

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

Member(s) Present: Mr. Richard F. Balog, (Ward 1)
Mr. August A. Pugliese, (Ward 2)
Mrs. Ann I. Stranman, (Ward 3)
Mr. James M. Trisket, (Ward 5 – arrived at 5:55 p.m.)
Mr. Christopher J. McClure, (Vice President)
Mr. J. P. Ducro IV, (Council President – arrived at 6:12 p.m.)

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

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

SUNSHINE LAW: The Clerk of Council certified conformity to the Sunshine Law (part way into the discussion portion).

PURPOSE: The Council Vice President announced the purpose of this Public Hearing was to permit the City Council to hear comments regarding a request to rezone Thistlewood Apartments (PP# 50-076-10-039-00 – 5.35 acres), located at 1936 Carpenter Road, from R3/Two Family Residence District to R/4 Multiple Dwelling District. He announced that a copy of the original request and the Ashtabula City Planning Commission’s approval of the request are in the meeting packet.

WELCOME: The Vice President welcomed visitors.

DISCUSSION

Mr. David Payne, 3518 Austinburg Road, Ashtabula (lifelong resident of the area, designer, served on two zoning boards, currently member of Plymouth Township Zoning Appeals Board, and representative for the property owner): distributed two sets of plans and reported: This project started as simply looking to add some more units to the existing apartments called Thistlewood. When we got into this we found out they are totally illegal buildings right now. They are non-conforming to the zoning that is in there. And, the request is to legally straighten out this zoning to let them be what they actually are. It is now secondary whether we build the other units. I see there’s some other drawings over there. This whole block is pretty well self-sufficient. It’s surrounded on three sides by the street. The line to the west is already the definition between the two zoning districts. The owner, if this is changed, will gladly screen all of the streets with planting, fencing, whatever might be required. However, at this time these units have been upgraded quite a bit. This is the contractor that has worked on this. They’ve all gotten new porches. A lot of them have gotten new roofs. The object is to make them one of the finer units in the City. The current owner of this project has 147 units in this town. So, he has a lot of holdings. He tries to keep all of his properties nice.

I haven't seen a lot of the rest of them so I can't tell you anything about that. We have, ourselves, inspected these units. They are very nice. You realize (some of you) that at the time that these were built they were actually boxes trucked in from Columbus. The new units, if allowed to go in, will be stick-built, current building standards, current requirements for installation, and everything. Parking has been accounted for, for the number of units there. An excess has been provided to the southern street for fire truck access. So everything has been tried to be thought of that might, first of all, help the neighborhood, and secondly improve it. The occupancy rate, when the owner took over, went from about 70 to 75%, to about 98% occupancy. So, I think there's only one person that is handicapped that is eligible under Section 8. They are trying to use basic rental fees. Everybody pays their fair share... trying to do a decent job. So, at this point and time we're looking for the rezoning to make it legal; the additional buildings would be secondary.

COUNCIL & ADMINISTRATION QUESTIONS AND/OR COMMENTS

Vice President: confirmed Mr. Payne is owner representative.

Mr. Payne: Yes, Mr. Carkhuff.

VP: Where does Mr. Carkhuff live.

Mr. Payne: He lives in Austinburg.

VP: So he lives in Ashtabula County.

Mr. Payne: Yes.

VP: What are some of the other properties. Does he own other properties in the City.

Mr. Payne: (let the contractor respond)

Mr. Dexter Au (contractor – Puffer Roofing and Construction), 3576 East Center Street, Conneaut, OH: He owns Bunkerhill Apartments, on the corner of 84 and West Avenue. He owns...

VP: I think that's Carriage Hill.

Mr. Au: He also owns 30 or 40 individual houses.

VP: Rental units.

Mr. Au: Rental units.

VP: Okay

Mr. Au: ...in Ashtabula City. And when he looked into buying these...- he buys them, and he puts new roofs on them, new kitchens, new bathrooms, new flooring, repairs everything. At the Bunkerhill project, he went in and did new toilets, new sinks (in the units), new carpeting in most of the units, when a tenant moves out that unit gets redone, he did new boiler systems because there was an issue with some of the boilers in that unit, in there. And, Carpenter Road/Thistlewood, they went in and did new air conditioning units and heating units throughout. Those that were empty, they did new painting, new trimming, brand new floor or hardwood floors throughout in the kitchen.

The idea is to hopefully rent them to 55 and above. But until we get to a certain percentage of that, that is 55 and above, we can't discriminate against that. We have no interest, right now, of doing Section 8 unless somebody comes to us – we're not going to deny them – we can't. It's just not our intention to go out and put them up and say we want to fill it up with Section 8. But, we will fill it up. Now we did go from about 70% full to 98% full in a two month period. The units did get all new roofs, they get all new heating units updated. We are in the process of working on the boilers now on those. The outside of the buildings got painted; the grass is now maintained every week - before it was maintained every two to three weeks under the previous owners. That was an issue with neighbors. If a neighbor comes to us with a complaint we're willing to correct the problem. And on the screening, we'll do whatever is necessary to screen the street and the houses on the backside of us. I know there are some people that are concerned about that.

VP: The backside would be Norman.

Mr. Au: Yes. Well Norman and then it wraps around.

Mr. Payne: The south side of Daniels would be (???)

Mr. Au: explained the screening process (dirt, plant grass, fence on top of it, fast growing trees). We don't want to interrupt any of the neighbors. Right now what they have is an empty field with a couple dozen trees on it, and it's all torn up. We did start clearing it. And, if there's a complaint or something that we're doing incorrectly... somebody doesn't like, we'll try to get that changed if we have to. I don't think there's been any police reports or anything like that since the new owners took over in Thistlewood. Prior to that there were definitely calls down there. So we can go down there and clean some house and re-rent it.

Manager: Both of you are contractors in this project. Do you have any investment interest in this project at all.

Messrs. Payne & Au: No.

Manager: Is there a reason Mr. Carkhuff isn't here himself.

Mr. Au: He's out of town today.

Manager: Okay

VP: asked Mr. Au to use the podium (for microphone purposes).

Mr. Au: He is out of town today.

Solicitor: The statement that the use of the property is illegal is not technically accurate from a legal perspective. The use is non-conforming. Our code acknowledges that there are and will be non-conforming uses. Meaning simply that the use at the time of the zoning change was already in place. What our code does not permit, and the reason for the request of the rezoning, is it does not permit an expansion of a non-conforming use, as building additional multiple family structures would be in this particular case.

So there is no threatened termination of the use represented by the existing building.

VP: From the sale of that property, I think it was Mr. Cimorell that owned the property before... so under that ownership it's the same as...

Solicitor: and his predecessor

VP: Okay.

Solicitor: the other thing I just wanted to note was not that before nor after the transfer, Thistlewood was not a particularly high crime area. I read the police reports every morning from the previous shift, if they result in an arrest or a request for charges from the Police Division. And, there's no real significant change – that's not a high crime area.

VP: Okay, I appreciate you bringing that to light with the legality issue.

Mr. Payne: Can I ask the Solicitor a question.

VP: Yes, Mr. Payne.

Mr. Payne: Do you know when that zoning was put into effect – about what year.

Solicitor: No sir, I do not.

Mr. Payne: My contention is that either it was always that way. It couldn't have been non-conforming because I think the zoning was there before the buildings were. They're recent enough buildings... 1970's or so, if I'm guessing that perhaps it was R2 prior to them being built.

Solicitor: I understand that; that is a possibility. But, in the absence of the City's ability to prove that the use came to the zoning, rather than the zoning coming to the use, we're according it non-conforming use treatment, so the owner of the property can continue with the use that has existed, as you pointed out, since the mid 1970's.

Mr. Payne: I understand.

Mr. Au: If we have a unit that burns down, or it's destroyed, with it being non-conforming, is that unit able to be rebuilt. As of right now how it's zoned it is not. So that puts us in a dead spot again.

VP: Mr. Solicitor, that's a good question.

Solicitor: It is a good question, and I'm reasonably sure that the zoning code does permit a prompt reconstruction of a non-conforming building. What it does not permit is an abandonment for a lengthy period of time – a period of years, and then coming back and attempting to rebuild it.

But I believe there is something approaching a year grace period to repair or restore a non-conforming building if it is destroyed.

Mr. Payne: That's correct; they give you one year's time.

VP: Mr. Franklin, just on that same note, and that's operating on the assumption that there isn't beyond the zoning, that there isn't a significant shift in the lot. I'm thinking like some of our – and I'm switching from this complex to some of our single family homes that are built in a very close proximity to the other homes... if one of those goes down I don't think they can be rebuilt on that same lot; can they. I'm talking about some of the very old neighborhoods where there's four foot between buildings.

Mr. Solicitor: In point of fact, they can unless the City wishes to pay compensation to the owner.

VP: Okay, and I know that's a little bit different than this scenario.

Ward 1 Councilor: This is in Ward 1. It impacts my ward. I'm pleasantly surprised to see a number of citizens here because generally these public hearings go without any. Usually it's just us guys sitting up here. I think it might have been beneficial for the developer himself to be here too. It's nice to hear from you guys. You've both presented yourself very well.

Mr. Payne: Thank you.

Ward 1 Councilor: I guess I'm kind of curious to see what our residents in the area have to say.

Manager: As I stated (I don't know if it reflects it in the minutes of the Planning Commission, but), as I stated to both of you and the members of that Planning Commission when this project came up, I appreciate Mr. Carkhuff's willingness to make this type of investment in our area. My opinion of this project, is in no way, shape, or form a reflection of somebody's willingness to invest this type of money into the City. However, I am opposed to this project. And the reason I'm opposed to this project is the sheer number of rental units we have, citywide. Not just in the harbor, not just in specific areas, but citywide. We all know that our population has been declining over the years. We all know the issues that we're facing with the vacant structures that we have throughout the town. And, now with the Planning and Community Development Department up in full swing, we can tell you the stories of the rental units that we're inspecting and that we see on a daily basis. To add thirty-two (32) more units to an area, that I believe we are well over 50% rental units in our housing stock, it just doesn't make any sense to me for what is in the best interest of the City. If this project was going somewhere else where we didn't have a say as far as the zoning – if it's already a multiple family dwelling, I guess there's nothing that we can do about it. But, here's a situation where through your vote and through your actions we can try to control some of what's been done in this City for many years, as far as when it comes to the rental units. I want to make it very, very clear, I am not against a person trying to make this type of investment in the City. But, when you look at the overall composition of what we have going on today, and the needs of this City, we need owner occupied residents. We've had enough of rentals, in my opinion.

VP: Thank you Mr. Manager. The only note that I would add to this... I happen to concur with just about everything you said. The one note that I would say again with his investment in the City... I would give him accolades insofar as the Thistlewood property looks better now than it did with the previous owner. It is better maintained. The grass is mowed. And, I've seen your handy work on the outside of those buildings. Likewise with the Carriage Hill Apartments, at least, from the appearance on the outside. Quite frankly the previous owner did not maintain it as well, in my opinion. Having lived in that neighborhood, on Bunkerhill, and driving by the Thistlewood every day, and being aware of some of the weed and grass properties that are chronic in the City. I don't have that concern with the current ownership of the Carriage Hill and the Thistlewood Apartments. But, having said that I am going to read a letter from a former resident of Carriage Hill that phoned and said they would not be able to be here this evening; they're stuck in traffic. But, since they can't be here to read this, I'll read it for them.

RECEIVED
MAY 20 2013
Ashtabula City Council

"Serving Citizens Today While Preserving the History of Tomorrow"

I come to you as a Citizen and a renter in the City of Ashtabula.

As the former General Manager of Mareddy Properties for 11 years, I can say that the care of a resident's needs regarding the condition of their apartment home is a priority to any landlord that cares for their tenants and the community in which they do business.

As a resident of Carriage Hill Apartments (located in the city limits) when Mr. Carkhuff purchased it, I was very encouraged when he shared all of his improvement plans. However it did not take long before there were major maintenance issues inside our apartment and the apartments of others that Mr. Carkhuff would not address: brown water running into or 1st bathroom from the shower above, mold taking that bathroom over, plumbing issues occurring in our 2nd bathroom made it close to un-usable, no A/C and pieces of ceiling falling.....just to name a few.

After reporting these issues more than once with no repairs taking place, I spoke to Mr. Carkhuff about these issues but the response I got from him was "When did I start working for you"? I informed him that if he was requiring and accepting rental payments then he needed to do repairs for his tenants. He informed me that he was well aware of the law and he ended the conversation. Needless to say we moved but not before giving a written 60 day notice in October 2012 (obligation was 30 day) including our forwarding address to refund the remaining months of unused pre-paid rent that he was in possession of; pre-rent money which he acknowledged when he purchased the property.

As of today Mr. Carkhuff has not even acknowledged our notice, causing us to hire an Attorney and file legal charges.

The reason the previous information is relevant is simply because of this; Mr. Carkhuff has asked to expand his rental property in the City limits, when he has

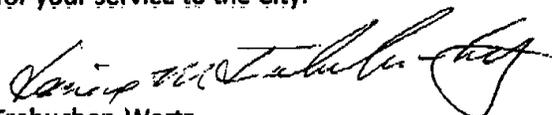
proven to have little if any regard for the care of his current tenants, business ethics and his possible un-lawful practices. His business practices should not warrant your giving him approval to expand.

I have numerous complaints that current residents have only warm water where he has to pay the gas bill. They went without heat for days in freezing weather because he chose to change out an operating boiler in an attempt to reduce his gas consumption with a newer more efficient one. He chose to inconvenience his tenants rather than wait until the weather broke to reduce the severe conditions for his paying residents. I'm told there are mold overgrowth issues in some of the apartments' tub access chambers and he will not address that either. Some of these tenants are old and/or have special needs and they say they are afraid to ask again. They say they have been told that if they don't like it, then leave.

This is a business owner that has shown little regard for the Citizens that he should be serving. **"Serving Citizens Today While Preserving the History of Tomorrow"**. Mr. Carkhuff is a business man operating in the City of Ashtabula who does not appear to be living up to his financial responsibilities, possibly his legal responsibilities and defiantly not honoring the City's Mission Statement.

For all of the reasons mentioned above I'm asking you, the leaders of our City to deny Mr. Carkhuff's request to expand. May I suggest that all businesses should not only fulfill their financial, ethical and legal responsibilities to all whom they serve, but they should also respect our City and those that establish the ordinances in which we are all to live by.

Thank you very much for your time and regardless of your ruling I would like to thank you for your service to the City.

Sincerely, 
Janine M. Trebuchon-Wertz
440-812-5889

VP: There's also another letter from a resident. I don't think we need to read it. A little bit different sentiment, but I believe it's probably in concert with a lot of the folks that are here – just kind of reading the vernacular of his concern. And, he lives on Deerfield Drive.

PUBLIC QUESTIONS AND/OR COMMENTS:

Ms. Donna Armstrong, 2105 Anthony Avenue: I was one of the original homes. Actually when I moved in I was the only house on the street. Then they came in with mid-income housing which, and I don't know for sure, but you hear that a lot of them are now Section 8'd. We've also got the duplexes over there on Norman Avenue, which when I moved in they were maintained very well. They looked very nice. There were some handicapped people – you know some nice families that were living there. If you were to drive down there now, I mean, they just don't look very nice at all. I can't say much about that. We've got Deerfield Apartments behind us, which was fine... we had a wooded lot between us that kind of separated us from the apartments. You've got the apartments down on Wade Avenue. You've got the apartments on Ohio Avenue. We've got a lot of rental properties already in the neighborhood. The homeowners in the neighborhood are a minority. Every year I'm out there picking up trash out of the street – and I'm not talking little bags, I'm talking garbage bags of trash, tires that are thrown out. And, these are thrown out by the people that actually live there. Homeowners tend to, I think, try to take a little bit better care of your property. And, I just don't think we need apartments. I, for one, don't care to be having apartments directly across the street from me. It's a residential neighborhood. My feeling is I'm stuck there. I could try to find someone to buy it. I suppose if I gave it away I would be able to move. So, right now it's likely that I'm going to have to remain there until such time that I want to take a big loss on my property. But, in the meantime I'd like to keep it in a neighborhood setting. When they came in with this housing unit that they put it, I remember I signed a petition to make this single family only. And, it's kind of like a shock to me that it was actually 2 family, I believe, as stated, because I did actually think that we were single family only. And, I'd like to keep it as a neighborhood and keep it as such.

Mr. Payne: That's exactly what we're trying to do. We have no relationship to those duplexes. I think that's part of the problem – that they are duplexes. This guy owns it; somebody else owns something else. You don't have a cohesive set of units. And, right now today, with the non-conforming zoning, if they could stay, all of that land that they just cleared could all become duplex units, right on that ground. And, we're trying not to do that. But legally, that's what can go in there. It doesn't benefit him; doesn't benefit you; doesn't benefit the neighborhood. We're trying to make nice unit. I know all those streets; I know exactly where you're talking about.

Ms. Armstrong: They can look nice over there where they're at; and look pretty there, and that's fine. But I don't want them to look nice directly across the street from me.

Mr. Payne: Well, again, with all of the boarding that they would be willing to put up (I'm just the designer), fencing, trees, everything to completely block all that, if that's what the people would like.

Ms. Anna Tackett, 2207 Norman Avenue: I'm a taxpayer, I'm a voter, I'm a homeowner, and enough is enough. Ashtabula has way too many rentals, and it's time to stop.

It is absolutely time to stop. There is no more excuses. We need to stop this. We need homeowners, not more rental. And, I totally agree with what you're saying, Ms. Armstrong, it's a nightmare. How many more do we have to have around this little area. And, believe me, if I could get out of Ashtabula now, I would. I have the duplexes, I have the apartments. And if the police would monitor it a little more we would have a lot more arrests in that area, thanks to what has been put in that area. It's time to stop it. Please help us stop it so I can live in this area, and continue to live in this area. Cause, I liked it until a few years ago. Thank you.

Shelby Wertz, 1720 Walnut Boulevard: The letter that Mr. McClure read was written by my mother. I used to live at Carriage Hill (CH) Apartments with my mom. I wanted to say my mom just texted me to say she just spoke to Mr. Kister who is against the rezone. Mr. Kister is trying to get a hold of the City Manager now. Also, I want to share a conversation I had with Mr. Carkhuff. After we moved out, I believe it was in December of 2012 (because my boyfriend still lives at CH and I still go there very often). There was probably a foot (*of snow*) in the parking lot. I've gotten stuck multiple times and had to have somebody come out and help me push my car. I would ask the Manager if someone was going to plow, and many people were complaining. The Manager said she understood and asked if I wanted to speak with the owner who was there at the time. She asked Mr. Carkhuff when the driveway was going to be taken care of. He said, which his common response to many things was, "Well who made you my boss". She told him he had older tenants, and reminded him of the tenant whose wife just had knee surgery. The tenant's husband had to shovel in order for his wife to get in their car. She said he told her to leave. She realized nothing was going to be done so she turned and walked away. We had large holes in the apartment from leaks, and he wouldn't fix them. There was mold in the shower; mold in her bedroom, it smelled, it was terrible. That's all; thank you!

Sandy & Charles Ranck, 2118 Pleasantview Avenue: Mrs. Ranck apologized for not being at the meeting earlier, said she was held up in I90 accident traffic, and hoped the items she wanted to mention were not yet reported on.

1) I have been in front of different groups with the City before with regards to the water runoff on Pleasantview Avenue. We have a huge concern with the way that the water runs. My concern is you start putting more building over ground, you lose the ability of the ground to absorb the water. And, adding to the already existing problem on Pleasantview with water runoff. The way the water runs, we have issues on Carpenter Road and Pleasantview, along with the others adjoining our area. That is a huge concern because in order to do something properly, as I was told, we were going to have to be assessed anywhere from \$20,000 to \$50,000 per household.

2) Current property upkeep: about one and a half to two years ago there was a vehicle accident at the intersection of Carpenter Road and Union Avenue. The vehicle ran into the apartments. The repair to the large hole sustained on the side of the building took a lot longer than anyone anticipated. She felt sorry for the people who lived in the building and those who had to look at the hole for several months. There is no reason repairs could not have been made timelier.

3) Traffic Flow: We already have a number of motorists who use the intersection. To add more vehicles could cause safety problems. Bike riders come out into traffic from the apartment area.

People on bikes have been hit in the past because when people come around that intersection they're not anticipating an entrance to an apartment building right there. I'd like to know how the planning is going to facilitate egress and ingress traffic to maintain safety.

4) Aesthetics: The land is starting to be cleared. I am so happy that I'm not living next store to that because right now when you look where garbage receptacles are located, they are right in plain sight of people, there's nothing to keep the smell or aesthetics closed off to the neighbors. I get upset when my neighbor leaves their trash can out for weeks on end and doesn't take it off the street. I cannot image having to look at a huge green commercial receptacle.

5) There has to be serious consideration given to that area of the Harbor. I know, as a taxpayer, and with the way the economy is, my taxes have changed, but my property value has gone down. I know that I pay as much in taxes for my house on Pleasantview as my parents do with waterfront property on Walnut Boulevard. I don't have any incentive to stay where I do, other than the fact that I live in a nice, quiet neighborhood, with very nice neighbors. You start adding a lot more people to the neighborhood, you start having a lot more multiple living units in the neighborhood, my property value's going to go down and I highly doubt that my taxes are going to go down accordingly. I feel like my neighbor... I'm stuck right now where I'm at, because if a unit is going to be built, no one is going to want to buy my property at what it's worth today. And I think that we pay enough in taxes that we should be heard and we should be taken into consideration into this project. I also think the things that are there need to be addressed by the person who's in charge of inspecting homes, because obviously that's not been occurring. And, if it has, follow ups are not being done because many of the homes and duplexes in that area are in ill repair and have been that way for a long time.

Mr. Ranck, 2118 Pleasantview Avenue: said he agrees with the City Manager, in that we need residential housing. He said he graduated from Grand River Academy, chose to live here, moved here 25 years ago, spent more than half his life in this county, said we need residential houses with good families. We have a brand new school that we can't support. More renters will not care about passing a levy for the schools. If the area is going to turn around and begin growing again we need a viable school in which students may be educated. Without it, we might as well put the cross on the City because it is going to die and I don't want to see that. I have too much invested in the City. If the property owner is able to conform to the zoning it would be fine, but I really don't want to see any more rental units housed with people who really don't care about the community that they live in. Thank you.

Mr. Larry Seymour, 2104 Deerfield Drive: said he was happy to hear the comments from other area homeowners. We're all afraid Ashtabula is going in the wrong direction. For us to get out of this problem we have to have homeowners not renters, that pay taxes and respect the property. If the City wants to grow and get back on track they have to stop building these rental properties and get serious about the City of Ashtabula. He thanked everyone for their input.

Ms. Lisa Richmond, 2423 Deerfield Drive (City school teacher): Thirty-two (32) units really concerns me. Whether you're putting 55 and over, when it comes to passing levies they cannot afford... they don't get out and vote.

If Mr. Carkhuff lives in Austinburg does he have a voting say in the City of Ashtabula. Mr. Payne lives in Plymouth, Mr. Au lives in Conneaut, so there's two more that are non City voters. I agree with the Rancks, we're in the highest district for taxes. I've lost \$40,000 on my tax evaluation in the 5 years I've lived in the neighborhood. We don't need 32 more units in our neighborhood. So, I hope Council agrees with us.

Arrivals: The Vice President acknowledged the arrival, at the meeting, of the President and Ward 5 Councilor.

Mr. Payne: said he has been in Ashtabula County all his life. He currently resides in Plymouth. He went to school in the county. He considers this his town. Everything he has ever done has been done in this town. Like everyone else he would like to see some progress –at the very least some tax based, which would happen if he can build these units. If he builds duplexes they're not going to help anybody and you're going to have the same type of situation that you have across the street. The single family units the Manager spoke about are old, they're in bad repair. I was building inspector for 20 years. The requirements to bring any old house up to current standards is enormous and going up – the requirements for electrical, heating, for energy conservation, makes many of those houses virtually worthless to put a lot of money in them and try to sell them. Anytime you can build new, in this situation, I think you'd be better off. But, as far as going by the book, as far as percent of lot coverage, we checked with your own zoning board upstairs, we are way, way under the amount of lot coverage that's allowed. You can put a heck of a lot more units in there if the zoning were such. So, they tried to stay away from that. I don't know if you knew we did put another driveway access to ease that ingress and egress. We can certainly put a bunch of signs up if you'd like. There can be a lot of stuff done, but the biggest is the screening – whether it's mounded, trees, etc. I have no vested interest in the project, I'm just giving you the design standards. And hopefully with newer units... (I agree with you)... and the problem is not with renters – period. It's with the legislature. Until we get people in this town and in the state that are required to vote for those levies, why should the backs of everybody that owns property be carried on the schools. We wonder why the levies fail. That's where the biggest problem is.

Mr. Au: I have a couple of comments for the lady and gentleman who was up there – regarding the water issue. That is not a Thistlewood issue. We have the water issue over there. That is a City issue. Regarding the possible assessment of \$20,000 to \$50,000 to take care of the water problem – the City should be taking care of that. They have issues in Austinburg. They assessed the homeowners for their new sewer line or water line system they put down there. This is a City issue – not a Thistlewood Apartment issue. He reiterated their willingness to screen the area. We could by law, by zoning right now, put up 12 duplexes over there, because that's how it's zoned right now. I may be off on the number, but it is zoned that way.

VP: And it would probably cost a little bit more money.

Mr. Au: It would cost more money. He's willing to put his money into Ashtabula City. He's not running away from Ashtabula City. He bought that piece of property.

Then the two people who made the comment about the property being damaged by a vehicle from Union Avenue... that was under the previous owner.

VP: Right. Correct.

Mr. Au: I just wanted to clarify that. Anything that's been addressed right now, has been addressed and taken care of. There are issues with the letter that you received. There is an on-going problem with that tenant, with the owner, because of how her lease was written. That will be resolved somewhat, somehow either through the court. That has nothing to do with the members stepping up and saying something - they don't live in those apartments at this time. We've had a lot of improvements over there, and he continues throwing money into it. And the other hundred and something properties he has in the City, he throws money into those every day.

VP: Thank you Mr. Au. And that is why I did bring that up. I also want to bring up a letter from the... Mr. Manager.

Manager: Thank you Mr. Vice President. And, I do appreciate what both you gentlemen are saying. But, if I was a contractor looking at getting this contract I'd be saying the same thing that you guys are, to get the business. Okay. I have a real, real issue with Mr. Carkhuff not being here. A real issue. Mr. Carkhuff also did not show up for the Planning Commission meetings that we had where this project was discussed. He may have showed up for the first one.

Mr. Payne: Correct.

Manager: He may have showed up for the first one; did not show up for any other ones. And we also have on-going issues with Mr. Carkhuff down at the L.A. Café... the owner of the L.A. Café, that still haven't been resolved.

Mr. Payne: Okay.

Manager: So, I have a real issue. Although you're saying we, we, we – as I asked you earlier, you're not invested – you're not a partner in this – you're not anything, so forgive me that your word of saying we're going to do this to the property means nothing to me. I need to hear from Mr. Carkhuff, and I'm very disappointed that he is not here.

Mrs. Roxene Trebucon, 1720 Walnut Boulevard: After listening to our City Manager, I probably can save myself a trip up here simply to say that I totally... I agree with everything that has been said here. I even agree with this nice gentleman in the pretty yellow shirt (Mr. Payne), that it is very, very expensive to bring housing up to speed. So, my question is, if this Mr. Carkhuff cannot afford to fix the deplorable condition of his apartments, which I have seen firsthand, and now have a grown daughter living with me because of it, well then I'd like to know how's he going to spend all this money to build all these apartments. My opinion, as a citizen of Ashtabula for the past 50 years,

(I was here when I was five – laughs), my opinion is that if you cannot fix what you have why do you need to build more unless you care more about money than you do about people. And, that's my opinion. Thank you.

VP: Thank you Mrs. Trebucon.

Ms. Dana Armstrong (address above): No disrespect meant but I don't appreciate the threat of putting duplexes there. So, that's kind of playing a little bit behind... But, I would also like to see how we can get this put into a single family dwelling only. I don't know what steps we need to take to do that. But, I don't think anyone here would be opposed to rezoning it to single family "R whatever"...

VP: It would be R-1.

Mr. Payne: R-1.

VP: I appreciate that. And, I think the motion would be through Planning Commission or a petition, and we can take that up, and I think that's a separate issue. I think for the purpose... go ahead Mr. Solicitor.

Solicitor: Mr. Vice President I think there needs to be an understanding about the basics of land use. This property - it's currently a single plot of land – I believe it's a single plot of land. It has several multi-family structures on it. If the land is approved for multi-family development, then whether the additional structures house one, two, five, or ten units, it's still multi-family. If the use is not expanded and the owner intends to take advantage of the R-3 designation (duplex), building a duplex on it and making it part of Thistlewood Apartments would still be an expansion of the multi-family use. There would have to be a lot split. These would have to be separate, – stand alone, duplexes. There would have to be some further development on there. So, I just wanted you to be aware of that.

VP: I apologize... and for the interest of time and the purpose of this meeting, I appreciate everybody's comments. I appreciate you all for coming.

Closing Remarks: The Vice President announced that by law no formal action may be taken at a public hearing. Legislation resulting from this public hearing is scheduled for a vote at this evening's Regular Council Meeting, and is also attached to this hearing's agenda. He thanked everyone for coming and invited them to remain for the Regular Council meeting, to see the outcome of the ordinance reading.

Ashtabula City Council Public Hearing
Monday, May 20, 2013

Adjourn: Mrs. Stranman moved, Mr. Pugliese seconded to adjourn the Public Hearing at 6:25 p.m.; motion CARRIED.

DATE APPROVED: June 3, 2013

ATTESTED BY: _____

**J. P. Ducro IV
President of Council**

ATTESTED BY: _____

**LaVette E. Hennigan, MMC
Clerk of Council**