

Council met in a **PUBLIC HEARING**. The President of Council called the meeting to order at 5:30 p.m.

Member(s) Present: **Mrs. Julie A. Lattimer** (Ward 4)
 Mr. James M. Trisket (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: **None**

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

Officer(s) Absent: **None**

PURPOSE: The Council President announced the purpose of this Public Hearing was to present and hear comments regarding the following legislation, in response to the City Manager’s request to amend the allowable uses in the Zoning District titled C-4 Commercial District, in order to permit medical facilities:

ORDINANCE NO. 2012-58 AN ORDINANCE AMENDING ZONING WITHIN THE CITY OF ASHTABULA, OHIO BY REPEALING, IN THEIR ENTIRETY, EXISTING CODIFIED ORDINANCE SECTIONS 1135.03 AND 1135.05 IN ORDER TO PERMIT MEDICAL OFFICES AS A PERMITTED USE WITHIN THE C-4 COMMERCIAL DISTRICT. (City Manager)

ORDINANCE NO. 2012-59 AN ORDINANCE AMENDING ZONING WITHIN THE CITY OF ASHTABULA, OHIO BY ENACTING NEW CODIFIED ORDINANCE SECTIONS 1135.03 AND 1135.05 IN ORDER TO PERMIT MEDICAL OFFICES AS A PERMITTED USE WITHIN THE C-4 COMMERCIAL DISTRICT. (City Manager)

WELCOME: The President welcomed Deputy City Auditor Karen S. Jury, City Manager Executive Assistant (EA) Luciana Ratermann, Star Beacon reporter Shelly Terry, and an unnamed citizen.

DISCUSSION

The following items were discussed:

- * The President noted the location of the district is in the Route 20 Commercial Corridor located on Route 20 within the city limits;
- * Ms. Ratermann reported the Planning Commission (PC) met and approved the request on March 15;
- * The President was surprised medical was excluded as an allowable use given there are “several medical facilities along this stretch”, and it would be great to have more medical in the area;

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- * The Manager reported being contacted by a commercial property owner in the district, whose tenant was a medical facility, and was grandfathered in with the change. However other properties could be used for the same purpose;
- * There is nothing immediately happening neither are there any pending inquiries. The purpose of the request is to expand for the future and to allow the most viable options, as possible;
- * The Ward 4 Councilor reported being on the Planning Commission (PC) at the time the district was established; the PC hired a consultant to assist with the creation of the district; the consultant's recommendation was not to prohibited uses to avoid potential lawsuits; permissible allowances should be listed; and all other uses would have to request a variance; the legislation was not prepare or passed as the PC suggested;
- * The Manager reported medical offices are listed in Codified Ordinance Sections 1135.04 titled; Prohibited Uses at subsection (c) is medical offices. The Ward 4 Councilor reiterated the PC consultant's recommendation which was not to list prohibited uses, but to list allowable uses;
- * The Ward 2 Councilor concurred with his Ward 4 colleague's recollection;
- * The Solicitor reported the legislation will have to be corrected because 1135.03 and 1135.05 should be 1135.02 and 1135.04 respectively; and that corrected copies will be submitted to the Clerk prior to the vote;
- * The Clerk of Council reported she has copies available for Council if they decide to take the vote today; and asked the Solicitor if the changes he speaks of may be done by interlineation; he replied yes;
- * The Clerk of Council asked Ms. Ratermann if a copy of the PC's approval documentation was sent to her; Ms. Ratermann said she emailed it; the Clerk reported not recalling receiving it and asked that one be forwarded to her. The Clerk reported that since the PC has approved the request, Council may, at its special meeting motion to have the ordinance placed on the agenda;
- * The President attempted to understand why prohibitive language is in the ordinance if the consultant specifically advised there not be (the reason for this could not be provided). He asked if the ordinance scheduled to be presented to Council this evening removes the prohibitive language;
- * The Manager responded no by reading 1135.04 Prohibited Uses in its entirety;
- * The Ward 4 Councilor reported 1135.02 lists permitted uses;
- * The Manager suggested perhaps eliminating the "prohibited uses" section to conform to the consultant's recommendation;
- * The Ward 4 Councilor said she prefers the whole section be removed (1135.04); especially in light of 1135.04 (e) titled Sexually oriented businesses, see Chapter 1159 of this Code, because "there are limited spaces"; and listing prohibitions sets the stage for language to be tested; she suggested listing permitted uses and requiring all other uses to seek a variance, which may be approved or denied; and said she is in favor of allowing medical facilities at this time;

- * The Manager asked, if more changes are desired would the matter have to go back to the PC, and would another public hearing have to be held. The Solicitor replied yes to both because the PC has not had the opportunity to comment on the suggested proposal; nor was the change available for the public to review prior to today's public hearing. He suggested moving forward with that which has gone through the proper channels and go back to PC with a more comprehensive restructuring of 1135.02 Permitted Uses and 04 Prohibited Uses;
- * The President thought it might be well to hold off on approving the inclusion of medical facilities, especially since there are no pending prospects, and because it is going change in the future;
- * The Manager reported he, EA Ratermann, and the PC are looking at the entire zoning code, and will be present sweeping recommendations to Council; suggested moving forward with medical tonight; the removal of prohibited uses in the C-4 District will be brought to Council as other proposed changes are presented;
- * The Ward 4 Councilor said it would be more palatable for Council if the proposed changes were presented in "bit size pieces".

No Action

The President announced no formal action is permitted, by law, to be taken at a public hearing. The Council, however, will do so at a regular or special meeting of its body, at the appropriate time.

Adjourn

Mr. Pugliese moved, Mr. Trisket seconded to adjourn the public hearing at 5:45 p.m.; motion CARRIED.

DATE APPROVED: June 4, 2012

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

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