

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

Public Hearing

Tuesday, September 6, 2016

The City Council met in a **PUBLIC HEARING**. The President of Council called the hearing to order at 5:37 p.m.

Member(s) Present: Mr. John S. Roskovics (Ward 1)
Mr. August A. Pugliese (Ward 2)
Mrs. Alice T. Cook (Ward 3)
Mrs. Josephine Misener (Ward 4)
Mr. J. P. Ducro IV (Council President)

Member(s) Absent: Mr. Kris E. Hamrick (Ward 5)
Mr. Christopher J. McClure (Vice President)

Officer(s) Present: Mr. James M. Timonere (City Manager)
Mrs. Dana D. Pinkert (Finance Director)
Mrs. LaVette E. Hennigan, MMC (Clerk of Council)

Officer(s) Absent: Mr. Michael Franklin (City Solicitor)

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

PURPOSE

The President announced the purpose of this Public Hearing was to:

1. Allow for the public to comment on a request to Rezone Lots at the Corner of West 10th Street and Michigan Avenue (the Former Harbor High School Football Field - Wenner Field), from R2-Single Family Residence District to C1-General Commercial District; and
2. Allow for public comments and recommendations on the request for a 5th Amendment to the Joint Economic Development District (J.E.D.D.) Contract between the City of Ashtabula and Ashtabula Township for Dipstk's LLC, Parcel Nos. 03-043-00-001-00, 03-043-00-002-00 and 03-043-00-003-00

WELCOME

The President welcomed the visitors - that being the Star Beacon and Gazette newspapers.

DISCUSSION

1. Rezoning Request

Manager: This is not the entire football field. It would just be for the corner lots. I believe it's the old Guild House that was on that parcel. The parcels they want to rezone have the old field house, which they've now turned into a garage. A commercial business would like to store vehicles in there, and commercial zoning is required. Contiguous to the parcels being considered for rezoning,

going all the way through to 11th Street, on that same side of the road, is another property zoned C1-Commercial, as well. It used to be the old funeral home.

President: Askew-Brink-Ducro Funeral Home

Manager: Yes. So, we are staying within the borders of those parcels along that stretch of West 10th Street being commercial. And, we do recommend that we rezone that as commercial. And, as you're also aware, all of Lake Avenue, back to those properties, is all zone C1, as well.

Ward 2: That is from West 10th to West 11th; that whole corner.

Manager: Right; but this would only be the parcels not already zoned C1. So, this would be the ones owned by Harbor Anchor Properties.

President: Is there a map in any of these papers?

Manager: There is a map but I don't believe it shows... it would be West 10th Street and Michigan on the map. So, those parcels that are 67, 66, 65, 64, 63 would be zoned C1.

Ward 1: 167 through 163.

Manager: Right; 167 through 163.

Ward 3: Lots to be split and sold is written on the map.

Ward 1: I'm not going to support... I'm just going to vote no. I know the Planning Commission said it was okay; and that's fine. I know Lake Avenue to Michigan is commercial. From Michigan Avenue west, the only thing you're going to find commercial, where you say you have the funeral home - which I don't think anybody even uses.

President: It's not a funeral home anymore; it's not licensed as a funeral home; it's just rental property.

Ward 1: Okay, so... the only thing other than that - you got the old Nappi's Plaza, which is a daycare center, and Kent State over by Carpenter Road you have the Veteran's thing. But, I don't see the necessity of doing this when there's so much property in town. So, I don't see the necessity of breaking up that football field, which should be weed wacked around the fence (while we're on the subject), because the weeds are awful high. I know the Planning Commission said okay, but I'm going to vote no on it, just to let you know.

Ward 4: Mr. Manager, what is going to go in there?

Manager: There's already a field house there. And, there really wouldn't be any other adaptive use of that except for a storage area for a company. Right now a landscape company is occupying the building; so they store their vehicles there - mowers and ...

Ward 4: They're going to use that building for storage?

Manager: Well, I don't think they'll actually have an office there, but that's where they have their equipment.

Ward 4: What are they going to store?

President: It's a landscaping company...

Manager: Their mowers, trailers...

Ward 4: Okay.

Ward 2: Mr. Manager, I think the only slight problem with that right there now is I noticed they are piling some stone and things there that's kind of looking like a storage yard; if I remember right.

Manager: I know they had a little out-building where they put salt.

Ward 2: Maybe that's what I'm thinking - okay. That's the only thing that might be a problem with it. They should keep it dressed up a little; that's all.

Manager: Sure, we can tell them that.

Ward 2: And, I know they've been using it for the last couple of years.

President: If the rezone was not approved then they would have to vacate that property and find other commercial properties to locate their business - correct?

Manager: That's correct.

Ward 4: Mr. Manager, how can they be using it for two years if it's not zoned correctly?

Manager: It was something we stumbled across and asked them to make it right by rezoning the property.

Ward 3: Yes, I'm very confused by this. I don't quite understand by looking at this map what they're going to do. Can you explain it? *[The Ward 2 Councilor assisted].*

President: Mr. Timonere, I noticed on here that there are several parcels that look like they are still a part of that property. They're not asking to rezone those at all. So, there still will be... is 160, 161, and 162, which are still a part of that Harbor Property – the football field property... that will still be residential? Is that correct?

Ward 2: Yes.

President: So, it won't be that entire stretch of Michigan Avenue?

Manager: I thought it was the entire stretch all the way down to...

Ward 1: They can't own the whole property because that's the driveway to get into the field. So, they can't own that because the football field would have no way to get in and out.

Ward 2: The proposed ordinance says, "...consisting of Auditor's Permanent Parcel No. 68-404-00-022-00, and formerly known as Wenner Field, from R2-Single Family Residence District to C1-General Commercial". That's part of Wenner Field, but this is just saying Wenner Field. They're not rezoning the whole Wenner Field; it's just that parcel of the Wenner Field. And, I understand that.

President: And, judging from the note on the map the intent appears to be, that this lot is to be subdivided out or these sections of parcels would be, and then sold to the business owner. It says, "Lot to be split and sold."

Manager: Eventually, if the business decides they want to stay there, I believe their intention is, at some point, to sell it to them.

President: Maybe those lines through that property are the property that they intend to sell but they may be asking to have the whole stretch rezoned.

Ward 1: Like I said, the driveway to get in the football field is where it says 11 and 12... that's the driveway to get into the football field.

President: No, I don't think so. I think 161 and 60 are the driveway to get into

Ward 1: Yes, so 161, 160; that's how you get into the football field.

Ward 2: The way the proposed ordinance reads it sounds like the whole field is going to be rezone, because it says, "...consisting of Auditor's Permanent Parcel No. 68-404-00-022-00, and formerly known as Wenner Field...". So, I would say we have to find out if Wenner Field under that parcel. Or is this just the parcel? See, I don't know.

Ward 3: But it's saying this is formally known as Wenner Field.

- Ward 2: I mean that was all Wenner Field, right. I understand that. That was the dressing room; that was part of Wenner Field; that parcel they're talking about. But, they're saying "known as Wenner Field". They probably should have said "A part of Wenner Field."
- Ward 1: Over here it says from West 10th between Michigan Avenue and Ohio Avenue.
- President: When Mr. Franklin comes to the regular meeting maybe he can clarify it.
- Clerk: He's not coming.
- Manager: I just called Mr. Carson. They have already scored the lots because it includes the entire football field. They do not want the entire football field. They want what I stated. And, it would go all the way down to the former funeral home property.
- Ward 2: They're taking that all along West 10th Street.
- Manager: Correct; so the whole corner would be C1, from West 10th to West 11th, along Michigan Avenue would be C1; those first parcels.
- Ward 2: Okay.
- Manager: After reading the ordinance I think the description may be wrong.
- Ward 1: On the map they have a line through the park.
- Manager: Yes; and this is a plot map more than it is the actual parcels. So, they have had this split. I tried to pull it up on the GIS on the Auditor's site; it's not updated there yet. But, it would just be that track along...
- Ward 1: Do you have the map we have?
- Manager: Right.
- Ward 1: So, it would be the whole 167, the whole 166...
- Manager: He (Matt Carson) stated that he wants it to go all the way down to the former funeral home property – the lots that they own – all the way down there.
- President: You're talking east to west not north to south.
- Ward 1: You see how in 167 there's a line half way through?

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Manager: Yes. I'm guessing it's that the new parcel they've created is somewhere in that vicinity.

Ward 1: I mean does he want the whole 167?

Manager: No, they've divided that.

Ward 1: Are we rezoning the whole thing?

Manager: No, those are just tracts; those are just plots; those are not the actual parcel boundaries.

Ward 1: But, all the way to 11th Street?

Manager: Right now everything where it says J Peter Ducro Properties – all the way up to that pin there, kind of in the middle; all of that on the right side of your paper is already C1.

Ward 1: Right.

Manager: So, it would be on the left side of the paper he wants C1.

Ward 1: Okay.

Ward 3: So, all of them across the top will become C1?

Manager: Correct, just the top; the rest of the field will remain R2.

Ward 3: Oh, not clear across the top there – just this?

Ward 2: [explaining to colleague]

Clerk: Asked for a description clarification for the minutes.

Manager: From the northern property line to the southern property line along Michigan Avenue.

President: Any other questions?

Ward 1: Ten years down the road it could become something else commercial, once it's rezoned, right?

Manager: As long as it falls within the C1 perimeters.

Ward 1: Okay.

- Ward 2: Have we received any complaints from the neighborhood about that.
- Manager: I believe there was one occurrence in the winter when they were loading salt that a resident thought it was just too early in the morning for a loud truck. Just so everybody's aware, we sent letters to property owners within 200 feet of the property being considered for rezone. So, all the people along West 10th and Michigan Avenue received notice of this public hearing, and that the request was to rezone the property as commercial.
- Ward 4: First of all, are they going to use every bit of this rezoning area?
- Manager: I think they're mostly interested in the undercover - in the garage type storage.
- Ward 2: That is all fenced in, too.
- Manager: It is.
- Ward 1: The building's not.
- Ward 2: Not where they drive in, no, but the rest of it.
- Ward 1: Behind the building is.
- Manager: Right.
- Ward 1: They moved the fence.
- Ward 4: But wouldn't there be other areas available in the City that are already zoned correctly that they could use - especially Matt Carson who owns a vast amount of property around here, like on 30th and ...
- Manager: This is the property they wanted to go in and where they've been. And, I don't know if that's the cheaper of the properties that he owns or what the case may be.
- Ward 4: Okay.
- President: Any other questions or discussions?
- Ward 4: This is on our legislative agenda for tonight regular meeting. And, the legislation states that it is Wenner Field.
- Manager: My only concern would be, in the ordinance it states the parcel number. That parcel number corresponds to the entire thing, as it sits right now on the Auditor's website. I don't know if a new number was assigned to what they've separated it as because it's not update on their website, or if a new number

corresponds to the other section of the parcel. So, that would be my concern with the ordinance as it's written, right now.

President: Would it be appropriate (since there may be some concern or discussion, even though the neighbors are all notified, there may be an issue with the parcel number), to place it on a first reading so ones have an opportunity to comment.

Manager: You can't.

Clerk: Only by interlineation are you able to move forward this evening.

Ward 4: This has been going on for two years. We could just hold it up until the next council meeting and have Mr. Franklin look at this.

Manager: I don't know that it's been two years; I don't know where that number came from.

Ward 4: You said that.

Manager: I don't know if it was two years. We know that we were notified that somebody was occupying the building, and when we investigated we informed them they had to change the zoning. I think there was some thought that it was already C1 because we rezoned the old Washington Elementary School property and all of Lake Avenue to C1; I think there might have been some confusion.

Ward 2: Mrs. Misener, I think even before this company was in there, weren't they doing something with beams in there – there was some other...

Manager: I think there was metal fabricator in there when Lakeside first moved out to Sanborn Road; I think something else was in there.

Ward 2: Yes, I remember.

Ward 1: That's where the school practices football. I don't remember anything else.

Ward 2: They had laminated beams or something in there, if I remember right.

Manager: I think you're right; there was some kind of metal fabrication going on in there.

President: Illegally.

Ward 4: I guess I just don't see what the hurry would be. You're looking at two weeks.

Manager: I think tonight you just request the ordinance be drafted, and I will do my best to get all the information we need by the next meeting.

President: Okay.

DISCUSSION

2. 5th Amendment to Ashtabula Township JEDD

Manager: Dipstk, LLC, will do business as Valvoline. The owner, Mr. Frank Gerger, left a message around 4:00 p.m. this afternoon to say he was unable to attend this public hearing. He owns and operates the Valvoline on Route 528 & Route 20 in Madison next to Joey's Italian Grille. It's a quick stop station where you sit in your car and do not need an appointment. He keeps his grounds and shop outstandingly clean. I have been courting him for quite a while. Unfortunately when they conducted traffic studies, and looked at the price of available properties, the property outside the City is the one they determined was the most feasible. It will be located in the former Tai Quan Dao studio located across the street from J.D.'s Pizza. The house next door and behind the building will also be razed in order to build this new shop. With that they needed sewer tap-in, which triggers the need for a JEDD.

CITY COUNCIL QUESTIONS and/or COMMENTS

Ward 1: I go there too; it's a wonderfully kept place. And, it's nice because it's something new; something we don't have.

Clerk: And, it's an existing building that's coming down.

President: Yes, a vacant building.

PUBLIC QUESTIONS and/or COMMENTS

None

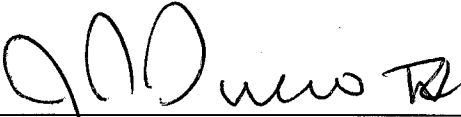
ANNOUNCEMENT

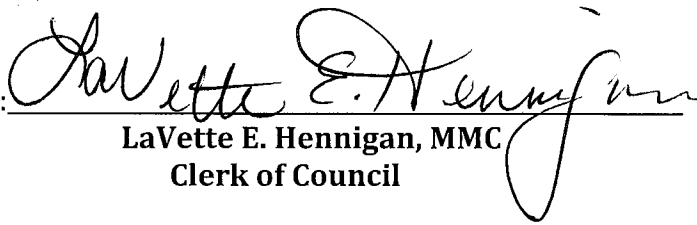
The President announced that, by law, no formal action may be taken at a public hearing. The ordinance to enact the JEDD is scheduled for a vote of Council at tonight's Regular Council meeting. The rezone legislation will be formerly requested, and the City Solicitor will draft a new ordinance or modify the proposed ordinance that was reviewed at this public hearing.

ADJOURN

Hearing no further business to come before this Council, the President adjourned the Public Hearing at 5:56 p.m.

DATE APPROVED: September 19, 2016

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

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