

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

REGULAR MEETING MINUTES

Tuesday, February 20, 2018

The President of Council called the meeting to order at 7:00 p.m., the Ward 2 Councilor offered the opening prayer and the Pledge of Allegiance was recited. A moment of silence was observed for the passing of Mr. Dennis Johnson, who worked in the City's Forestry Department several years.

MEMBERS PRESENT: Mrs. Kym Harley (Ward 1 Councilor)
Mr. August A. Pugliese (Ward 2 Councilor)
Mr. Michael D. Speelman (Ward 4 Councilor)
Mr. Reginald M. Holman (Ward 3 Councilor)
Ms. Jane E. Haines (Ward 5 Councilor)
Mr. John S. Roskovics (President)

MEMBER(S) ABSENT: Mr. Christopher J. McClure (Vice President)

OFFICER(S) PRESENT: Mr. James M. Timonere (City Manager)
Mr. Michael Franklin (City Solicitor)
Mrs. Dana D. Pinkert (Finance Director)
Mrs. LaVette E. Hennigan, MMC (Clerk of Council)

OFFICER(S) ABSENT: None

EXCUSED ABSENCE(S): Mr. Speelman moved, Mr. Pugliese seconded to excuse the Vice-President from this meeting; motion CARRIED.

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

AGENDA APPROVAL: None

PRESENTATION(S): None

EXECUTIVE SESSION:

Request

At the request of the City Manager, Mr. Pugliese moved, Mr. Holman seconded to convene an Executive Session to discuss the Sale of Real Property. On the roll call to convene the Executive Session: Mrs. Harley, Mr. Pugliese, Mr. Speelman, Mr. Holman, Ms. Haines, Mr. Roskovics voted yea; motion CARRIED. The Officers joined City Council in the closed session.

Reconvened Public Meeting

At 7:15 p.m., the President announced the public meeting reconvened.

Actions resulting from Executive Session

The President announced there to be no action as a result of the closed session.

CONSENT AGENDA

The Consent Agenda is a means whereby Council is able to efficiently conduct business by grouping routine items for consideration and disposal.

PRESENTATION OF MEETING MINUTES

The Clerk of Council presented the February 5, 2018 Regular Council Meeting Minutes. Mr. Pugliese moved, Mr. Speelman seconded to waive the reading of the minutes; motion CARRIED. Hearing no corrections the minutes were approved as presented.

LEGISLATION AGENDA

- **Formal Legislation Request(s):** None

- **Form and Correctness:** Not Applicable

- **Legislation Overview:** The Clerk provided a very brief overview of the Consent Agenda legislation agenda.

- **Public Discussion** (Legislation Portion Only): None

- Legislation Reading

ORDINANCE NO. 2018-12, AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH LAKE COUNTY SEWER CO., INC., IN AN AMOUNT NOT TO EXCEED \$105,875 FOR THE SANITARY SEWER OVERFLOW ELIMINATION PROJECT – PHASE 2. (City Manager)

ORDINANCE NO. 2018-13, AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH NASSIEF FORD/MERCURY/TOYOTA/HYUNDAI IN ACCORDANCE WITH THE STATE PURCHASING PROGRAM FOR THE PURCHASE OF A TRANSIT VAN FOR THE WASTE WATER TREATMENT DIVISION. (City Manager)

ORDINANCE NO. 2018-14, AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE ASHTABULA COUNTY ANIMAL PROTECTIVE LEAGUE. (City Manager)

ORDINANCE NO. 2018-15, AN ORDINANCE AUTHORIZING THE CITY MANAGER TO DISPOSE OF OBSOLETE AND UNNEEDED PROPERTY. (City Manager)

Mr. Pugliese moved, Mr. Speelman seconded to waive the reading of the ordinances; 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: Mrs. Harley, Mr. Pugliese,

Mr. Speelman, Mr. Holman, Ms. Haines, Mr. Roskovics voted yea; motion CARRIED. On the roll call to adopt the ordinances: Mrs. Harley, Mr. Pugliese, Mr. Speelman, Mr. Holman, Ms. Haines, Mr. Roskovics voted yea; motion CARRIED.

REGULAR BUSINESS

PRESENTATION OF MEETING MINUTES: None

ADMINISTRATIVE REPORTS and COMMUNICATIONS

CITY MANAGER

The City Manager presented the following:

Consumers Life Insurance – Employee Group Life Insurance Policy

An ordinance to enter into an agreement with Consumers Life Insurance Company with a mailing address of 2060 East Ninth Street, Cleveland, OH 44115 as determined to be the most responsible proposal for the City of Ashtabula’s Employee Group Life Insurance coverage in the amount not to exceed \$0.205 per \$1,000 for basic life and \$0.018 per \$1,000 per AD&D. Funding for this expenditure will be taken from Fund 101. Mr. Pugliese moved, Mr. Speelman seconded to approve the request; motion CARRIED.

CT Consultants – Water Pollution Control (WPC) Pretreatment Program

An ordinance to enter into an agreement with CT Consultants, with a mailing address of 8150 Sterling Court, Mentor, OH 44060 for the purpose providing Administration of the WPC Plant Pretreatment Program in the amount not to exceed \$16,000.00 per year for a period of two years for a total of \$32,000.00. Funding for this expenditure will be taken from the WPC Fund. Mr. Pugliese moved, Mr. Speelman seconded to approve the request; motion CARRIED.

Ashtabula County YMCA – Lifeguard Services

An ordinance to enter into an agreement with the Ashtabula County YMCA with a mailing address of 263 Prospect Avenue, Ashtabula, OH 44004 for the purpose of providing lifeguard services for the City of Ashtabula during the time period of May 28, 2018 through September 3, 2018 in the amount not to exceed \$27,725.00. Funding for this expenditure will be taken from Fund 233, Parks & Recreation. Mr. Pugliese moved, Mr. Speelman seconded to approve the request; motion CARRIED.

CITY SOLICITOR

The City Solicitor stated, “Mr. President, it’s my understanding that a resolution that was the subject of an Executive Session and a Special Meeting earlier this evening has been tabled and it’s anticipated there will be a motion to bring it off the table and discuss it today, dealing with the status of the Ward 3 Councilor. Is that correct?”

President: I believe so; yes, Mr. Franklin.

Solicitor: In that case, in order for the discussion to be relevant, I am asking if Council will waive the privilege and allow me to share the memo of February 15, that I sent to Council, with the public and to place it in the minutes, at this time. Mr. Pugliese moved, Mrs. Harley, to waive privilege and allow the reading of the memo. Hearing no discussion; the motion CARRIED.

The Solicitor read the following memo:

PRIVILEGED AND CONFIDENTIAL

FEBRUARY 15, 2018

**TO: JOHN S. ROSKOVICS, CHRISTOPHER McCLURE, KYM HARLEY
FOGLIO, AUGUST PUGLIESE, MICHAEL SPEELMAN, JANE HAINES**

CC: JAMES M. TIMONERE, LAVETTE HENNIGAN, REGINALD HOLMAN

FROM: MICHAEL FRANKLIN, CITY SOLICITOR

RE: FORFEITURE OF OFFICE – WARD 3 COUNCILOR

The recently-filed charges against Mr. Reginald Holman, Ward 3 Councilor, are reported in today's newspaper. The gist of these charges is that Mr. Holman's election filings falsely represented his residence to be in the City, and specifically in Ward 3. The charges are felonies.

I have been aware of the criminal investigation that supports these charges, although it has been directed by the Chief of Police and County Prosecutor Nicholas Iarocci. That investigation arose not because of any concerns about Mr. Holman's residence, but because of his involvement in the removal of items of property from a structure across the street from his claimed residence. However, that investigation quickly revealed that Ward 3 Councilor Reginald Holman resides at his parents' home at 3559 Austinburg Road in Plymouth Township, and has lived there for at least two years. In support of this conclusion I can point to at least four separate undisputed facts:

- In September of 2015 and again in February of 2017, Mr. Reginald Holman was cited into Ashtabula Municipal Court by the county authorities for having dogs running at large. In both cases his address is listed in the court proceedings as 3559 Austinburg Road.
- When a search warrant was executed on December 13, 2017, at the premises where Mr. Reginald Holman has claimed to reside on the corner of West 43rd Street and West Avenue, it was found that the upstairs apartment was occupied by a tenant other than Mr. Holman. Mr. Holman claimed at that time to reside in the basement according to newspaper reports, but police observed only a couch and an ottoman and a small amount of marijuana in the basement – no clothes or other personal effects, and no cooking or toilet facilities. There was no sign of it being occupied as a dwelling place. Police found no mail addressed to Mr. Holman anywhere on the premises, nor any of the documents or things most of us have in our homes – no insurance papers, auto titles, prescription medications, etc.

- The properties on West 43rd and on Austinburg Road were then watched by police for a continuous period of at least 30 days. Mr. Holman's vehicle was observed at the premises on West 43rd Street on very few occasions during that period, and never after midnight. On the other hand, it was parked at Austinburg Road all night at least 28 of those 30 days.
- A search warrant was then executed at 3559 Austinburg Road on Friday, February 9th by Ashtabula Police, the Sheriff's Department and representatives of the FBI. Mr. Holman was found there, along with all his clothing and personal property, including his two cars, his mail, his personal documents, his medications, etc. He verbally acknowledged that he was occupying the basement of his parents' residence and sleeping in a bedroom on the first floor.

The Municipal Charter and the Ohio Revised Code both contain similar language concerning the necessity of maintaining residence. The Revised Code states:

731.02 Qualifications of members of legislative authority.

Members of the legislative authority at large shall have resided in their respective cities, and members from wards shall have resided in their respective wards, for at least one year immediately preceding their election. **Each member of the legislative authority shall be an elector of the city**, shall not hold any other public office, except that of notary public or member of the state militia, and shall not be interested in any contract with the city, and no such member may hold employment with said city. **A member who ceases to possess any of such qualifications, or removes from the member's ward, if elected from a ward, or from the city, if elected from the city at large, shall forthwith forfeit the member's office.**

The purpose of establishing a one-year residency requirement in this section is to recognize that the state has a substantial and compelling interest in encouraging qualified candidacies for election to the office of member of the legislative authority of a city by ensuring that a candidate for such office has every opportunity to become knowledgeable with and concerned about the problems and needs of the area the candidate seeks to represent. In enacting this requirement, the general assembly finds that the one-year period is reasonably related to this purpose, while leaving unimpaired a person's right to travel, to vote, and to be a candidate for public office.

The Municipal Charter provides as follows:

SECTION 5 QUALIFICATIONS OF MEMBERS.

Each member of the Council immediately prior to his election or appointment shall have been, and **during his term of office shall continue to be, a qualified elector** of the City of Ashtabula, Ohio, and **shall continue to have the qualifications of an elector therein**. A member from a ward shall reside in his ward immediately prior to his election or appointment, and **removal of a ward member from his ward during his term of office shall work as a forfeiture of his office**. Each member of Ashtabula's City Council shall not hold any other public office, except that of a notary public or member of the State

militia, and shall not be interested in any contract with the City of Ashtabula, and no such member may hold employment with the City of Ashtabula.

The City Council of Ashtabula shall be the judge of the election and qualifications of its members, reviewable by the courts. Council members may be removed from office in the manner and for the causes provided by general law for the removal of public officers.

Thus, it is my opinion, and you are hereby advised, however the question of election fraud may be resolved in the criminal courts, there is substantial, credible evidence that Mr. Reginald Holman has forfeited his office due to his lack of residence in Ward 3 during his term of office.

Since the Charter empowers the City Council to judge the residential qualifications of its members, I am formally requesting that City Council authorize me to prepare a resolution to the effect that Mr. Reginald Holman has forfeited his office and place it before you for review, debate and vote. If you wish to receive independent evidence I can try to arrange the attendance of one of the detectives involved in the investigation in an executive session held for the purpose of discussions of pending or threatened litigation, as long as the questions directed to him are limited in scope to his observations pertaining to Mr. Holman's residence.

Respectfully,

Michael Franklin
Ashtabula City Solicitor

FINANCE DIRECTOR

No Report

CLERK OF COUNCIL

The Clerk of Council asked the President if the suggested amendment to Codified Ordinance Section 174.02 pertaining to the residency of members of the Ashtabula City Parks & Recreation Board, should be presented for discussion now or referred to committee. The President referred the matter to committee where more discussion could take place.

CITY COUNCIL COMMITTEE REPORTS and COMMUNICATIONS

(Chair/Vice Chair)

COMMUNITY DEVELOPMENT/ECONOMIC DEVELOPMENT/PARKS & RECREATION (CD/ED/P&R)

(Roskovics/Speelman)

The Chair reported on the committee's Tuesday, January 13, meeting, as follows:

- The Ashtabula County Convention and Visitor's Bureau made a PowerPoint presentation on Ashtabula County tourism. It was good to have Executive Director Stephanie Siegel share the exciting things that are going in the County and the City. The City is going to continue to work to increase tourism.

- Ordinance Request: The committee was presented with a request to change lot sizes in the H-1 Historic Harbor District.

The Solicitor said this has to do with a townhouse-type development that is being considered. His suggestion to the Planning and Community Development Department is to amend or supplement our existing Planned Unit Development legislation to add on a conditional use in the H-1 District that would allow this sort of development.

The City Manager said, from the staff's perspective, that is what we would like to do – amend the Planned Unit Development section and then as we have done in the past, adding into the H-1 section a conditional use of those planned unit developments. Right now we would like to “test the waters” just in the H-1 District, for this project and not open it up to the entire City. It would be a conditional use in that zoning district (H-1).

Mr. Roskovics moved, Mr. Speelman seconded to have an ordinance drafted to amend our zoning legislation to permit a special type of planned unit development in the H-1 Harbor Historic District to allow townhouse-type construction.

Discussion

The Ward 4 Councilor asked for a simpler explanation of the proposed construction of duplexes on a smaller lot size.

The City Solicitor said it is not going to be a true duplex in the sense of a rental. The idea of crafting it as a Planned Unit Development is to encourage occupancy by owners and not as additional rental housing, which the City does not have a great need for. It would relax some of the current requirements for Planned Unit Developments (PUD), which is something approaching a dozen acres before you can construct.

The Ward 4 Councilor asked if the request is basically for a smaller lot size than what is normally required for a duplex.

The Solicitor said there may be other requests, as well. The Manager said the other reason for the “language change to the ordinance” is because some funding sources cannot be secured unless called specific things by definition; and the individual units could not be purchased unless it is structured a certain way. He said the reason for the Conditional Use (which request does not go before the City Council) is so if we feel we need to add extra conditions (e.g., the apartments may not be rented for less than a certain amount; or the units are going to be short-stay units and not permanent rental-type structures, etc.), we can do so. By placing it as a Conditional Use, the Planning Commission is able to set conditions, just like they did for the auto shop that opened on Bridge Street (e.g., hours of operation, what they could have on their property and how the property had to look).

The President announced the Historic District goes from Lake Avenue to the Ashtabula River , including Lakeway Restaurant area on Lake Avenue and the west side of Lake Avenue.

The motion CARRIED.

- Councilwoman Haines read the 2017 Ashtabula City Parks & Recreation Board Annual Report, as follows:

**Ashtabula City Parks and Recreation Board
Annual Report 2017**

“Our mission is to provide and maintain, quality Green Spaces and Recreational Facilities and partnering with our citizens, businesses and neighbors to enhance the quality of life for all who live in and visit Ashtabula.”

01/15/2018

The state of our city parks is vibrant and growing. The year 2017 was the first year that our city parks system received funding via the Parks Levy that was passed in 2016. This enabled the city to place three full-time, and two seasonal, employees working exclusively on matters concerning our parks from April through October. With the aid of the levy funding and through several public/private partnerships we have seen a very visible change in how our parks are viewed by the visitors and citizens of Ashtabula.

This first year has been spent primarily on parks maintenance, increased mowing and the removal of deteriorated and/or dangerous conditions throughout the parks system. This has resulted in the overall improvement and beautification throughout the city. New routines for mowing, trash pick-up and beach cleaning have been established. New equipment has been purchased to facilitate these efforts.

Below is a listing of some of the major projects and basic needs that have taken place in the past year:

1. Regular mowing of all city parks.
2. Increased trash pick-up.
3. Removal of overgrown shrubbery and improved beautification of North/LCpl Kevin Cornelius Park.
4. Earmarking the funding to help complete the refurbishing of the fountain in North/LCpl Kevin Cornelius Park. (Larry Fargo)
5. Repairs and refurbishing of the gazebo in North/LCpl Kevin Cornelius Park.
6. Repairs and re-painting of the playground at Clifford Kadon/Presidential Park.
7. An enlarged community garden at Clifford Kadon/Presidential Park. (Community Action)
8. A pavilion was built at Clifford Kadon/Presidential Park. (My Neighborhood Collaborative)
9. Old fencing was removed from Clifford Kadon/Presidential Park to improve access and visualization from W. 58th St.
10. Infield improvements for the ball field at Smith Field Park.
11. Removing brush and debris from the wooded portion of Smith Field Park.

Ashtabula City Regular Council Meeting Minutes
Tuesday, February 20, 2018

12. A small Pergola with a concrete pad was added to the Smith Field Dog Park. (Lake Erie Dog Park Association)
13. Some bathroom restoration Smith Field Park.
14. Continuation of Invasive Plants Remediation at Walnut Beach. (US Army Corps of Engineers)
15. Continuation of Dunes Restoration at Walnut Beach. (Nature Conservancy)
16. Increased use of the beach cleaner at Walnut Beach.
17. Life Guards provided for Walnut Beach. (YMCA)
18. Bands-on-the-Beach. (ACMC)
19. Addition of Bollards and Roping added to Walnut Beach.
20. Two clean-up days at Walnut Beach.
21. New chain fencing for Point Park
22. Outdoor sports and activities at several parks. (YMCA, My Neighborhood Initiative, Community Action)
23. New park related rules/ordinances have been adopted for all city parks.
24. New signs denoting park rules have been ordered and are being placed.

As you can see our city parks are receiving plenty of love, but we can do better! More efficient planning for duties and workers need to be implemented. The Board desires to have better communication with the park's employees as well as with City Hall. A quality concessionaire needs to be found to run the concessions stand at Walnut Beach. The issue of clean bathrooms continually plagues our parks. The list goes on and on...

Currently the Parks Board, with the assistance of Melinda McNutt, is developing a 4year plan. This plan will be a guideline for future projects and development of our city parks. We are now in the process of collecting input from the community concerning what they want to see in our parks. That information will be collected and collated and then used as a blueprint for a plan which will then be presented to City Council for approval. The Ashtabula City Parks & Recreation Board is dedicated to seeing that these tax dollars are used wisely.

It is the belief of this board that future of the Ashtabula City Parks is bright. We are attempting to erase +/- 50 years of neglect. The process will take time, money and great deal of effort. The beautification and proper maintenance of the city parks, combined with increased recreational opportunities will pay dividends in Economic and Community Development. This is the brighter future that we see ahead and we look forward to continuing our collaboration with City Hall and City Council to reach that future.

Thank You,

Earl B. Tucker, Chair
Ashtabula City Parks and Recreation Board

Ashtabula City Regular Council Meeting Minutes
Tuesday, February 20, 2018

FINANCE & PERSONNEL - (F&P) (McClure/Pugliese)

The President announced the committee did not meet this month. They are scheduled to meet Friday, March 9, at 8:00 a.m.

PUBLIC WORKS/PUBLIC UTILITIES/CABLE/SCHOOLS - (PW/PU/C/S) (Pugliese/Holman)

The Chair announced the committee did not meet this month. They are tentatively scheduled to meet Friday, March 2, at 8:00 a.m.

SAFETY FORCES - (SF) (Speelman/Harley)

The Chair reported the committee is scheduled to meet Monday, February 26, at 8:00 a.m., in the Municipal Building 2nd Floor conference room. The Fire Division's 2017 Annual Report has been received and will be reviewed.

WORK SESSION – No report

LEGISLATION AGENDA

- **Formal Legislation Request(s)**

The President entertained a motion to take off the table Resolution No. 2018-17, for consideration during the Regular Legislation Agenda portion of this meeting. Mr. Speelman moved, Mr. Pugliese seconded; motion CARRIED.

- **Form and Correctness:** None

- **Legislation Overview:** The Clerk of Council gave a brief overview of the legislation agenda, consisting of Ordinance No. 2018-16 and Resolution No. 2018-17.

- **Public Discussion** (Legislation Portion Only)

At the Ward 4 Councilor's request, the City Solicitor provided the following explanation of Resolution No. 2018-17: "The City Charter gives City Council the duty to be the judge of its members. Now, the only qualification that Section 5 talks about is being an elector, which is to say being a registered voter and a resident of the ward you represent. So, you have the duty to judge that qualification. And, the Charter says your decision on qualifications is reviewable by the courts. So, in a nutshell, what the resolution would do, would be for City Council to make its judgment (its finding of fact) on whether Mr. Holman currently or throughout his term of office, thus far, has had the qualification to hold the position of a ward councilor, or whether he has forfeited, at some point, by removing from the ward. That finding could either be a basis for Mr. Holman to accept that finding and step down, or he can contest it, either by appealing to the court or waiting for the next shoe to drop. And, if you pass that resolution and there is no action forthcoming from Mr. Holman, I would consider it my duty to come back to you and ask you to let me initiate appropriate litigation to bring your finding before the Court of Common Pleas and obtain an order directed

toward whether Mr. Holman, in fact, continues to hold his seat or not. So, boiling it all down – you’re not removing him from office. You’re making a finding that would allow him to be removed from office by a court, if the court concurs with your opinion.”

Mr. Terrell Riddle, Ward 3 Resident, 1123 West 43rd Street, Apartment 2, said:

- He has lived at this address for 5 years
- Mr. Holman lives in the downstairs apartment
- They share the same mailbox
- He sees him on a day-to-day basis, and
- Mr. Holman came to him and asked for his vote, which is also when Mr. Holman told him he (Mr. Holman) had to live in the ward.

Ms. Jacqueline Cosmel (sp?), 1001 Seymour Drive, said:

- She feels this is ridiculous
- That it does not matter where the Ward 3 Councilor resides,
- That he should be given a chance to do something for Ward 3.

Ms. Ann Riddle (no address provided), said:

- She gets her hair done at Betty’s Beauty Shoppe (owner, Betty Holman – the mother of Ward 3 Councilor)
- She has constantly visited Mr. Holman, along with her grandchildren, in the basement of the beauty shoppe
- She and other people have “been down there numerous times”
- She has seen him (Mr. Holman) go in and out
- He is always there
- She constantly travels up and down West Avenue due to having friends in the area and working
- She constantly has seen his car there, and
- He is constantly at the business he has (working in his mom’s shoppe)
- There are numerous other people in the community that can say they have seen him there
- She knows for a fact it is not true that he does not live there because he does live there.

- **Request Legislation Presentation by Consent Agenda:** Not Applicable

- **Legislation Reading**

The Clerk of Council presented the following legislation:

ORDINANCE NO. 2018-16, AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CONSUMER’S LIFE INSURANCE COMPANY EFFECTIVE MARCH 1, 2018, IN ORDER TO PROVIDE GROUP LIFE INSURANCE TO THE EMPLOYEES OF THE CITY OF ASHTABULA, was presented. Mr. Pugliese moved, Mrs. Harley seconded to waive the reading of the ordinance; motion CARRIED. Mr. Pugliese moved, Mr. Speelman seconded to waive the Charter requirement of two readings. On the roll call to waive the Charter requirement of two readings: Mrs. Harley, Mr. Pugliese, Mr.

Speelman, Mr. Holman, Ms. Haines, Mr. Roskovics voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mrs. Harley, Mr. Pugliese, Mr. Speelman, Mr. Holman, Ms. Haines, Mr. Roskovics voted yea; motion CARRIED.

RESOLUTION NO. 2018-17, A RESOLUTION FINDING THAT REGINALD HOLMAN HAS FORFEITED THE OFFICE OF ASHTABULA CITY COUNCIL WARD 3 REPRESENTATIVE, was presented. The President entertained a motion to waive the reading of the resolution. Hearing no motion, the Clerk of Council read the resolution in its entirety.

RESOLUTION NO. 2018-17

A RESOLUTION FINDING THAT REGINALD HOLMAN HAS FORFEITED THE OFFICE OF ASHTABULA CITY COUNCIL WARD 3 REPRESENTATIVE

WHEREAS, Section 5 of the Ashtabula Municipal Charter provides each member of the Council immediately prior to his election or appointment shall have been, and during his term of office shall continue to be, a qualified elector of the City of Ashtabula, Ohio, and shall continue to have the qualifications of an elector therein; that a member from a ward shall reside in his ward immediately prior to his election or appointment, and removal of a ward member from his ward during his term of office shall work as a forfeiture of his office; and,

WHEREAS, said Section 5 further provides that the City Council of Ashtabula shall be the judge of the election and qualifications of its members, reviewable by the courts; and,

WHEREAS, the Ashtabula City Council hereby finds there is clear and convincing evidence that demonstrates Mr. Reginald Holman either did not reside in Ward 3 immediately before his election, or that he removed from said Ward during his term of office, as is described in the February 15, 2018, communication from the City Solicitor attached hereto as an Exhibit and incorporated herein;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ashtabula, Ohio:

SECTION 1. That the City Council of the City of Ashtabula hereby finds and determines that Mr. Reginald Holman has forfeited the office of Ashtabula City Council Ward 3 representative by reason of non-residence in said Ward, that he is not privileged to participate in the actions and deliberations of this body, and that he is not entitled to the compensation and benefits commensurate with the position, effective immediately.

SECTION 2. The Clerk of Council is hereby directed to certify a copy of this Resolution to the Ashtabula County Board of Elections and the Ashtabula County Prosecutor so that those entities may consult with one another, and determine how and when the vacant position may be filled.

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and related to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its Committees that resulted in such formal action were in meetings open to the public in compliance with the requirements of Section 10 of the Municipal Charter of the City of Ashtabula, Ohio, and of R. C. Section 121.22.

Speelman, Mr. Holman, Ms. Haines, Mr. Roskovics voted yea; motion CARRIED. On the roll call to adopt the ordinance: Mrs. Harley, Mr. Pugliese, Mr. Speelman, Mr. Holman, Ms. Haines, Mr. Roskovics voted yea; motion CARRIED.

RESOLUTION NO. 2018-17, A RESOLUTION FINDING THAT REGINALD HOLMAN HAS FORFEITED THE OFFICE OF ASHTABULA CITY COUNCIL WARD 3 REPRESENTATIVE, was presented. The President entertained a motion to waive the reading of the resolution. Hearing no motion, the Clerk of Council read the resolution in its entirety.

RESOLUTION NO. 2018-17

A RESOLUTION FINDING THAT REGINALD HOLMAN HAS FORFEITED THE OFFICE OF ASHTABULA CITY COUNCIL WARD 3 REPRESENTATIVE

WHEREAS, Section 5 of the Ashtabula Municipal Charter provides each member of the Council immediately prior to his election or appointment shall have been, and during his term of office shall continue to be, a qualified elector of the City of Ashtabula, Ohio, and shall continue to have the qualifications of an elector therein; that a member from a ward shall reside in his ward immediately prior to his election or appointment, and removal of a ward member from his ward during his term of office shall work as a forfeiture of his office; and,

WHEREAS, said Section 5 further provides that the City Council of Ashtabula shall be the judge of the election and qualifications of its members, reviewable by the courts; and,

WHEREAS, the Ashtabula City Council hereby finds there is clear and convincing evidence that demonstrates Mr. Reginald Holman either did not reside in Ward 3 immediately before his election, or that he removed from said Ward during his term of office, as is described in the February 15, 2018, communication from the City Solicitor attached hereto as an Exhibit and incorporated herein;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ashtabula, Ohio:

SECTION 1. That the City Council of the City of Ashtabula hereby finds and determines that Mr. Reginald Holman has forfeited the office of Ashtabula City Council Ward 3 representative by reason of non-residence in said Ward, that he is not privileged to participate in the actions and deliberations of this body, and that he is not entitled to the compensation and benefits commensurate with the position, effective immediately.

SECTION 2. The Clerk of Council is hereby directed to certify a copy of this Resolution to the Ashtabula County Board of Elections and the Ashtabula County Prosecutor so that those entities may consult with one another, and determine how and when the vacant position may be filled.

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and related to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its Committees that resulted in such formal action were in meetings open to the public in compliance with the requirements of Section 10 of the Municipal Charter of the City of Ashtabula, Ohio, and of R. C. Section 121.22.

Ashtabula City Regular Council Meeting Minutes
Tuesday, February 20, 2018

SECTION 4. For the reasons stated in the preamble, this ordinance, if approved by the votes of five (5) or more members of Council, shall take effect immediately, otherwise 30 days thereafter.

On the roll call to adopt the resolution: Mrs. Harley, Mr. Pugliese, Mr. Speelman, Ms. Haines, Mr. Roskovics voted yea; the motion CARRIED.

NEW BUSINESS

None

PUBLIC DISCUSSION/COMMENTS (General Matters)

None

EXECUTIVE SESSION

None

ADJOURNMENT

Hearing no further business to come before this Council, the President declared the meeting adjourned at 7:54 p.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

SECTION 4. For the reasons stated in the preamble, this ordinance, if approved by the votes of five (5) or more members of Council, shall take effect immediately, otherwise 30 days thereafter.

On the roll call to adopt the resolution: Mrs. Harley, Mr. Pugliese, Mr. Speelman, (Mr. Holman: Prior to this meeting the City Solicitor issued a legal opinion that this member should refrain from voting), Ms. Haines, Mr. Roskovics voted yea; the motion CARRIED by a vote of 6 to 0.

NEW BUSINESS

None

PUBLIC DISCUSSION/COMMENTS (General Matters)

None

EXECUTIVE SESSION

None

ADJOURNMENT

Hearing no further business to come before this Council, the President declared the meeting adjourned at 7:54 p.m.

DATE 1ST APPROVED: MARCH 5, 2018

DATE CORRECTED & APPROVED: MARCH 19, 2018

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

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