



## **City of Ashtabula**

Ashtabula City Council

Community Development/Economic Development/Parks & Recreation Committee Meeting

Wednesday, May 7, 2025 at 5:30 PM

Council Chambers

4230 Lake Avenue, Ashtabula, OH 44004

### Minutes

#### **Opening of Committee Meeting**

##### **Call to Order**

The meeting of the Ashtabula City Council Community Development/ Economic Development/ Parks & Recreation Committee was called to order at 5:40 p.m. by Committee Chair DiGiacomo.

##### **Roll Call**

**Members Present: Chair:** Ward 5 Councilor Jane DiGiacomo, Ward 3 Councilor RoLesia Holman

**Absent: Member:** Vice-Chair Ward 4 Councilor Jodi Mills

**Officers Present:** City Manager James Timonere, Clerk of Council Stacy Millberg, Assistant City Solicitor Catherine Colgan, Council President John Roskovics

**Parks & Recreation Board Members Present:** None

**Visitor:**

##### **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.

#### **Welcome and Acknowledgement of Visitors**

##### **Special Guest Presentation**

##### **Planning and Community Development - Discussion on Proposed Moratoriums**

Committee Chair Jane DiGiacomo opened the discussion on the 12 items City officials recommend placing moratoriums on while the City's zoning and master plan are being updated. These items include: accessory structures over 200 square feet; addiction treatment facilities (inpatient and outpatient); auto and/or truck rentals; boarding/rooming houses; check cashing and/or payday lending; convenience and/or dollar stores; e-cigarette, vaping and/or tobacco sales; food trucks with permanent locations; junk and/or scrapyards; motor vehicle fuel dispensing; thrift and/or secondhand stores; and, used and/or new motor vehicle sales.

Ward 3 Councilor RoLesia Holman stated that when the proposed moratoriums were first introduced, City Solicitor Cecilia Cooper indicated that there may be items on the list that could be considered unconstitutional. Ward 3 Councilor RoLesia Holman asked which items she was speaking of. City Manager James Timonere stated that she was referring to the addiction treatment facilities.

Assistant City Solicitor Catherine Colgan stated that the moratorium would not be unconstitutional if there was evidence to show that it was causing a particular problem. Individuals who face addiction problems are a protected class. City Manager James Timonere stated that there are other

communities that have these same moratoriums in place, which is why he included them. The items on the list are items that present the most issues for the City staff. Committee Chair Jane DiGiacomo asked if the Solicitor's Office was referring to court records and police records that would be needed as evidence to show the facilities were causing a problem. Assistant City Solicitor Catherine Colgan stated that she does not believe the City would meet the legal threshold to survive court scrutiny for an equal protection claim. Council President John Roskovics asked if the same would pertain to boarding/rooming houses. City Manager James Timonere stated that the moratorium would be for all boarding and rooming houses, unless they are certified as Ohio Recovery Housing. Assistant City Solicitor Catherine Colgan stated that there are other boarding/rooming houses in the City that are not associated with recovery. The moratorium would put a temporary stop to any additional boarding/rooming houses. City Manager James Timonere clarified that the proposed moratoriums would not affect anything that already exists or that the City has received an application for. It would only pertain to anything new after the ordinance is passed. Assistant City Solicitor Catherine Colgan stated that the idea is to keep the status quo until the zoning is updated. Committee Chair Jane DiGiacomo stated that she fully supports a moratorium on addiction treatment facilities. She stated that after hearing from the Police Department, businesses and constituents in her ward, she believes there is a problem. She believes individuals with drug addictions and mental health issues are being brought to the City, from other areas, for treatment. When they leave the treatment facility, they end up living in the gulf or other areas, and it is exceeding the City's level of resources to help them. It is having a negative impact on local businesses and neighborhoods. City Manager James Timonere stated that many of these facilities are doing great things to help individuals in recovery; however, this is more of a saturation issue. He believes there are too many of these facilities in the City and people would be better served if they were spread throughout the county.

Ashtabula Fire Department Captain Steve Chase stated that he fully supports every item on the list. He is the only fire marshal in the City and the City has only one housing inspector. It is difficult to keep up with trying to regulate certain types of businesses that are causing issues. The temporary moratoriums will assist City staff with getting caught up with what is already out there. He stated he believes there are additional items that should be on the list, including multifamily rental units.

Rebecca Quirke, Ward 2 resident, would like to see moratoriums on evictions, Air B&Bs and heavy industrial businesses.

Another resident, who identified herself as Paige, expressed concern about the proposed moratorium on addiction treatment facilities. City Manager James Timonere stated the moratorium would not affect all the existing treatment facilities. It would put a pause on any additional facilities opening in the City.

A Lake Road West resident asked why heavy industry was not on the list. City Manager James Timonere stated that the City has very few M2 businesses in the City. Mary Church, Assistant Director of Planning and Community Development, stated that there are a lot of available M2 properties; however, when you look at the current zoning there are only three allowable uses. Everything else would be a conditional use. The resident asked about the status of the proposed Petmin Plant. City Manager James Timonere stated the project is currently paused, and he is losing confidence in the project daily. The project is able to move forward under the City's current zoning.

Susan Smith, 5836 Jefferson Avenue, asked how many boarding houses and addiction treatment facilities there are in the City and who regulates when they are inspected. City Manager James Timonere stated he could not provide an exact number without researching it. Captain Steve Chase stated that commercial buildings fall under the Ohio Fire Code for inspections. It would be a routine inspection. He tries to do the inspections annually. The boarding houses fall under the housing code

and the City inspector spends a lot of time at those facilities. Ms. Smith asked when the City plans to hire another code enforcement officer. City Manager James Timonere stated another code enforcement officer would be hired in the summer. There are no plans to hire another housing inspector. Ms. Smith asked what is required for a resident to use the gazebo in the park for an event. City Manager James Timonere stated a permit would have to be issued to reserve the gazebo. There is no cost. The permit ensures no one else can use the gazebo at that time.

Motion: Council President John Roskovics moved to bring items one and items three through 12 of the proposed moratoriums out of committee to present to council as a whole; Committee Chair Jane DiGiacomo seconded.

Discussion: Ward 3 Councilor RoLesia Holman asked about the timeframe for the temporary moratoriums. City Manager James Timonere stated that the temporary moratoriums would be in place until the zoning update is complete, which could take approximately a year and a half. John Keenan, 1215 Walnut Blvd., stated that placing moratoriums on only certain items seems to be political. Assistant City Solicitor Catherine Colgan stated that the underlying justification for zoning is public health, safety and welfare. The Department of Planning and Community Development has health, safety and welfare concerns for each of the items on the list. The items proposed are not political considerations, they are enforcement and administration concerns.

VOICE VOTE

Yeas: Committee Chair Jane DiGiacomo, Council President John Roskovics, Ward 3 Councilor RoLesia Holman

Nays: None.

Motion passed.

### **City Manager's Report**

An ordinance related to the Appalachian Grant project will be presented to council for consideration. Eastgate, the grant recipient, has drafted an agreement to allow for direct pay, meaning the City will not have to encumber that money and wait for reimbursement from the State.

### **Old Business**

#### **Tax Abatement Percentage**

Ward 3 Councilor RoLesia Holman stated that she has been questioning the City's process for tax abatements for a while. There are a number of things she would like the committee to consider or discuss. She feels the City should have concrete policies and procedures in place and some of the City's processes should be cleaned up. She stated that there isn't always enough education provided on certain issues before moving forward with legislation. She stated that she doesn't feel that the implications of things are always considered before they are voted on. When considering applications for tax abatements, Ward 3 Councilor RoLesia Holman stated that there had been multiple applications that she would deem incomplete. She suggests applications should be returned when there is incomplete or missing information. She disagrees with offering 100 percent abatement for seven years. She feels there should be some flexibility. There should also be conditions and guidelines. There should be levels of accountability for renewals of the abatements. Ward 3 Councilor RoLesia Holman stated that she feels the "But-For" Test should be included in the City's tax abatement applications. The "but-for" test is used in many localities to ensure that new development or other activity that renders a property eligible for a tax abatement would not have occurred but for the tax break. This standard is intended to ensure that the benefit is applied only where necessary to stimulate needed development and not in cases where investment would have taken place anyway. The determination is typically made by the agency administering the tax abatement at the time it is approved, although specific procedures vary.

Committee Chair Jane DiGiacomo stated that she looks at tax abatements as a marketing tool.

Council President John Roskovics said the difference between 100 percent and 80 percent is not a significant amount. He stated that the issue has come up over and over again and there have not been other councilors that are in agreement with Ward 3 Councilor RoLesia Holman.

City Manager James Timonere stated that a lot of what Ward 3 Councilor RoLesia Holman stated is not accurate. Both commercial and residential tax abatements are reviewed every year. They are required to meet certain standards. The Tax Incentive Review committee consists of school board members, superintendents, and township appointees, because whoever has a stake in it has to agree that what a particular business or resident is doing meets the standards and is eligible to go forward. There is a large report or questionnaire that each recipient is required to provide. The committee reviews those reports and City Council then decides whether to continue those tax abatements. The Ohio Revised Code allows for up to 15 years at 100 percent for both commercial and residential properties. The City already limits tax abatements to 10 years at 75 percent for commercial and seven years at up to 100 percent for residential. Since 2015, there have been 13 commercial tax abatements, three of which will end this year. Since 2018, there have been 31 residential tax abatements, two of which will end this year. In terms of commercial tax abatements, the City has foregone \$26,750 in taxes. For residential abatements, the City has foregone \$27,682. The residents are paying income taxes. If there are children, the school district receives funds from the state for each child. The residents are paying sewer bills and trash bills. To make up the \$27,682 that the City is foregoing in residential property taxes for seven years, it would be approximately \$1.5 million in payroll. Each one of the properties has to have an income of \$48,000. City Manager James Timonere stated that they are likely to have a much higher income if they build a new house.

Ward 3 Councilor RoLesia Holman stated that she is not against tax abatements. She feels the City should not continue offering residential tax abatements at 100 percent. She maintains that the application process should be tighter and more complete when there is missing information.

Rebecca Quirke, Ward 2 resident, stated that the fact that Ward 3 Councilor RoLesia Holman is the only councilor that is questioning and pushing back on tax abatements is noted by the public. Ms. Quirke questioned the sale of the former Harbor High School property and asked why the records of the sale were not available. City Manager James Timonere stated that the property was not owned by the City, it was owned by the school district. Assistant City Solicitor Catherine Colgan stated that school districts are separate political subdivisions. Ms. Quirke stated that there are also issues with the Land Bank's plans for the Wenner Field property. She stated there is not a shortage of housing structures, but rather a shortage of available housing. She stated that there are vacant properties, properties that are being used for short-term boutique rentals, and people are being unhoused. She stated that it is more important to focus on utilizing the supply the City already has rather than focusing on more development.

Assistant City Solicitor Catherine Colgan stated that there are legal requirements for what qualifies for exemption, and she does not believe the City has the authority under the Ohio Revised Code to impose further conditions. The allowable conditions include whether it applies to new structures or remodeling, and whether it is a residential or industrial application. The Ohio Revised Code delineates the Community Reinvestment Program.

### **Summer Plan for Downtown District Homeless Population**

Committee Chair Jane DiGiacomo asked when the designated officer would be patrolling the downtown area. City Manager James Timonere stated that it typically starts when Kent State University and area schools let out; however, with the current staffing situation in the police department, officials are working on scheduling to ensure an officer will be available.

### **May 17 City Clean-Up Update**

### **Appalachian Grant Project Update**

City Manager James Timonere stated the deadline to apply for the facade program has passed. The City received approximately 25 applicants, so the funds will be distributed among those applicants. The projects will be evaluated and officials will determine how the funds will be divided.

### **New Business**

John Keenan, 1215 Walnut Blvd., discussed his concern about the Walnut Beach wetlands. He asked Rebecca Quirke to read a letter to the committee that he wrote in 2018 that detailed his concerns. He stated that the City should be protecting the lakefront as it is the area's most valuable asset.

City Manager James Timonere stated he has been communicating with Aqua Ohio and Norfolk Southern Railroad to maintain public access to that area.

### **Next Meeting**

**June 4, 2025**

### **Adjournment**

The meeting was adjourned at 7:48 p.m. by Committee Chair Jane DiGiacomo.