waste water treatment plant, and that's a bargaining chip, the advantage, and reason why we incorporated as a City. So, as the townships have grown they've reaped the benefits of having it both ways. And, they've never had to put a waste water treatment in. If they don't like the annexation word, talk to the Ohio EPA, get your permits, and put a waste water treatment plant in. But, until then, we should sleep with that pen under our pillow that says we could annex at some point. Agreed, it's not logical right now."

Manager: When the CCRSA expires so do JEDDs unless renewed. Annexation is not off the table. And, if we're in a situation which the development is contiguous to the City, that's obviously something we're going to discuss with the developer. But, when you really look at where the development is going to happen, those are not parcels contiguous to the City. The only other element I would caution, as you have all seen from the prior administration talking about it, and now from going through this process finally and getting one done, it's not as simple as, hey we're going to have a JEDD tomorrow. This has been a long drawn out process, such as 30 days of it being on display in the Clerk of Council's office. And what we have to do with Ashtabula Township in allowing them to tie-in prior to having this ready – the developers want to move now. So, in conjunction with what we've done here (this doesn't apply to the Saybrook Township JEDD we're discussing tonight), but in the case of the Ashtabula Township JEDD, you are able to add properties to an existing JEDD without going through the process we're going through now, as long as everyone agrees to language. So, we've already had one property that is undeveloped petition to be in that JEDD once the JEDD is complete, rather than beginning an entirely new one. Mr. Ryan Whitmire, Ashtabula Township Office Manager/Zoning Inspector, is going to try to identify the vacant properties along the Route 20 corridor, go to the developers, let them know they are going to have to JEDD anyway, let them know it will not cost them anything to get involved right now - why don't we get you on board with this JEDD so that when you have an agreement in place for a development they can move right ahead and petition to get their tap-ins and everything from the County, and they can allow that. Right now the County is on notice that any new taps outside of the City's geographical area and into the township that's still served by us, they will not issue that permit unless a JEDD is in place. So, that's the one area I think we have to be very cautious. And that's why I appreciate Council accepting those emergency tie-ins, knowing that the JEDDs were coming, because that could stall development.

Vice President: So, as these links together into the JEDD.... Let's say something contiguous to the township, such as the Enterprise Rental Car, because that's right on the other side, is in the JEDD, as those link to that, does that make that then contiguous to the City.

Manager: No.

Vice President: It just makes it in the JEDD.

Manager: Correct.

Vice President: As we go forward, I think it is important to determine where our lines end and what all it could be. I think that's pretty important too. It's a huge positive for the City. JEDDs are better than nothing, and they're working well in Harpersfield right now.

Ward 2 Councilor: Sure.

President: I was hoping Mr. Franklin was here because I asked that question before coming to Council – just sort of some of the history with annexation, versus what was done with the sewers, versus the proposed JEDDs, versus the new CCRSA. And, Mrs. Stranman made the comment being tied up in court and attorney’s fees, but it doesn’t make sense to me to have us continually fight for things and make enemies of our neighbors, and be uncertain of the outcome, and have it go on for such a long period of time, when we could be working together, and incrementally probably gaining the same that we ultimately would gain in the long run – or at least somewhere close. So, I think it’s very positive. Anything that we can do to reach out and work together collectively with our neighbors in Saybrook and Ashtabula Townships, is a big positive for us. So, hopefully it works out every bit as positive economically for us, as well.

Vice President: As a counterpoint to that, the positive nature of it is we don’t have to tie our services to it in perpetuity. For example, St John School is not going to be serviced by our police and fire. So it’s not a drain on our services in that regard. So, a positive nature of a JEDD is that you get income and you don’t have to put the man-hours out there.

President: We talk about incentivizing reasons for business to come here. Is there any reason a business would look at our JEDD in the townships and say, why would I want to open up there and pay 1.8% tax when I can go someplace else and I don’t have that. As it has been said each JEDD can be customized. So if someone said I’m going to bring a thousand jobs here, can’t we get this down to 1%, and we have the flexibility of negotiating that, but have the JEDDs in other places because they created an additional expense for the prospective employer, have a negative effect.

Manager: Mr. President I would image somebody out there would say that, yes, there’s negative connotations to it. But, the only other thing I would add to that is that JEDD boards have to be established and money flowing into a JEDD District to do improvements and other activities that these businesses contribute to. In an overall scope of things it is a developmental tool that, although we do profit from it and the townships profit from it, so does the JEDD District profit from it – whether that’s in additional infrastructure, signage, whatever the JEDD board would then want to do – marketing to get those other empty lots filled. There are a lot of tools that may be used with the JEDD District.

Vice President: In the case of Nordic (now known by another name) they desperately had to have water and sewer, so, the income tax was well worth it for them. It was a matter of getting the trunk lines run out to Harpersfield to service them, so, it was a win three ways.

Manager: One of the things that has to be looked at (which we are doing in the State Road/Middle Road area), is a lot of the septic systems out there are old and failing, and now they need a way to discharge. With what we’re taking on, on the industrial pretreatment side, due to some of it being trucked in, they are realizing this isn’t that bad of a deal anymore to get that line run further in and tie into a JEDD, because we’re spending \$300,000 a year to process material, and the JEDD is only going to cost us a certain amount. There’s some trade off.

Ashtabula City Council Public Hearing  
Monday, March 4, 2013

**Public Questions and/or Comments:** None

**Process going forward:** The Manager said Council is required to vote on accepting the JEDD. Once Saybrook Township does the same, we start collecting.

**Closing Remarks:** The President announced that by law no formal action may be taken at a public hearing. Legislation resulting from this public hearing will be voted on at a regular or special council meeting, at the appointed time.

**Adjourn:** Mr. Trisket moved, Mr. Pugliese seconded to adjourn the Public Hearing at 5:47 p.m.; motion CARRIED.

**DATE APPROVED:** **April 1, 2013**

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

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