



City of Ashtabula

Ashtabula City Council Regular Meeting
Monday, July 20, 2026 at 7:00 PM
Council Chambers
4230 Lake Avenue, Ashtabula, OH 44004

Agenda

1. Call to Order

- a. Prayer
- b. Pledge of Allegiance
- c. Roll Call
- d. Sunshine Law Certification
- e. Reading of Legislation
- f. Motion to Approve the Order of the Agenda

2. Special Items

3. Communications

4. Citizen Comment and Community Announcements

5. Councilor Comments, Liaison Reports and Meeting Announcements

6. Consent Agenda

- a. Approval of Minutes
 1. Pre-Council Meeting Minutes, July 6, 2026
 2. Regular Council Meeting Minutes, July 6, 2026
- b. Resolutions

7. New Business

- a. For Passage
 1. **ORDINANCE NO. 2026 - 131**
AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BROBST TREE & STUMP SERVICE FOR THE REMOVAL OF TREES IN VARIOUS LOCATIONS
 2. **ORDINANCE NO. 2026 - 132**
AN ORDINANCE AUTHORIZING THE CITY MANAGER TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND (WPCLF) AGREEMENT ON BEHALF OF THE CITY OF ASHTABULA FOR

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PLANNING, DESIGNING, AND/OR CONSTRUCTION OF WASTEWATER FACILITIES; AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN

3. **ORDINANCE NO. 2026 - 133**

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO DISPOSE OF OBSOLETE AND UNNEEDED VEHICLES ROUND 3

b. First Reading(s)

1. **ORDINANCE NO. 2026 - 134**

AN ORDINANCE REPEALING, IN ITS ENTIRETY, EXISTING CODIFIED ORDINANCE CHAPTER 761.99, ENTITLED SALE OF TOBACCO PRODUCTS TO PERSONS UNDER 21 YEARS OLDS – PENALTY, TO IMPOSE NEW FINES AND CRITERIA FOR LICENSE SUSPENSION

2. **ORDINANCE NO. 2026 - 135**

AN ORDINANCE ADOPTING NEW CODIFIED ORDINANCE CHAPTER 761.99, ENTITLED SALE OF TOBACCO PRODUCTS TO PERSONS UNDER 21 YEARS OLDS – PENALTY

8. **Continuing Business/Public Hearings**

a. Second Reading(s)

b. Administrative Approval Votes

9. **Tell Us Something We Don't Know**

10. **Executive Session (if needed)**

11. **Adjournment**



City of Ashtabula

Ashtabula City Council Pre-Council Agenda
Monday, July 6, 2026 at 6:00 PM
Council Chambers
4230 Lake Avenue, Ashtabula, OH 44004

Minutes

Opening of a Pre-Council Meeting

Call to Order

The Pre-Council meeting of the Ashtabula City Council was called to order at 6:00 p.m. by President John Roskovics.

Roll Call

Members Present: President John Roskovics, Vice President Russell Simeone, Ward 2 Councilor Terence Guerriero, Ward 3 Councilor RoLesia Holman, Ward 4 Councilor Jodi Mills, Ward 5 Councilor Jane DiGiacomo
Absent: None

Officers Present: City Manager James Timonere, City Solicitor Cecilia Cooper, Finance Director Vladimir Kan and Clerk of Council Stacy Millberg

Welcome and Acknowledgement of Visitors

President's Report and Regular Meeting Review

President John Roskovics addressed the vacancy created by the resignation of Ward 1 Councilor Kym Foglio and reminded Council of the procedural implications of operating with six members: A 3-to-3 tie vote constitutes a failing vote, and any measure passing by a 4-to-2 margin is subject to a 30-day waiting period before implantation or action may be taken.

Ward 3 Councilor RoLesia Holman questioned whether Mrs. Foglio's resignation and its timing warranted further investigation, specifically whether any votes she cast while potentially no longer residing in her ward should be considered valid. City Solicitor Cecilia Cooper clarified that it is within Council's authority to conduct such an investigation and make a determination, but that the matter would be entirely Council's to pursue. She explained that residency for Council qualification purposes is not merely ownership of property, but is defined by where a member actually lives. President John Roskovics indicated he was not personally concerned about the matter, noting that Mrs. Foglio still owns the home on Walnut Boulevard, that she had consulted with both the City Solicitor and personal legal counsel, and that he was assuming her actions were within proper procedure.

Administrative Reports

City Manager

City Manager James Timonere presented the following ordinances for consideration:

- An ordinance authorizing the disposal of obsolete and unneeded vehicles. Approximately four vehicles are included, one of which is the old sewer jet. The vehicles will be set for auction or bid solicitation.
- An ordinance authorizing a renewal agreement with EPLS, LLC for prescription benefit consultant services. City Manager James Timonere explained that EPLS assists when employees require high-cost medications by shopping for more affordable options and compelling insurance carriers to cover those costs. The renewal would establish contract language not currently in place. The service does not affect access to drugs in emergency situations; it applies to ongoing prescription needs.

- A resolution to adopt the updated Ashtabula County Hazard Mitigation Plan. The plan was prepared by the County EMA and has been reviewed by City staff. City Manager James Timonere suggested inviting EMA staff to a future Community Development / Economic Development / Parks & Recreation Committee meeting to present the plan's highlights and address public questions. It was noted that some details would not be made public due to security reasons.
- An ordinance authorizing emergency repairs to the HVAC system at the Annex Building. City Manager James Timonere explained that during the recent heat wave, several stages of the HVAC units atop the Annex Building were found to be non-functional. Ziegler Heating and Cooling provided a quote for repairs in the amount not to exceed \$14,087, to be funded from Fund 412, with the intention of seeking reimbursement through the annual NOPEC grant. City Manager James Timonere noted that full rooftop unit replacements would exceed \$100,000 per unit, but it is something that needs to be considered. He explained that internal office reconfigurations over time have also impacted airflow and may require ductwork modifications.

The following ordinance will be presented at a future meeting:

- An ordinance authorizing a contract with Brobst Tree Service for Round 3 tree removal. City Manager James Timonere explained that Brobst Tree Service submitted the lowest and best bid of \$21,100 for the removal of 13 damaged, dead, or hazardous trees from City tree lawns. This will be funded from the Public Works fund.

City Manager James Timonere requested a voice vote to appoint Jacob Dinsmore to the Parks and Recreation Board, effective immediately, with a term expiring May 21, 2030. Ward 5 Councilor Jane DiGiacomo noted that Mr. Dinsmore has been a consistent attendee at both Parks Board and City Council meetings and has been an active participant in City government.

Motion: President John Roskovics asked for a voice vote on the appointment of Jacob Dinsmore to the Parks and Recreation Board.

Discussion: None

VOICE VOTE

Yeas: President John Roskovics, Vice President Russell Simeone, Ward 2 Councilor Terence Guerriero, Ward 3 Councilor RoLesia Holman, Ward 4 Councilor Jodi Mills, Ward 5 Councilor Jane DiGiacomo

Nays: None

Motion carried.

City Manager James Timonere informed Council that the replacement of the flashing lights at the Mary Street Hill intersection (E.24th Street and Harbor Avenue) required a review of traffic flow to bring the intersection into compliance with the current Manual on Uniform Traffic Control Devices standards. Under the new configuration, traffic on E. 24th Street heading up the hill retains right of way when turning right or left onto Harbor Avenue. However, southbound Harbor Avenue traffic approaching the intersection will now be required to come to a full stop, rather than a caution/yield for the downhill turn. A stop bar and stop sign will be installed, accompanied by signage indicating that traffic from the right does not stop. The lights are currently bagged pending installation of all required equipment. A public notification is planned for the City's social media channels.

Additional items raised during discussion included:

- A downed tree trunk on E. 23rd Street was reported to be leaning on lower utility lines. City Manager James Timonere noted that lower lines are typically the responsibility of phone and cable providers, who are often slow to respond. He agreed to look into it to possibly expedite removal.
- Ward 2 Councilor Terence Guerriero asked about Hometown Hero banners, which are displayed in surrounding communities including Conneaut, Ashtabula Township, and Painesville. City Manager James Timonere explained that this is a vendor-managed program where a company handles sales, installation, and coordination with the electric company as the banners are typically displayed on utility poles. Ward 5 Councilor Jane DiGiacomo noted that she has information on the program and that the Parks Board had

previously expressed interest as several of the members are veterans. She indicated a willingness to lead the effort. Ward 4 Councilor Jodi Mills agreed to work with her on it.

Motion: Ward 2 Councilor Terence Guerriero moved to refer the Hometown Hero banner project to the Community Development / Economic Development / Parks and Recreation Committee; Vice President Russell Simeone seconded.

Discussion: None

VOICE VOTE

Yeas: President John Roskovics, Vice President Russell Simeone, Ward 2 Councilor Terence Guerriero, Ward 3 Councilor RoLesia Holman, Ward 4 Councilor Jodi Mills, Ward 5 Councilor Jane DiGiacomo

Nays: None

Motion carried.

Ward 4 Councilor Jodi Mills asked about the status of the speed sign for Bridge Street. City Manager James Timonere explained he is working with staff to determine a location for the sign as well as additional equipment that may be needed to download the data. Ward 4 Councilor Jodi Mills also asked about the status of lifeguard staffing at Walnut Beach in light of the recent drowning. City Manager James Timonere stated that they began guarding the beach the previous week and the YMCA has stated it is their priority to staff the beach. Ward 4 Councilor Jodi Mills thanked City Manager James Timonere and Planning and Community Development staff for their quick response to grass-cutting complaints. City Manager James Timonere mentioned that staff is working with the City Solicitor's office to potentially amend the grass-cutting notification ordinance to eliminate the mandatory first-notice mailing requirement, which is costly in both postage and staff time. A public notice posted annually in the newspaper would remain. Lastly, Ward 4 Councilor Jodi Mills inquired about the number of golf cart registrations the City has issued. City Manager James Timonere stated that he would have the police chief prepare a report for the Safety Forces Committee meeting later in the week.

Ward 3 Councilor RoLesia Holman asked if the tree removal request is connected to the tree ordinance in the parks. City Manager James Timonere clarified that it is not connected. The removal request is for tree lawns. The ordinance pertaining to the parks is specific to trees removed in the parks. He explained that trees are being discussed as part of the new zoning and noted the preference for native, utility-friendly dwarf trees (approximately 8 to 10 feet in height) that would not conflict with overhead power lines.

Ward 5 Councilor Jane DiGiacomo stated that residents continue to express concerns about speeding in neighborhoods. City Manager James Timonere stated that he will have Chief Rob Stell discuss, at the Safety Forces Committee meeting, a group the police department has put together to address traffic. Ward 5 Councilor Jane DiGiacomo also said she is receiving ongoing complaints regarding bikes and scooters being operated on sidewalks. Residents are concerned about pedestrian safety. She also stated that several residents have asked about the moratorium on thrift stores as one recently opened on Main Avenue. City Manager James Timonere explained that he would look at the legislation; however, the City was not notified prior to the store opening. He agreed to follow up. Ward 5 Councilor Jane DiGiacomo also asked about the status of a plaza near Smith Field. City Manager James Timonere explained that the property owners have been working on it for approximately eight months and there is a tenant in one of the units. He stated that a lot of work has been done to the interior. Ward 5 Councilor Jane DiGiacomo also asked about the Bunker Hill Market property. City Manager James Timonere explained that code enforcement addresses the property several times a year. Ward 5 Councilor Jane DiGiacomo also raised concerns about golf carts, specifically regarding excessive numbers of passengers, and the operation of unlicensed carts. President John Roskovics reminded Council and residents that when violations are observed, the appropriate response is to contact the police department directly. He noted that earlier in the summer he learned there had been 14 inspections conducted.

Ward 4 Councilor Jodi Mills raised concerns about conditions along the Park Avenue corridor, noting deteriorating properties including Park Haven and the former Carlisle's building, as well as properties listed for sale. City Manager James Timonere confirmed that Park Haven is in active litigation, and that JCI is regularly contacted regarding maintenance.

City Manager James Timonere noted that a nomination has been submitted for the Main Avenue census tract to be designated under the new round of the Opportunity Zone 2 federal program. The previous Opportunity Zone designation covered a largely residential tract with limited development potential. The new tract offers substantially greater development opportunities. Support has been sought from the county commissioners, Growth Partnership,

Lake to River, and Eastgate. Final designation will be made by the Governor.

City Manager James Timonere also provided an update on the Welcome Home Ohio project on Station Avenue. He explained that work is nearing completion, noting that the electrical work was completed the previous week. Twelve prospective buyers are in various stages of the approval process. Work on additional units has not begun yet.

Finance Director

Finance Director Vladimir Kan presented the following ordinances for consideration:

- An ordinance to make supplemental changes to appropriations in various funds in the amount of \$802,685.75.
- An ordinance repealing and replacing Ordinance No. 2026-88, authorizing compensation, salaries, and wages for employees of the Ashtabula Municipal Court and Probation Divisions.
- An ordinance adopting the tax budget of the City of Ashtabula and submitting it to the Ashtabula County Budget Commission.

President John Roskovics asked for clarification on the Municipal Court payroll ordinance. City Solicitor Cecilia Cooper explained the background: the judge issued a court order making pay changes effective immediately; Council initially tabled the ordinance, but then approved it, but a 30-day waiting period applied due to the vote margin. As a result, at least one court employee has not been receiving the compensation ordered by the judge. The new ordinance corrects the effective date to May 4, 2026, and will allow for payment of back wages owed.

Ward 2 Councilor Terence Guerriero raised concern about the significant amount of money being requested in the supplemental appropriation ordinance. Finance Director Vladimir Kan clarified that the figure appears inflated due to required accounting practices: the recycling tote purchase and the garbage truck purchase each must be reflected twice, once as a transfer out of the General Fund and again as an expenditure in the Sanitation Fund. The actual net impact on the General Fund is significantly less than the stated total. Additional line items include fuel cost increases attributable to market price changes and a health insurance line adjustment for a position reclassified from part-time to full-time.

Ward 3 Councilor RoLesia Holman asked for clarification on how the carryover funds from the paving levy are used. City Manager James Timonere clarified that the 2026 funds have not been expended yet as the paving project has not started. He further explained that funds from the second half of the prior year and the first half of the current year are combined to pay for the current year's paving project. The carryover is typically the second half collected each year. He stated that if an emergency were to happen, there is that cushion, but that would lessen the funds available for the following year.

Ward 4 Councilor Jodi Mills also asked for clarification regarding a court intern stipend in the new payroll ordinance but not in the prior version. Finance Director Vladimir Kaan confirmed the stipend ranges from \$500 to \$2,500 depending on hours, and is paid from the Court's special fund. The stipend is structured as a non-ppensionable lump sum for a college intern.

City Solicitor

No report.

Clerk of Council

No report.

City Council Committee Reports

Community Development/Economic Development/Parks & Recreation

(1st Wednesday @ 5:30 p.m.)

Members: Chair DiGiacomo/Council Liaison to Parks and Recreation Board; Vice Chair Mills; Holman

August 5

September 2

October 7

November 4

December 2

Committee Chair Jane DiGiacomo provided the report.

Finance & Personnel

(3rd Friday @ 8:30 a.m.)

Members: Chair Roskovics, Vice Chair DiGiacomo, Vacant

July 17

August 21

September 18

October 16

November 20

December 18

Public Works/Public Utilities/Cable/Schools

(4th Tuesday @ 8:30 a.m.)

Members: Chair Mills, Vice Chair Guerriero, Roskovics

July 28

August 25

September 22

October 27

November 24

December 22

Committee Chair Jodi Mills provided the report.

Safety Forces

(2nd Thursday @ 8:30 a.m.)

Members: Chair Guerriero, Vice Chair Roskovics, Vacant

July 9

August 13

September 10

October 8

November 12

December 10

Planning Commission and Ashtabula Historic Preservation Commission

Discussion of New Business/Proposed Legislation

Ward 5 Councilor Jane DiGiacomo led a discussion on the proposed ordinance that would authorize the purchase of recycling and rubbish containers and expand curbside recycling citywide. She advocated strongly for the expansion, framing it as a matter of equitable service delivery. She noted that residents in Wards 3, 4, and 5 have paid the same fees as the rest of the City for nine years, while only Wards 1, 2, and part of Ward 3 receive recycling services. She stated that it comes down to fairness, equal fees should mean equal services. She confirmed that she had consulted Finance Director Vladimir Kan, whose response indicated that the City could afford the purchase without jeopardizing financial stability.

Ward 3 Councilor RoLesia Holman expressed similar support, emphasizing the environmental and community benefit of citywide recycling.

President John Roskovics objected to characterizations of the disparity as favoritism, calling it offensive to Council and the administration. He noted that all residents receive the same core garbage collection service and pay the same fees. He stated his personal support for recycling but expressed reluctance to draw from the General Fund carryover given fiscal uncertainties at the state and federal levels, and in light of other outstanding capital needs including a new street sweeper, ambulance, and public works building.

City Manager James Timonere acknowledged that nine years is long enough and stated that he would not have proposed moving forward if he did not believe the City had the financial capacity. He noted that the total cost of the

containers is approximately \$296,030, with approximately \$60,000 already set aside in a recycling grant account, leaving approximately \$230,000 to be drawn from the General Fund carryover. He reported that the General Fund carryover currently stands at approximately \$6 million, up from just \$200,000 when he became City Manager. He noted prior experience with recycling showed a 20 to 25 percent reduction in landfill expenses and observed that the City pays significant tipping fees as the largest contributor to the county landfill. He confirmed that the Ashtabula County Solid Waste District has agreed to cover the cost of cart delivery and educational materials to residents, as they did during the original rollout. The operational rollout will involve a transition to Monday through Thursday garbage collection with alternating Friday recycling pickups by area, phased in before the new carts are delivered. He also clarified that residents will be constrained to one 64-gallon refuse cart and one 64-gallon recycling cart, whereas current non-recycling areas are permitted up to three 32-gallon containers or nine bags.

Ward 4 Councilor Jodi Mills shared the same mixed feelings, acknowledging her strong personal support for recycling while noting the City is currently deferring other large capital expenditures. She indicated she has faith in Finance Director Vladimir Kan but was still on the fence as far as her decision on the matter.

City Manager James Timonere also indicated he would like Council to consider adopting a formal policy framework governing the use of General Fund carryover for expenditures of this nature, noting Finance Director Vladimir Kan had drafted an example policy.

Vice President Russell Simeone raised a question regarding existing ordinances outlining when residents may place trash at the curb. City Manager James Timonere confirmed that the current rule is 6 p.m. the evening before pickup, and containers must be brought in by the end of the day on the day of pickup. He also indicated that placement and storage of containers is an area to be addressed in the forthcoming zoning update.

Discussion of Old Business/Legislation on for 2nd Reading

Discussion for the Good of the Order

City Manager James Timonere noted that he forgot to mention during his report that he is requesting that the moratorium on accessory structures over 200 square feet be repealed. He explained that the ordinance has created a bit of a hostile environment in the office. There have also been some issues with the County Building Department issuing building permits before the City issued the zoning permit.

Adjournment

The meeting was adjourned at 6:54 p.m. by Council President Roskovics. Ashtabula City Council will meet again on Monday, July 20, 2026 in Council Chambers. The Pre-Council meeting will begin at 6:00 p.m. followed by the Regular Council Meeting at 7:00 p.m.

DATE APPROVED: _____

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

ATTESTED BY: _____
Stacy L. Millberg, Clerk of Council



City of Ashtabula
Ashtabula City Council Regular Meeting
Monday, July 6, 2026 at 7:00 PM
Council Chambers
4230 Lake Avenue, Ashtabula, OH 44004

Minutes

Call to Order

The meeting of the Ashtabula City Council was called to order at 7:00 p.m. by President John Roskovics.

Prayer

Vice President Russell Simeone offered the opening prayer.

Pledge of Allegiance

The Pledge of Allegiance was recited.

Roll Call

Members Present: President John Roskovics, Vice President Russell Simeone, Ward 2 Councilor Terence Guerriero, Ward 3 Councilor RoLesia Holman, Ward 4 Councilor Jodi Mills, Ward 5 Councilor Jane DiGiacomo
Absent:

Officers Present: City Manager James Timonere, City Solicitor Cecilia Cooper, Finance Director Vladimir Kan and Clerk of Council Stacy Millberg

Sunshine Law Certification

A quorum was established as defined by the Ashtabula City Council Rules of Order. The meeting met the requirements of the Ohio Sunshine Laws Open Meetings Act.

Reading of Legislation

Clerk of Council Stacy Millberg read the legislation titles to be considered at the meeting.

Motion to Approve the Order of the Agenda

Motion: Ward 3 Councilor RoLesia Holman moved to approve the order of the agenda; Ward 5 Councilor Jane DiGiacomo seconded.

Discussion: None

VOICE VOTE

Yeas: President John Roskovics, Vice President Russell Simeone, Ward 2 Councilor Terence Guerriero, Ward 3 Councilor RoLesia Holman, Ward 4 Councilor Jodi Mills, Ward 5 Councilor Jane DiGiacomo

Nays: None

Motion carried.

Special Items

Former Ward 1 Councilor Kym Foglio was presented with a plaque recognizing her years of service with the City of Ashtabula.

Communications

Citizen Comment and Community Announcements

Liz Penna, of Lake Avenue, addressed Council in support of extending curbside recycling to all wards, citing its potential to improve community pride and reduce the scense of disparity among wards.

Bobby Keene, of W. 15th Street, inquired whether, if the moratorium on accessory structures over 200 square feet

were repealed, he would be able to proceed with building a garage. President Roskovics confirmed that upon passage of the repeal resolution, he could obtain permits from the City and proceed under current zoning regulations. Mr. King also asked about the sidewalk replacement reimbursement program. City Manager James Timonere explained that sidewalk maintenance is the property owner's responsibility under the Ohio Revised Code, but the City offers a reimbursement program for a portion of concrete material costs. Property owners must submit a form, have the area measured by City inspectors, and submit itemized invoices. Mr. King thanked Public Works Superintendent John Melnik and staff for their work resolving a drainage ditch issue on his property. He also reported a dilapidated property adjacent to his brother's home on E. 23rd Street, describing it as structurally unsound, infested with pests, and potentially lacking power. City Manager James Timonere agreed to follow up after obtaining the precise address. A second property at 14th and Pennsylvania was also referenced. City Manager James Timonere indicated charges have been filed on that one.

Councilor Comments, Liaison Reports and Meeting Announcements

Consent Agenda

Approval of Minutes

Public Hearing Minutes, June 15, 2026

Motion: President John Roskovics moved to waive the reading of the minutes in their entirety; Ward 4 Councilor Jodi Mills seconded.

Discussion: None

VOICE VOTE

Yeas: President John Roskovics, Vice President Russell Simeone, Ward 2 Councilor Terence Guerriero, Ward 3 Councilor RoLesia Holman, Ward 4 Councilor Jodi Mills, Ward 5 Councilor Jane DiGiacomo

Nays: None

Hearing no corrections, the minutes were approved as presented.

Pre-Council Meeting Minutes, June 15, 2026

Motion: Ward 3 Councilor RoLesia Holman moved to waive the reading of the minutes in their entirety; Ward 4 Councilor Jodi Mills seconded.

Discussion: None

VOICE VOTE

Yeas: President John Roskovics, Vice President Russell Simeone, Ward 2 Councilor Terence Guerriero, Ward 3 Councilor RoLesia Holman, Ward 4 Councilor Jodi Mills, Ward 5 Councilor Jane DiGiacomo

Nays: None

Hearing no corrections, the minutes were approved as presented.

Regular Council Meeting Minutes, June 15, 2026

Motion: President John Roskovics moved to waive the reading of the minutes in their entirety; Ward 3 Councilor RoLesia Holman seconded.

Discussion: None

VOICE VOTE

Yeas: President John Roskovics, Vice President Russell Simeone, Ward 2 Councilor Terence Guerriero, Ward 3 Councilor RoLesia Holman, Ward 4 Councilor Jodi Mills, Ward 5 Councilor Jane DiGiacomo

Nays: None

Hearing no corrections, the minutes were approved as presented.

After the minutes were approved, Ward 3 Councilor RoLesia Holman requested a minor correction to the Regular Council Meeting Minutes on page 9 of the packet. In the section regarding a discussion between herself and the City Solicitor about a law enforcement request, she requested that the minutes reflect that she spoke as "a volunteer sharing her experience" rather than "the volunteer," as no names had been mentioned in the original exchange, and she had not known at the time to whom the solicitor was referring.

Resolutions

New Business

For Passage

ORDINANCE NO. 2026 - 121

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO DISPOSE OF OBSOLETE AND UNNEEDED VEHICLES ROUND 2

RESOLUTION NO. 2026 - 122

A RESOLUTION REPEALING 2025-83 PERTAINING TO ACCESSORY STRUCTURES OVER 200 SQUARE FEET

ORDINANCE NO. 2026 -123

AN ORDINANCE TO AUTHORIZE A RENEWAL AGREEMENT WITH EPLS, LLC FOR PRESCRIPTION BENEFIT CONSULTANTS SERVICES

RESOLUTION NO. 2026 - 124

A RESOLUTION OF ASHTABULA CITY COUNCIL ADOPTING THE ASHTABULA COUNTY HAZARD MITIGATION PLAN

ORDINANCE NO. 2026 - 125

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO PURCHASE RECYCLING AND RUBBISH CONTAINERS FROM WASTEQUIP, LLC, TO COMPLETE THE CITY'S CURBSIDE RECYCLING PROGRAM

ORDINANCE NO. 2026 - 126

AN ORDINANCE TO MAKE SUPPLEMENTAL CHANGES TO APPROPRIATION IN THE GENERAL FUND AND ALL OTHER FUNDS LISTED ON EXHIBIT A FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF ASHTABULA, STATE OF OHIO, FOR THE PERIOD JANUARY 1 THROUGH DECEMBER 31, 2026

ORDINANCE NO. 2026 – 127

AN ORDINANCE REPEALING ORDINANCE 2026 - 88 FOR THE PURPOSE OF ENACTING REPLACEMENT LEGISLATION PROVIDING COMPENSATION AND WAGES TO EMPLOYEES OF THE ASHTABULA CITY MUNICIPAL COURT AND PROBATION DIVISIONS

ORDINANCE NO. 2026 - 128

AN ORDINANCE AUTHORIZING COMPENSATION, SALARIES AND WAGES TO EMPLOYEES OF THE ASHTABULA CITY MUNICIPAL COURT AND PROBATION DIVISIONS

ORDINANCE NO. 2026 - 129

AN ORDINANCE ADOPTING THE TAX BUDGET OF THE CITY OF ASHTABULA FOR THE FISCAL YEAR BEGINNING ON JANUARY 1, 2027, AND SUBMITTING THE SAME TO THE ASHTABULA COUNTY, OHIO BUDGET COMMISSION

ORDINANCE NO. 2026 - 130

AN ORDINANCE DECLARING AN EMERGENCY AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR HVAC REPAIRS AT THE ANNEX BUILDING WITH ZIEGLER HEATING AND COOLING

President John Roskovics requested that Ordinance No. 2026-125 be considered separately from the rest of the legislation.

President John Roskovics asked for a motion to dispose of the Regular Business Legislation by consent agenda for Ordinance No. 2026-121 through 2026-124, and 2026-126 through 2026-130.

Motion: Ward 3 Councilor RoLesia Holman moved to dispose of the Regular Business Legislation by consent agenda; Ward 4 Councilor Jodi Mills seconded.

Discussion: None

VOICE VOTE

Yeas: President John Roskovics, Vice President Russell Simeone, Ward 2 Councilor Terence Guerriero, Ward 3 Councilor RoLesia Holman, Ward 4 Councilor Jodi Mills, Ward 5 Councilor Jane DiGiacomo

Nays: None

Motion passed.

Motion: Ward 2 Councilor Terence Guerriero moved to waive the reading of the legislation; Ward 3 Councilor RoLesia Holman seconded.

Discussion: None

VOICE VOTE

Yeas: President John Roskovics, Vice President Russell Simeone, Ward 2 Councilor Terence Guerriero, Ward 3 Councilor RoLesia Holman, Ward 4 Councilor Jodi Mills, Ward 5 Councilor Jane DiGiacomo

Nays: None

Motion passed.

Motion: Ward 2 Councilor Terence Guerriero moved to waive the Charter Requirements of two readings of the legislation; Ward 3 Councilor RoLesia Holman seconded.

Discussion: None

ROLL CALL VOTE

Yeas: President John Roskovics, Vice President Russell Simeone, Ward 2 Councilor Terence Guerriero, Ward 3 Councilor RoLesia Holman, Ward 4 Councilor Jodi Mills, Ward 5 Councilor Jane DiGiacomo

Nays: None

Motion passed.

Adoption of legislation

ROLL CALL VOTE

Yeas: President John Roskovics, Vice President Russell Simeone, Ward 2 Councilor Terence Guerriero, Ward 3 Councilor RoLesia Holman, Ward 4 Councilor Jodi Mills, Ward 5 Councilor Jane DiGiacomo

Nays: None

Legislation passed.

President John Roskovics asked for a motion to waive the reading of Ordinance No. 2026-125.

Motion: Ward 3 Councilor RoLesia Holman moved to waive the reading of the legislation; Ward 4 Councilor Jodi Mills seconded.

Discussion: None

VOICE VOTE

Yeas: President John Roskovics, Vice President Russell Simeone, Ward 2 Councilor Terence Guerriero, Ward 3 Councilor RoLesia Holman, Ward 4 Councilor Jodi Mills, Ward 5 Councilor Jane DiGiacomo

Nays: None

Motion passed.

Motion: Ward 3 Councilor RoLesia Holman moved to waive the Charter Requirements of two readings of the legislation; Vice President Russell Simeone seconded.

Discussion: None

ROLL CALL VOTE

Yeas: President John Roskovics, Vice President Russell Simeone, Ward 2 Councilor Terence Guerriero, Ward 3 Councilor RoLesia Holman, Ward 4 Councilor Jodi Mills, Ward 5 Councilor Jane DiGiacomo

Nays: None

Motion passed.

Adoption of legislation

ROLL CALL VOTE

Yeas: Vice President Russell Simeone, Ward 2 Councilor Terence Guerriero, Ward 3 Councilor RoLesia Holman, Ward 4 Councilor Jodi Mills, Ward 5 Councilor Jane DiGiacomo

Nays: President John Roskovics

Legislation passed.

First Reading(s)

Continuing Business/Public Hearings

Second Reading(s)

ORDINANCE NO. 2026 - 97

AN ORDINANCE REPEALING, IN ITS ENTIRETY, CODIFIED ORDINANCE SECTION 759.08 FOR THE PURPOSE OF REMOVING THE REQUIREMENT TO OBTAIN A COMPLETED FBI (NATIONAL) AND BCI (OHIO) BACKGROUND CHECK

ORDINANCE NO. 2026 - 98

AN ORDINANCE ENACTING NEW CODIFIED ORDINANCE SECTION 759.08

Motion: President John Roskovics moved to waive the reading of Ordinance No. 2026-97 and 2026-98; Ward 4 Councilor Jodi Mills seconded.

Discussion: None

VOICE VOTE

Yeas: President John Roskovics, Vice President Russell Simeone, Ward 2 Councilor Terence Guerriero, Ward 3 Councilor RoLesia Holman, Ward 4 Councilor Jodi Mills, Ward 5 Councilor Jane DiGiacomo

Nays: None

Motion passed.

Adoption of legislation

ROLL CALL VOTE

Yeas: President John Roskovics, Vice President Russell Simeone, Ward 2 Councilor Terence Guerriero, Ward 4 Councilor Jodi Mills, Ward 5 Councilor Jane DiGiacomo

Nays: Ward 3 Councilor RoLesia Holman

Legislation passed.

Administrative Approval Votes

Re-Appoint Len Jury to Parks Board

President Roskovics asked for a voice vote to re-appoint Len Jury to the Parks and Recreation Board.

VOICE VOTE

Yeas: President John Roskovics, Vice President Russell Simeone, Ward 2 Councilor Terence Guerriero, Ward 3 Councilor RoLesia Holman, Ward 4 Councilor Jodi Mills, Ward 5 Councilor Jane DiGiacomo

Nays: None

Motion carried.

Tell Us Something We Don't Know

Ward 5 Councilor Jane DiGiacomo announced that a free movie night featuring *A Goofy Movie* will be held at West 38th Street Park on July 17th, from 7 to 11 p.m., with the movie beginning at approximately 7:30 p.m.

Ward 4 Councilor Jodi Mills announced the Harbor Night Market on July 17th from 5 to 8 p.m. in the Harbor, featuring music by Smooth Jazz Trio, street vendors, food trucks, and extended merchant hours. She also noted a Bike Safety Story Time event at Red Brook Metropark on July 24th, open to children in kindergarten through fifth grade, offering a free bike helmet from Ashtabula County Metroparks, stories, and a ride through the park. Registration is encouraged through the Ashtabula Library. She additionally reminded residents that Bands on the Beach continues with Swamp Rattlers performing from 7 to 9 p.m. on July 9th, and noted the upcoming Wine and Walleye Festival, with volunteer signups available at wineandwalleye.com.

President John Roskovics commented on the recently concluded Beach Glass Festival, noting large and enthusiastic crowds and the positive impressions visitors expressed about the City.

Executive Session (if needed)

Adjournment

The meeting was adjourned at 8:33 p.m. by Council President Roskovics.

Ashtabula City Council will meet again on Monday, July 20, 2026 in Council Chambers. The Pre-Council meeting will begin at 6:00 p.m. followed by the Regular Council Meeting at 7:00 p.m.

DATE APPROVED: _____

ATTESTED BY: _____

John S. Roskovics, President of Council

ATTESTED BY:

Stacy L. Millberg, Clerk of Council

ORDINANCE NO. 2026 - 131

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BROBST TREE & STUMP SERVICE FOR THE REMOVAL OF TREES IN VARIOUS LOCATIONS

WHEREAS, the daily operations of the City of Ashtabula and the City Manager's Department require the enactment of this legislation; and,

WHEREAS, it is necessary to provide for the removal of trees in various locations in order to promote the health, comfort, safety, convenience, and welfare of the inhabitants of the City in accordance with Section 1 of the City Charter; and,

WHEREAS, the City Manager has requested proposals for the removal of trees in various locations and has determined that Brobst Tree & Stump Service has submitted the lowest responsible proposal.

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

SECTION 1. That the City Manager be, and he is hereby, authorized to enter into a contract with Brobst Tree & Stump Service, with a mailing address of 7935 Center Rd., Ashtabula, OH 44004 for the removal of trees in various locations as described in the exhibit, in an amount not to exceed \$21,100.00. Funding for this expense will be made from Fund 205.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning and related to the passage of this Ordinance 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 Section 10 of the Municipal Charter of the City of Ashtabula, Ohio, and of Section 121.22 of the Ohio Revised Code.

SECTION 3. For the reasons stated in the preamble, this ordinance, if approved by the votes of five or more members of Council, shall take effect immediately, otherwise 30 days thereafter.

PASSED: _____

John S. Roskovics
President of Council

Vote:

	Yea	Nay
Roskovics:	___	___
Simeone:	___	___
(VACANT):	___	___
Guerriero:	___	___
Holman:	___	___
Mills:	___	___
DiGiacomo:	___	___

ATTEST: _____
Stacy L. Millberg
Clerk of Council

APPROVED: _____
James M. Timonere
City Manager

Approved as to form and correctness this _____ day of _____, 2026.

Cecilia M. Cooper, Esq., Ashtabula City Solicitor

Brobst Tree Service
 8251 Munson Hill Rd
 Ashtabula, OH 440048601 US
 4409691900
 office@treeguys.biz
 www.brobsttreeservice.com

Estimate/contract



ADDRESS

Ashtabula City
 4250 Lake Avenue
 Ashtabula, Ohio 44004
 United States

SHIP TO

Ashtabula City
 4250 Lake Avenue
 Ashtabula, Ohio 44004
 United States

ESTIMATE/CONTRACT #	DATE	
1707	06/30/2026	

ACTIVITY	DESCRIPTION	AMOUNT
Tree removal	Remove tree at 5538 Adams Dr.	1,200.00T
Tree removal	Remove tree at 1029 Seymour Dr.	3,200.00T
Tree removal	Remove tree at 522 west 41st. St.	2,100.00T
Tree removal	Remove tree at Christie Ct.	1,400.00T
Tree removal	Remove 2 trees at 1629 East 45th St.	3,400.00T
Tree removal	Remove tree at 605 Myrtle Dr.	2,100.00T
Tree removal	Remove tree at 2121 Walnut Blvd.	1,500.00T
Tree removal	Remove tree at 405 Pennsylvania Ave.	1,500.00T
Tree removal	Remove tree at 1702 West 6th St.	1,200.00T
Tree removal	Remove tree at 1304 West 6th St.	700.00T
Tree removal	Remove tree at 2684 Walnut Blvd.	1,200.00T
Tree removal	Remove tree at 1009 Brown Dr.	1,600.00T

SUBTOTAL 21,100.00
 TAX 0.00
TOTAL \$21,100.00

Accepted By

Accepted Date

Thank You for considering Brobst Tree service for an Estimate!

By Approving; This estimate will constitute as a contract.

Payment is due upon completion. We are not liable for yard damages. This estimate is good for 30 days.

Contractor: Cory Whitlock
 Page 16 of 23

ORDINANCE NO. 2026 - 132

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND (WPCLF) AGREEMENT ON BEHALF OF THE CITY OF ASHTABULA FOR PLANNING, DESIGNING, AND/OR CONSTRUCTION OF WASTEWATER FACILITIES; AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN.

WHEREAS, the City of Ashtabula seeks to upgrade its existing wastewater facilities; and

WHEREAS, the City of Ashtabula intends to apply for Water Pollution Control Loan Fund (WPCLF) for the planning, design and or construction of the wastewater facilities; and

WHEREAS, the Ohio Water Pollution Control Loan Fund (WPCLF) requires the government authority to pass legislation for application of a loan and the execution of an agreement as well as designating a dedicated repayment source;

NOW THEREFORE BE IT ORDAINED by the Council of the City of Ashtabula, Ohio, with a majority of members thereof concurring:

SECTION 1. That the City Manager be and is hereby authorized to apply for a WPCLF loan, sign all documents for and enter into a Water Pollution Control Loan Fund (WPCLF) with the Ohio Environmental Protection Agency and the Ohio Water Development Authority for planning, design and/or construction of wastewater facilities on behalf of the City of Ashtabula, Ohio.

SECTION 2. That the dedicated source of repayment will be Water Pollution Control Capital Fund 504.

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and related to the passage of this Ordinance 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 Section 10 of the Municipal Charter of the City of Ashtabula, Ohio, and of Section 121.22 of the Ohio Revised Code.

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

PASSED: _____

John S. Roskovics
President of Council

Vote:

	Yea	Nay
Roskovics:	_____	_____
Simeone:	_____	_____
(VACANT):	_____	_____
Guerriero:	_____	_____
Holman:	_____	_____
Mills:	_____	_____
DiGiacomo:	_____	_____

ATTEST:

Stacy L. Millberg
Clerk of Council

APPROVED:

James M. Timonere
City Manager

Approved as to form and correctness this _____ day of _____, 2026.

Cecilia M. Cooper, Esq., Ashtabula City Solicitor

ORDINANCE NO. 2026 - 133

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO DISPOSE OF
OBSOLETE AND UNNEEDED VEHICLES ROUND 3**

WHEREAS, the daily operations of the City of Ashtabula and the City Manager's Department require the enactment of this legislation; and,

WHEREAS, it is necessary to provide for the disposition of obsolete personal property which is no longer required in City operations, in order to promote efficiency;

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

SECTION 1. That the City Manager be, and he is hereby, authorized to dispose of the following obsolete equipment which is not needed for City operations due to age and condition:

Year	Make	Model	VIN
2010	Ford	Explorer	1FMEU7DE9AUA82051
2010	Mack		1M2AY0361BM009464
2001	Mack		1HTSDAAR42H500847

The Manager is authorized to dispose of said items for the best price obtainable by public auction held by any commercially reasonable means, including but not limited to internet auctions. In the alternative the items may be sold without bid to another governmental entity or to a charitable organization with Internal Revenue Code 501(c)(3) status or donated to such an entity or organization. If the foregoing options are exhausted or impractical, item may be sold as scrap or disposed of as waste. If the items are sold, any receipts from the sale(s) are to be deposited into Funds 504 and 412.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning and related to the passage of this Ordinance 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 Section 10 of the Municipal Charter of the City of Ashtabula, Ohio, and of Section 121.22 of the Ohio Revised Code.

SECTION 3. For the reasons stated in the preamble, this ordinance, if approved by the votes of five or more members of Council, shall take effect immediately, otherwise 30 days thereafter.

PASSED: _____

John S. Roskovics
President of Council

Vote:

	Yay	Nay
Roskovics:	___	___
Simeone:	___	___
Vacant:	___	___
Guerriero:	___	___

ATTEST:

Stacy L. Millberg
Clerk of Council

Holman: ___ ___
Mills: ___ ___
DiGiacomo: ___ ___

APPROVED: _____
James M. Timonere
City Manager

Approved as to form and correctness this _____ day of _____, 2026.

Cecilia M. Cooper, Esq., Ashtabula City Solicitor

ORDINANCE NO. 2026 - 134

AN ORDINANCE REPEALING, IN ITS ENTIRETY, EXISTING CODIFIED ORDINANCE CHAPTER 761.99, ENTITLED SALE OF TOBACCO PRODUCTS TO PERSONS UNDER 21 YEARS OLDS – PENALTY, TO IMPOSE NEW FINES AND CRITERIA FOR LICENSE SUSPENSION

WHEREAS, the daily operations of the City of Ashtabula and the Office of the City Manager require the enactment of this legislation; and,

WHEREAS, the Ashtabula City Health Department recognizes young people are particularly susceptible to the addictive properties of tobacco and nicotine, and youth who begin using tobacco and nicotine products are more likely to become lifelong users, reversing previous progress in the reduction of the overall tobacco use rate; and,

WHEREAS, a tobacco retail license is an evidenced-based strategy to reduce initiation to nicotine and tobacco through improved compliance with Minimum Legal Sales Age and other important tobacco sales regulations; and,

WHEREAS, a tobacco retail license is a regulatory tool that further enables the City of Ashtabula to monitor tobacco sales, fund compliance efforts and create effective penalty and suspension structures for repeated violations; and,

WHEREAS, strong tobacco retail license laws in other communities have been effective in reducing the number of illegal tobacco sales to underage purchasers; and,

WHEREAS, the Board of Health and the Ashtabula City Health Department have recommended the imposition of new fines and criteria for license suspension for vendors who sell tobacco products to individuals under the age of 21.

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

SECTION 1. That existing Codified Ordinance Chapter 761.99, entitled Sale Of Tobacco Products To Persons Under 21 Years Olds – Penalty, a copy of which is attached as “Exhibit A” shall be, and the same is hereby repealed, in its entirety as of 11:59 p.m. August 31, 2026, to allow for the passage of replacement legislation.

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and related to the passage of this Ordinance 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 Section 121.22 of the Revised Code of Ohio.

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.

PASSED: _____

John S. Roskovics
President of Council

Vote:

	Yea	Nay
Roskovics:	_____	_____
Simeone:	_____	_____
(VACANT):	_____	_____
Guerriero:	_____	_____
Holman:	_____	_____
Mills:	_____	_____
DiGiacomo:	_____	_____

ATTEST:

Stacy L. Millberg
Clerk of Council

APPROVED:

James M. Timonere
City Manager

Approved as to form and correctness this _____ day of _____, 2026.

Cecilia M. Cooper, Esq., Ashtabula City Solicitor

761.99 PENALTY.

(a) Failure to Purchase a License. A violation of Section 761.05 of this regulation subjects the licensee, or anyone required to have a license, to a fine of one hundred dollars (\$100.00) per day. The Health Commissioner or designee shall have the authority to enforce this section.

(b) Fines and License Suspension. A licensee, or any agent, employee, or representative of said licensee, found in violation of Section 761.03, 761.04, 761.08, 761.09, 761.10 or 761.11, by the Health Commissioner after an opportunity to be heard may be subject to the following:

(1) In the case of a first violation, the fine of two hundred dollars (\$200.00) will be imposed. This fine will be waived if the licensee and (in the case of an illegal sale) the sales clerk (if other than the licensee) have a hearing with the Health Commissioner and develop a plan for appropriate corrective action. The licensee shall be notified in writing of the violation. The licensee may request a hearing with the Health Commissioner within fourteen (14) days of the mailing of notice of violation. The Ashtabula City Board of Health may continue hearing dates. The licensee will be notified in writing of the penalties levied for further violations.

(2) In the case of a second violation of any of the above noted sections in subsection (b) hereof, in a two-year period, the licensee shall be fined four hundred dollars (\$400.00). If the violation results from a sale to any person under twenty-one (21) years of age (Section 761.04).

(3) In the case of a third violation in a two-year period, the license shall be suspended for three consecutive business days and fined six hundred dollars (\$600.00). Tobacco retailers must remove all tobacco merchandise from all areas accessible to the public while the license is suspended. (Signage issued by the Ashtabula City Board of Health, notifying the public of vendor license suspension, will be posted.)

(4) In the case of four violations within a two-year period, the license shall be suspended for thirty (30) days and fined eight hundred dollars (\$800.00). Tobacco retailers must remove all tobacco merchandise from all areas accessible to the public while the license is suspended. (Signage issued by the Ashtabula City Board of Health, notifying the public of vendor license suspension will be posted.)

(5) In the case of five or more violations within a two-year period, the license shall be suspended for six (6) months and fined one thousand dollars (\$1000). Tobacco retailers must remove all tobacco merchandise from all areas accessible to the public while the license is suspended. (Signage issued by the Ashtabula City Board of Health, notifying the public of vendor license suspension, will be posted.)

(6) The Health Commissioner or designee shall evaluate license locations for compliance with Sections 761.01 through 761.13. The licensee shall be notified in writing of the results of the above evaluations. In the event a violation(s) is/are alleged, the licensee shall be notified in writing of said violation(s) by certified Inail or personal service. If a licensee receives notification of a violation, said licensee may request an evidentiary hearing before the Ashtabula City Board of Health. In that event, the licensee must request the aforesaid evidentiary hearing through the Ashtabula City Health Commissioner within thirty (30) days following notification of the violation(s). Rulings made by the Ashtabula City Board of Health regarding fines or license suspensions shall be final.

(Ord. 2019-125. Passed 11-4-19.)

ORDINANCE NO. 2026 - 135

AN ORDINANCE ADOPTING NEW CODIFIED ORDINANCE CHAPTER 761.99, ENTITLED SALE OF TOBACCO PRODUCTS TO PERSONS UNDER 21 YEARS OLDS – PENALTY

WHEREAS, the daily operations of the City of Ashtabula and the Office of the City Manager require the enactment of this legislation; and,

WHEREAS, the Ashtabula City Health Department recognizes young people are particularly susceptible to the addictive properties of tobacco and nicotine, and youth who begin using tobacco and nicotine products are more likely to become lifelong users, reversing previous progress in the reduction of the overall tobacco use rate; and,

WHEREAS, a tobacco retail license is an evidenced-based strategy to reduce initiation to nicotine and tobacco through improved compliance with Minimum Legal Sales Age and other important tobacco sales regulations; and,

WHEREAS, a tobacco retail license is a regulatory tool that further enables the City of Ashtabula to monitor tobacco sales, fund compliance efforts and create effective penalty and suspension structures for repeated violations; and,

WHEREAS, strong tobacco retail license laws in other communities have been effective in reducing the number of illegal tobacco sales to underage purchasers; and,

WHEREAS, the Board of Health and the Ashtabula City Health Department have recommended the imposition of new fines and criteria for license suspension for vendors who sell tobacco products to individuals under the age of 21.

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

SECTION 1. That a new Codified Ordinance Chapter 761.99, entitled Sale Of Tobacco Products To Persons Under 21 Years Olds – Penalty, a copy of which is attached as “Exhibit A” shall be, and the same is hereby enacted as of 12:00 a.m. September 1, 2026 as a new provision of the Codified Ordinances of the City of Ashtabula, Ohio.

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and related to the passage of this Ordinance 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 Section 121.22 of the Revised Code of Ohio.

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.

PASSED: _____

John S. Roskovics
President of Council

Vote:

	Yea	Nay
Roskovics:	___	___
Simeone:	___	___
(VACANT):	___	___
Guerriero:	___	___
Holman:	___	___
Mills:	___	___
DiGiacomo:	___	___

ATTEST:

Stacy L. Millberg
Clerk of Council

APPROVED:

James M. Timonere
City Manager

Approved as to form and correctness this _____ day of _____, 2026.

Cecilia M. Cooper, Esq., Ashtabula City Solicitor

761.99 PENALTY.

(a) Failure to Purchase a License. A violation of Section 761.05 of this regulation subjects the licensee, or anyone required to have a license, to a fine of one hundred dollars (\$100.00) per day. The Health Commissioner or designee shall have the authority to enforce this section.

(b) Fines and License Suspension. A licensee, or any agent, employee, or representative of said licensee, found in violation of Section 761.03, 761.04, 761.08, 761.09, 761.10 or 761.11, by the Health Commissioner after an opportunity to be heard may be subject to the following:

(1) In the case of a first violation, the fine of five hundred dollars (\$500.00) will be imposed. This fine will be waived if the licensee and (in the case of an illegal sale) the sales clerk (if other than the licensee) have a hearing with the Health Commissioner and develop a plan for appropriate corrective action. The licensee shall be notified in writing of the violation. The licensee may request a hearing with the Health Commissioner within fourteen (14) days of the mailing of notice of violation. The Ashtabula City Board of Health may continue hearing dates. The licensee will be notified in writing of the penalties levied for further violations.

(2) In the case of a second violation of any of the above noted sections in subsection (b) hereof, in a two-year period, the licensee shall be fined seven hundred and fifty dollars (\$750.00) and receive a seven-day license suspension. If the violation results from a sale to any person under twenty-one (21) years of age (Section 761.04).

(3) In the case of a third violation in a two-year period, the licensee shall be fined one thousand dollars (\$1,000.00) and receive a thirty (30)-day license suspension. Tobacco retailers must remove all tobacco merchandise from all areas accessible to the public while the license is suspended. (Signage issued by the Ashtabula City Board of Health, notifying the public of vendor license suspension, will be posted.)

(4) In the case of four violations within a two-year period, the licensee shall be fined one thousand dollars (\$1,000.00) and receive a one (1) year license suspension. Tobacco retailers must remove all tobacco merchandise from all areas accessible to the public while the license is suspended. (Signage issued by the Ashtabula City Board of Health, notifying the public of vendor license suspension, will be posted.)

(5) The Health Commissioner or designee shall evaluate license locations for compliance with Sections 761.01 through 761.13. The licensee shall be notified in writing of the results of the above evaluations. In the event a violation(s) is/are alleged, the licensee shall be notified in writing of said violation(s) by certified Inail or personal service. If a licensee receives notification of a violation, said licensee may request an evidentiary hearing before the Ashtabula City Board of Health. In that event, the licensee must request the aforesaid evidentiary hearing through the Ashtabula City Health Commissioner within thirty (30) days following notification of the violation(s). Rulings made by the Ashtabula City Board of Health regarding fines or license suspensions shall be final.