

**ASHTABULA CITY COUNCIL MEETING MINUTES
CITY OF ASHTABULA, OHIO
4717 Main Avenue, Ashtabula, OH 44004**

Public Hearing

Monday, November 6, 2017

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

Member(s) Present:	Mr. John S. Roskovics	(Ward 1)
	Mr. August A. Pugliese	(Ward 2)
	Mrs. Kristy L. Hosken	(Ward 3)
	Mr. Michael D. Speelman	(Ward 4)
	Mrs. Josephine Misener	(Council President)
	Mr. Kris E. Hamrick	(Ward 5 – arrived at 5:55p)

Member(s) Absent:	Mr. Christopher J. McClure	(Vice President)
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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
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SUNSHINE LAW:	The Clerk of Council certified conformity to the Sunshine Law.
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PURPOSE

The President announced the purpose of this Public Hearing was to give the public the opportunity to comment on Ms. Catherine Lefik-Coffield’s request to partially vacate an alley between East 18th and East 19th Streets and Ms. Amanda Mills request to vacate the Taylor Street alley.

WELCOME

The President welcomed visitors.

DISCUSSION

1. Vacate Alley extending between East 18th and East 19th Streets (Ms. Catherine Lefik-Coffield)

The President said the third WHEREAS paragraph of the legislation scheduled for a vote at this evening’s Regular Council Meeting, reads: “WHEREAS, the petition is defective, inasmuch as no survey of the portion of the alley to be vacated has been submitted therewith, precluding Council from acting on the petition under Codified Ordinance Section 919.01(b)...”. She also read Section 2 of the ordinance, which states: “This ordinance shall lapse and become null and void unless a certified copy thereof is presented to the County Recorder for filing along with an approved survey of the foregoing alley within ninety (90) days of the date of passage of this ordinance. This ordinance shall not permit any person to occupy, alter, or construct any improvements

upon the vacated portion of the foregoing alley prior to recording the certified copy and survey. The President asked if the owners/requestors are aware of these stipulations; Mr. and Mrs. Coffield responded, yes.

The Clerk of Council reported the reason for the alley vacate request may be found on page 8 of the public hearing packet. The reason for which is: Mr. Coffield (Catherine Lefik-Coffield husband) reports he was told in April that a permit was not required to build a carport with sides, situated on gravel and attached to the ground with mobile home anchors (augers that are located 3 feet into the ground). But the City's Division of Planning and Community Development has now told him that in order to have the carport the two vacant parcels, (05-506-00-041-00) and (05-506-00-086-00), have to be touching.

The Clerk of Council asked the Manager to outline the procedure required to take place if City Council enacts the legislation. The Manager said the requesting party is responsible to take the certified copy of the legislation enacting their request to Jefferson to file. Once this is completed the City updates their plot maps. The Clerk asked how is the City notified the filing is complete. The Solicitor reported: "There's no automatic notification. The best method from the City's management standpoint is if the parties obtain a survey of the properties; take it to the County Engineer's office, get the legal description of the alley to be vacated approved by the County Engineer's office and then have us attach it to our resolution and certify it in accordance with law. There's a bit of a conflict in the law, at least in my opinion. The Ohio Revised Code says that when City Council vacates or abandons an alley or street or a portion of an alley or street, the Clerk of the Council is to certify a copy of the resolution or ordinance to the County Recorder or to the County. The County Auditor is to enter that the property is being vacated and assign the land that is underneath the alley or the street to the adjoining owners in accordance with law, so it can be taxed, and the County Recorder is then to record the resolution or ordinance and that's suppose to accomplish it. However, our County Auditor and County Engineer have enacted what are called minimum standards for conveyance of real estate. And, they obtained an Attorney General's opinion that an ordinance vacating an alley is a conveyance of an interest in real estate. They have therefore said we will not accept the resolution or ordinance for recording until and unless you obtain a survey from a registered surveyor that is approved by the County Engineer. That has added a great deal of difficulty to the whole process. But, what we're left with is either you take a certified copy of our ordinance, attach your approved survey when you have it and you record it and we won't know, necessarily, if or when that takes place. Or, you get your survey, you get it approved by the County Auditor/Engineer's office and you bring it to us and we can then certify our ordinance along with your survey to the County for recording. You will of course need to give us your recording fees because the County no longer waives recording fees for the City, either.

Mr. Stewart Severino, a neighboring landowner, said he understood what the Solicitor just conveyed. He said they are in land transactions at the same time. He said there is an existing survey from 2012 that shows the alley. The Solicitor said the area of the alley or street to be vacated must be surveyed and believes what Lefik-Coffield has is a survey of land that shows the alley next to it. He said a legal description of the alley is also needed. Mr. Severino said they have it and that it was presented to the Planning Commission. The Solicitor said he has

not been provided with that document. Mr. Severino said transactions are not proceeding right now because he and the Lefik-Coffield are surveying the alley and the property that they will split up., Mr. Severino said he has six or seven lots on Harbor Avenue. He will also have the property behind him that he and the Coffield's are in the process of splitting. He said they were under the assumption that the 2012 map would be good enough and would save them from having to pay surveying fees. The Solicitor reiterated the requirements are not the City's requirements but that of the County Auditor and County Engineer's offices in order to properly record a vacation. He said he does not agree with their requirements, from a legal standpoint, but that his input was not sought after prior to the Ohio Attorney General rendering the opinion.

The Clerk of Council announced she is able to have a certified copy ready for the requestors tomorrow, and that she is able to send the copy via U.S. Postal service or the requestor may pick it up from her office.

QUESTIONS/COMMENTS - COUNCIL AND ADMINISTRATION QUESTIONS

The Ward 1 Councilor asked for the exact location of the vacation, if Lefik-Coffield has property on Harbor Avenue and who the property goes to if vacated. The City Manager said the request will affect Lefik-Coffield and Severino and one other house whose property owner is deceased. He said the alley is located behind the properties of these owners, does not provide access to the back of the property, there is still access to the western parcel, which Lefik-Coffield owns, all the way between East 18th Street and East 19th Street. The City has no utilities on the parcels; so it is our recommendation to vacate. Mr. Coffield said he has three parcels on Harbor Avenue and that his driveway is located on the East 18th Street parcel.

The Manager said the parcel is split down the middle and the land is given to the property owners to the east and west of the parcel.

Mr. Severino said he is in favor of the request.

DISCUSSION

2. Vacate Taylor Street Extending West from Union Avenue (Ms. Amanda Mills)

The President read the reason for the request, as follows: "This petition for proposed vacation of Taylor Street off of Union Avenue in the Ashtabula Harbor is secondary to its' elongated vacancy resulting in care by the abutting parties (listed above). The vacation is proposed to allow the abutting properties to continue care for this piece of land as their own rather than for the City of Ashtabula, adding to the square footage and value of their homes/property. There is an agreement in place between abutting properties to allow for Ms. Mills at 1015 Union Avenue to obtain all of the land within the survey. Additional square footage to both 1015 Union Avenue would allow for additional functional dwellings to be build and/or expanded such as: garages, larger sheds... etc. Vacation of Taylor Street would allow for maintenance of the large trees and weeds that have overgrown on the property which are currently looming over both properties homes, sheds... etc., inviting unattractive wildlife.

QUESTIONS/COMMENTS - COUNCIL AND ADMINISTRATION QUESTIONS

The Clerk asked if Taylor Street is the alley. The Manager said it is called Taylor Street; it was never a developed street, so street and alley are interchangeable in this situation.

The Ward 1 Councilor asked if there is one vacant lot on Union Avenue. The City Manager responded, no it is further south of the one the Councilor previously called him about.

Amanda Mills, 1015 Union Avenue

Said she has been taking care of the lot for two to three years. She would now like to obtain ownership for the stated purposes. She said since submitting her request, she obtained a notarized letter from Ms. Jordan, the owner of the abutting property, a copy of which was handed to the Clerk of Council, Ms. Mills said due to some financial issues Ms. Jordan has signed over her portion of the abutting property so she (Amanda) would receive all of the vacated property. The Solicitor said the document is not pertinent in this situation because the Ohio Revised Code and our Code mandates that when a street or alley is vacated it is split down the middle and belongs to abutting owners. He said a quit claim deed would have to be secured from Ms. Jordan, of her interest in the alley, and a copy of the survey must be attached thereto. He said a certified copy of the legislation City Council enacts gets the vacated property placed in both their names and then Ms. Mills secures a quit claim deed from Ms. Jordan, attaches a copy of the survey to that and records that right after the resolution or ordinance is recorded. Ms. Mills asked if she could secure a quit claim deed, on line. The Solicitor said yes, but suggested she have an attorney draft one up to ensure it is right. The Solicitor said Ms. Mills submitted a conforming petition with an approved survey attached to it, so the 90 day rule mentioned in the partial alley vacate above, does not apply to her. The Solicitor said his preference would be for the City to be given the necessary documents that are required to be submitted for recording and that the City records the documents. He said he would be happy to facilitate the process in this case.

The Ward 1 Councilor asked the length of Taylor Street. The Manager said Ms. Mills' petition is to vacate from the very front to the very back of her property and then over to Ms. Jordan's property. It does not vacate anything further west on the property. The President asked Ms. Maryanne Timonere, 1011 Eastwood Drive (whose property is in the vicinity of Taylor Street), if she understands what is being requested. She said yes; that she just wanted to make sure her property was not affected.

The Clerk asked if she is merely to provide the requestors with certified copies of the legislation Council enacts. The Solicitor responded, yes.

The Ward 1 Councilor asked if there is another vacation request (behind Capos Pizza) to address this evening. The Clerk of Council reported the request to vacate an alley between West 12th and West 13th Streets is scheduled for December 4.

For the record, the Ward 5 Councilor was noted as present.

QUESTIONS/COMMENTS – PUBLIC: None

ANNOUNCEMENT

The President announced that, by law, no formal action may be taken at a public hearing. The legislation addressing the heard this evening has been prepared for City Council's consideration at this evening's Regular Council Meeting.

ADJOURN

Hearing no further business to come before this Council, the President adjourned the Public Hearing at 5:58 p.m.

DATE APPROVED: November 20, 2017

ATTESTED BY: 
Josephine Misener
President of Council

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