

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

**SPECIAL MEETING MINUTES**  
Thursday, February 7, 2019

Council met in a SPECIAL MEETING. The President of Council called the meeting to order at 8:00 a.m., he offered the opening prayer and the Pledge of Allegiance was recited.

Member(s) Present:	Mr. August A. Pugliese	(Ward 2 Councilor)
	Mr. Michael D. Speelman	(Ward 4 Councilor)
	Ms. Jane E. Haines	(Ward 5 Councilor)
	Mrs. Kym A. Foglio	(Ward 1 Councilor)
	Mr. Christopher J. McClure	(Vice-President)
	Mr. John S. Roskovics	(President)
Member(s) Absent:	Mr. Richard A. Quaranta	(Ward 3 Councilor)
Officer(s) Present:	Mr. James M. Timonere	(City Manager)
	Ms. Traci R. Welch	(Director of Finance)
	Mrs. LaVette E. Hennigan, MMC	(Clerk of Council)
Officer(s) Absent:	Mr. Michael Franklin	(City Solicitor)

**SUNSHINE LAW CERTIFICATION**

The Clerk of Council certified conformity to the Sunshine Law.

**PURPOSE**

The President announced the purpose of this Special Meeting was to:

1. Convene an Executive Session to discuss the sale of property; and
2. Vote on legislation for the request of Our Lady of Peace Parish to rezone the former Mount Carmel School property located at 1200 East 21<sup>st</sup> Street, Ashtabula, Ohio, from R-2/Single Family Residence District to R-4/Multi Dwelling District.

**WELCOME**

The President welcomed visitors.

**LEGISLATION READING**

ORDINANCE NO. 2019-12, AN ORDINANCE CHANGING THE ZONING OF A PORTION OF THE PROPERTY LOCATED AT 1200 EAST 21ST STREET FROM R-2 (SINGLE FAMILY RESIDENCE DISTRICT) TO R-4 (MULTI-FAMILY RESIDENCE DISTRICT), UPON CONDITIONS, AND AMENDING THE ZONING DISTRICT MAP ESTABLISHED BY CODIFIED ORDINANCE SECTION 1115.02, was presented. Mr. Pugliese moved, Mr. Speelman seconded to waive the reading of the ordinance.

### **Comments**

The City Manger reported the following changes were suggested to the City Solicitor, but did not make it in the legislation before us:

#### **Section 1**

We do not want to rezone the entire property. The ordinance references two parcels which includes the strip of land that runs along Columbus Avenue and the entire church property. The only portion to be rezoned R-4 is what Testa ends up purchasing and eventually gets surveyed out into a new parcel.

**LANGUAGE CHANGE:** The only portion of the property that would be rezoned would be the purchased property and new parcel created by the purchase.

The Vice-President asked if the request creates spot zoning. The Manager said no, if it was converted to commercial or zoning other than residential, it would be considered spot zoning.

#### **Section 1 a.**

Currently reads: The zoning change shall be effective only upon the transfer of the property to Testa Enterprises, Inc., and/or wholly owned subsidiary thereof.

**LANGUAGE CHANGE:** The zoning change shall be effective only upon the transfer of the property to Testa Enterprises, Inc., or an affiliate thereof. The reason being is there could be a Testa, LLC or some other type of affiliate branch of the main company. But, the bottom line is it still has to be an affiliate of Testa. Wholly-owned does not permit investor activity. Mr. Ryan Landi, Vice President of Development for Testa Companies, said Testa will be the managing member making all the decisions and acting as the property manager, and will solely own the property at the end of 15 years, but the tax credits and depreciable loses that come off the building is what the investors are interested in and will receive.

Ward 5: The deadline for Testa to submit their application for funding was confirmed as February 21. She asked if there is another deadline beyond that if we are unable to come to a conclusion. Mr. Landi responded, "Around February 21 of next year". She asked if it is "an annual thing". The Manager and Mr. Landi responded yes.

Vice President: Would you consider a property within the City already zoned R-4 if the property in question is not approved for rezoning? Have other properties within the City been looked at?

Landi: I could not do that this round because we would not have enough time. The environmental study is "going", there's been onsite reviews, there are market studies going, we have preliminary plans for moving forward; there are a lot of pieces in the works already as we have taken a "leap of faith" that the property would be rezoned. Next year, we could consider other properties, but no other properties were looked at.

Ward 5: Asked for more information on the market studies.

Landi: We did a market study based on the area to determine the market area in which Testa would draw most of their tenants. It determines where ages and income levels fit in, what the employment levels of the City and County area, where people are travelling to and from work, etc. He offered to share the completed study. He has seen a draft of the study, has requested changes based on his understanding of the project versus what the market study firm inserted and expects to have a final draft next week. U. S. Census data is used but it is not a census study.

Ward 5: How long has Testa been working on the project?

Landi: About a year.

Ward 5: When did you contact the City of Ashtabula about the project?

Landi: Late summer, early fall 2018.

Manager: We were contacted before our trip to Columbus.

Landi: We had conversations with the church.

Manager: We had conversations about what the property was going to become; we met with the realtor about different possibilities, but we didn't know the real thoughts on the project until December.

Landi: There was a lot of negotiation between us and the church. So, until we finalized what that was going to be there was no real reason to come to the City.

Ward 5: I'm an information junkie; I want more information; I just feel like we've had 48 hours to make a decision and I don't have enough information. And, if I'm remiss in not doing my homework, I'll accept that responsibility. But, I just need more information – the market study, the business plan, what this is going to look like – not just how it affects us today, but; what is this going to look like years from now. It's not that I'm for or against you. Honestly, I don't know how I feel about it. And, that's why I asked the question about the deadline, because I certainly don't want to prevent a project from moving forward with a deadline, but I have to ask myself, when there is this deadline why wasn't I given more information before.

Manager: I'm really going to push back on this. Number one, we had a Planning Commission meeting that everybody was invited to; that was over a month ago. There was a public notice for 30 days, during which period information could have been gathered. I was not asked one question about the project up until 48 hours ago. So, there has been ample time – not to mention, I believe I had mentioned this project in a previous executive session.

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Ward 1: But, what kind of information were we given; other than the fact that...

Manager: You were given the same exact information I have.

Ward 1: And, what was that?

Manager: That we were looking at a senior housing project to go on the Mt. Carmel property.

Ward 1: Okay, and that's the information we were given.

Manager: I've given you the stats of what the 55 and older is going to look like for years to come.

Ward 1: This is what we were given (the initial application from OLOP and a December 24, 2018 letter from the City Manager announcing that the Planning Commission approved the project). That's not a whole lot of information.

President: I was at the Planning Commission meeting. I'm thinking we have a hotel going up; we didn't see their studies. Last year or two years ago we commissioned a hotel study; I've never seen the results of that, but still I'm all for the hotel and I'm supporting the hotel. And, the same thing with Petmin, we don't know...

Manager: There was \$8,000 spent on the hotel study. I don't think anybody's ever asked me...

President: So, I guess my concern is, as a Council, certainly we want to know as much as we can; we want information; we want to be informed. At the same time, we're a legislative body and we have people who do this for a living, like the Planning & Community Development and others. And, so, they bring us their recommendation and we either approve it or disapprove it, or if we want more information we ask them for more information.

Vice-President: I understand what you're saying and I don't disagree with it, but on the hotel we didn't rezone anything. Did we rezone anything for Petmin?

President: No, but we approved the tax abatement.

Vice-President: This isn't up for tax abatement yet.

President: No, but I'm saying, why would say to the hotel (which we know nothing about) we'll not let you pay your taxes; we have no idea; you could open up and not have any money. I guess what I'm saying is a lot of things have happened since we have been here that we haven't...

Ward 1: On the other hand we okayed a hotel which we do not have in the City of Ashtabula. And, we're okaying Petmin for jobs we need in the City of Ashtabula. We're being asked to okay low income housing which we have tons of in the City of Ashtabula, on the other hand. I know you're going to say it's not low income housing, but that's what it is; Section 8, whatever.

Manager: It is not.

Ward 4: And, also, on all those other things we haven't had any public feedback from it. There's been a very vocal opposition to this [senior housing complex]. And, we are kind of beholden to the people we represent and there clearly seems to be some reservation about it.

Ward 2: This is in my ward, which will improve my ward – the living in my ward; which we do need. We do not have any senior living in Ashtabula; which would be good. We keep hearing that bad word – low income. The gentleman here says it's not going to be low income; now I take his word for that. It does not involve the government. Years ago we had revenue sharing. In order to get revenue sharing we had to allow so much low income building in our City; that's how it all started in Ashtabula. Some of the areas are very nice; some of the areas are well taken care of. My point is, Ms. Haines, if the senior housing complex was going on Main Avenue would you be for it.

Ward 5: We would not have to rezone for it.

Ward 2: I am just saying, if we had to rezone for it, would you be for it. I am putting my neck out on the line for this. It is going to help Ashtabula City; it is going to be something that we need. We have the plant coming, we could get this going, Bridge Street is booming. I'm on board with Main Avenue. Four or five years ago we gave our money up to pave Main Avenue – I gave my money up not to pave anything in Ward 2 to pave Main Avenue. I'm for that. So, all I am asking is we have something that is going to be positive for Ashtabula City and Ward 2 where we had one of the worse streams in the State of Ohio and the US – Field's Brook. It is now cleaned up. So, we want to put something positive in that neighborhood; that will take care of that neighborhood that has been there for years – that is all we are asking.

President: In full disclosure, I'm on the same Mt. Carmel Unity Committee with Rose Bernado and Ed Williams.

Rosemary Bernado: This is not the Unity Committee sitting here; these are citizens.

President: Right, but we share many of the same concerns – I'm a member of that parish.

Manager: I want to go back to this low-income theory. My definition of low income is when you have government subsidizing your rent or paying some portion of it. If you go to Gran Signore Manor and show them your income, and it is \$400 a month, and you can afford \$20 for an apartment, the government subsidizes the rest. If you have a Section 8 certificate, the government is subsidizing the rest of your rent. With the senior housing project you are saying

I make around \$28,000 a year or less, and I can pay \$650 a month for an apartment. If you cannot, you do not get the apartment. Nowhere in the State of Ohio or the United States can someone with a Section 8 certificate be turned away if there is available space in the complex they apply to reside in. If they are it is in violation of the Fair Housing laws.

Vice-President: What is the tax credit?

Manager: That's to get the project built so you can have these types of homes for seniors. At Council meetings it is commonly said that we cannot do this to our seniors because they are on fixed incomes. So, in an essence, when we talk about seniors, granted it is somewhat low income because they are on a fixed income. We are now giving people the opportunity where they do not have to fix their roofs and plumbing; they do not have to worry about their sewers; will not have to pay a water, electric or gas bill. They will pay \$650 a month to live in somewhat of a community where people are going to be able to hear them and check in on them. Putting on my parishioner's hat... we are doing this so we block off any kind of development of the church so Mt. Carmel's the one to close down. "This facility is going spack-dab on the same footprint as the school; that's it. Quite honestly, there's no reason to renovate any church because you're going to be able to fit everyone into wherever you end up going. Mt. Carmel is the logical one to keep open because the renovation costs would be less and it still has property to do whatever the church wants to do. I can make a huge argument for Mother of Sorrows – demolish the school, vacate the road, there's the parking lot. It's a beautiful church that's going to cost a ton of money to become accessible. This is the stuff that's weighing us down – the personnel connection – feelings about our parish. The majority of us at this table are parishioners of this church. The statement I made yesterday is that this is a \$9 million project that is being discussed in the City of Ashtabula. It does need rezoning to make it happen. Is this a good project for the City? Not for the church, not for anybody else, not for us personally. Is this a good project for the City and needed for our residents? My opinion is yes."

Vice-President: "You're right; this is about the City; it's about rezoning. This is going to spack with some not so friendly verbiage, but, I know what I'm trying to say. The City needs a lot of things. But, any form of fixed rental additional housing is not what it needs. And, you're right (and again, I'm sorry to say this but...) Gran Signore is not the answer; bulldoze it for all I care. It doesn't need to be in the City. AMHA [Ashtabula Metropolitan Housing Authority] is a drain on our resources – HUD properties, Section 8s – they're all problems. This [project] may or may not ever be that. I question some of the propping it up with government funds; and it is kind of quasi-government influence. But, at the core of it – it's additional housing for (this is going to spack with some rudeness but...) takers not makers. These folks aren't going to be working in the industry; they aren't going to be paying income taxes; they likely won't be paying a lot of property taxes cause they'll be in one building that Testa will pay for – provided we don't give them abatement, or something like that.

President expressed displeasure with some of the Vice-President's choice of verbiage.

The Manager said the senior housing project is a way to fuel economic development; and that our senior population has paid their dues. When the condition of Greenway Housing on Nathan Avenue was compared to what can happen, the Manager said there were no deed restrictions placed on Greenway.

The President called for a voice vote on the motion to waive the reading of ORDINANCE NO. 2019-12, AN ORDINANCE CHANGING THE ZONING OF A PORTION OF THE PROPERTY LOCATED AT 1200 EAST 21ST STREET FROM R-2 (SINGLE FAMILY RESIDENCE DISTRICT) TO R-4 (MULTI-FAMILY RESIDENCE DISTRICT), UPON CONDITIONS, AND AMENDING THE ZONING DISTRICT MAP ESTABLISHED BY CODIFIED ORDINANCE SECTION 1115.02, with the City Manager's requested changes noted above; motion CARRIED. Mr. Pugliese moved, Mr. Roskovics seconded to waive the Charter requirement of two readings. On the roll call to waive the Charter requirement: Mr. Pugliese, Mr. Speelman, Ms. Haines, Mrs. Foglio, Mr. McClure, Mr. Roskovics vote aye; motion CARRIED. On the roll call to adopt the ordinance: Mr. Pugliese (aye), Mr. Speelman (nay), Ms. Haines (aye), Mrs. Foglio (nay), Mr. McClure (nay), Mr. Roskovics (aye). The motion to adopt the ordinance FAILED by a 3-3 tie vote.

**2. Executive Session**

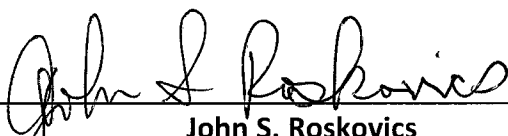
Mr. McClure moved, Mrs. Foglio seconded to convene an Executive Session to discuss the sale of property. On the roll call to convene an Executive Session: Mr. Pugliese, Mr. Speelman, Ms. Haines, Mrs. Foglio, Mr. McClure voted aye, Mr. Roskovics voted nay; motion CARRIED by a 5 to 1 vote.

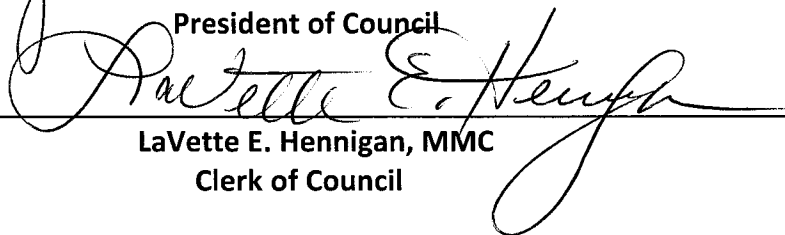
**Reconvene**

The President announced the public portion of the meeting reconvene with nothing to report.

Hearing nothing further to come before this Council, the President announced the meeting adjourned at 10:05a.m.

DATE APPROVED: MARCH 4, 2019

ATTESTED BY:   
John S. Roskovics  
President of Council

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