



City of Ashtabula

Ashtabula City Council Public Hearing
Monday, October 4, 2021 at 6:00 PM
Council Chambers
4717 Main Avenue

Agenda

1. Opening of Public Hearing

- a. Call to Order
- b. Roll Call
- c. Sunshine Law Certification

2. Purpose of Public Hearing

- a. To allow for public comments and recommendations regarding the 6th amendment to the Joint Economic Development District (J.E.D.D.) contract between the City of Ashtabula and Ashtabula Township, Parcel Nos. 03-030-00-085-00 & 03-030-00-084-00

3. Welcome and Acknowledgement of Visitors

4. Discussion

5. Questions/Comments

- a. Administration and Council
- b. Public - At this time, the public is given the opportunity to comment on the subject at hand.

6. Closing Remarks

- a. By law, no formal action may be taken at a public hearing. The Council will consider all comments made this evening prior to voting to approve or deny the request. The vote is required to take place at a regular or special meeting of council.

7. Adjournment

www.cityofashtabula.com



**CITY OF ASHTABULA
OFFICE OF THE CITY COUNCIL**

**4717 Main Avenue
Ashtabula, Ohio 44004**

Office: (440) 992-7119
Fax: (440) 998-4457
Email: clerkofcouncil@cityofashtabula.com
Website: www.cityofashtabula.com
Facebook: www.facebook.com/COAOhio

JOHN S. ROSKOVICS
PRESIDENT

MICHAEL D. SPEELMAN
Vice President

KYM A. FOGLIO
Ward 1 Councilor

CALVIN C. CRAWFORD
Ward 2 Councilor

LAYDEAN YOUNG
Ward 3 Councilor

OCTAVIA V. HARRIS
Ward 4 Councilor

JANE E. HAINES
Ward 5 Councilor

STACY H. SENSKEY
Clerk of Council

PUBLIC HEARING NOTICE

Notice is hereby given that the Ashtabula City Council will hold a PUBLIC HEARING on MONDAY, October 4, 2021, at 6:00 P.M., in Council Chambers located on the 1st floor of the Ashtabula City Municipal Building, at 4717 Main Avenue, Ashtabula, Ohio, 44004, in accordance with Ohio Revised Code Section 715.72 titled, "Alternative procedures and requirements for creating joint economic development district" to allow for public comments and recommendations regarding the following contract and district:

6TH AMENDMENT TO THE JOINT ECONOMIC DEVELOPMENT DISTRICT (J.E.D.D.) CONTRACT BETWEEN THE CITY OF ASHTABULA AND ASHTABULA TOWNSHIP

Parcel Nos. 03-030-00-085-00 & 03-030-00-084-00

Per ORC 715.72, the required documents shall be available for public inspection in the City of Ashtabula, Office of the Clerk of Council.

Stacy H. Senskey, Clerk of Council

Emailed to: Council, Administration, and Department Heads & Admin. Staff: **Friday, August 27, 2021**
Emailed to: Media & 'Community Matters' Email Distribution Roster: **Friday, August 27, 2021**
Placed on: Municipal Building Bulletin Board: **Friday, August 27, 2021**
Star Beacon Legals: **PLEASE PUBLISH: Friday, August 27, 2021**

OUR MISSION IS TO PROVIDE SERVICES AND PARTNER WITH OUR CITIZENS, BUSINESSES AND NEIGHBORS TO
ENHANCE THE QUALITY OF LIFE FOR ALL WHO LIVE IN AND VISIT ASHTABULA

Accommodations – Any person requiring an auxiliary aid or service for effective communication or a modification of policies or procedures to participate in this meeting may contact the Clerk of Council no later than forty-eight hours prior to the meeting.

**AMENDMENT TO JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT
BETWEEN
THE CITY OF ASHTABULA AND ASHTABULA TOWNSHIP**

This Sixth Amendment to the City of Ashtabula and Ashtabula Township Joint Economic Development District Contract (the “Contract”) is hereby entered into by and between the City of Ashtabula and Ashtabula Township, both of Ashtabula County, Ohio, in accordance with the terms and provisions set forth herein.

1. NEO Development, the owners of the lands described in attached “Exhibit A,” and the proposed business owners, Hutton St. 17, LLC, have petitioned to include said property in the existing Joint Economic Development District (JEDD) created by the Contract. There are currently no business owners in said area; however, the Petitioners intend to operate a business at said location.

2. The territory sought to be added meets the criteria set forth in Revised Code Section 715.72(E)(1). The foregoing petitioners constitute more than half of the owners and business operators in the area sought to be added.

3. All necessary notices have been published, public hearings held, and legislation passed in order to permit the amendment of the aforesaid JEDD to include said additional territory, as set forth in R.C. Section 715.72(I).

4. Accordingly, “Section 4 – Territory of the District” of the Contract is hereby amended to include the properties described in attached “Exhibit A”. Said property is and shall hereafter be subject to all terms, conditions, requirements, benefits, and obligations set forth in the Contract.

5. All other terms and conditions of the Contract shall remain in effect and unchanged hereby.

6. This Amendment shall be effective as of the effective date of the last legislation passed by the parties approving same.

IN WITNESS WHEREOF, the JEDD Parties have caused this Amendment to be duly signed in their respective names by their duly authorized officers as of the date(s) appearing below.

Date: _____

James M. Timonere

Ashtabula City Manager

(Executing pursuant to Ordinance No. 2021-_____)

STATE OF OHIO)
) ss:
ASHTABULA COUNTY)

On this ____ day of _____, 20____ before me, a Notary Public in and for said County and State, personally appeared James M. Timonere, City Manager of the City of Ashtabula, Ohio, who acknowledged that with due authorization and as such officer on behalf of the City, he did sign the Fifth Amendment to the City of Ashtabula and Ashtabula Township Joint Economic Development District Contract Between City of Ashtabula and Ashtabula Township on behalf of the City and who acknowledged that the same is his voluntary act and deed, individually as said officer and the voluntary and corporate act and deed of the City.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year aforesaid.
(seal)

NOTARY PUBLIC

Date: _____
Bambi Paulchel
Ashtabula Township Trustee

Date: _____
Joseph J. Pete
Ashtabula Township Trustee

Date: _____
Stephen J. McClure
Ashtabula Township Trustee

STATE OF OHIO)
) ss:
ASHTABULA COUNTY)

On this ____ day of _____, 20____, before me, a Notary Public in and for said County and State, personally appeared Bambi Paulchel, Joseph J. Pete, and Stephen J. McClure, Trustees of the Township of Ashtabula, who each acknowledged that with due authorization and as such officers on behalf of the Township, they did sign the Fifth Amendment to the City of Ashtabula and Ashtabula Township Joint Economic Development District Contract Between City of Ashtabula and Ashtabula Township on behalf of the Township and who acknowledged that the same is their voluntary act and deed, individually as said officers and the voluntary and corporate act and deed of the Township.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year aforesaid.
(seal)

NOTARY PUBLIC

Approved as to legal form and correctness this _____ day of _____, 20____:

Michael Franklin, Esq.
Ashtabula City Solicitor

CERTIFICATION

The undersigned Finance Director of the City of Ashtabula, hereby certifies that the monies required to meet the obligations of the City during the year 20____ under the Contract have been lawfully appropriated by the City for such purposes and are in the treasury of the City or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances.

Dated: _____

Traci Welch
Ashtabula City Finance Director

Approved as to legal form and correctness this _____ day of _____, 20____:

Colleen M. O'Toole, Esq.
Ashtabula County Prosecutor

FISCAL OFFICER'S CERTIFICATE

The undersigned, Fiscal Officer of Ashtabula Township Board of Trustees, hereby certifies that the monies required to meet the obligations of the Township during the year 20____ under the Contract have been lawfully appropriated by the Township for such purposes and are in the treasury of the Township or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. This certificate is given in compliance with Sections 5705.41 and 5705.44, Ohio Revised Code.

Dated: _____, 20____

Robert S. Dille
Ashtabula Township Fiscal Officer

Exhibit A

NEO Development / Hutton 17, LLC

JEDD PETITION
SITE MAP
LEGAL DESCRIPTION

**PETITION TO AMEND JOINT ECONOMIC DEVELOPMENT AGREEMENT BETWEEN
THE CITY OF ASHTABULA AND ASHTABULA TOWNSHIP IN ORDER TO ADD
ADDITIONAL TERRITORY TO THE JOINT ECONOMIC DEVELOPMENT DISTRICT**

The undersigned, constituting a majority of record owners of property and a majority of owners of businesses within the area described in attached Exhibit A, do hereby petition the City of Ashtabula and the Township of Ashtabula to amend the Joint Economic Development Agreement executed March 20th, 2013, in order to add additional territory to the District, so that Petitioners can obtain an extension of waste water treatment services and any other available services to said proposed District. By signing this petition, the record owner or business owner consents to the proposed joint economic development district.

A description and map of the area sought to be included in the District are attached as Exhibit A and Exhibit B, respectively. The permanent parcel number(s) of the property sought to be included is/are: _____

03-030-00-085-00 & 03-030-00-084-00

Petitioners state that the territory sought to be added meets the criteria set forth in Revised Code Section 715.72(E)(1).

The documents described in Section 715.72(I)(1) of the Revised Code shall, with the filing of this Petition, be available for inspection in the office of the Clerk of the Ashtabula City Council and in the office of the Chief Fiscal officer of Ashtabula Township.

OWNER(S) OF PROPERTY:

NEO Development
Business Name

By: [Signature]
Officer or Agent Signature

Ronald R. Kister
Printed Name

Date: 7-9-2021

OWNER(S) OF BUSINESSES:

Hutton
Business Name

By: [Signature]
Officer or Agent Signature

Harvey J. Hutton
Printed Name

Date: 7-30-2021

Receipt acknowledged:

[Signature]
James M. Timonere
Ashtabula City Manager

8/2/2021
Date



LEGAL DESCRIPTION
Consolidated Parcel
North Ridge Road and Orchard Road
Township of Ashtabula, Ohio

Situated in the Township of Ashtabula, County of Ashtabula, and State of Ohio, and known as being part of Township 13 North, Range 3 West of the Connecticut Western Reserve, further known as being Sublot No. 16 and part of Sublot No. 17 in Subdivision No. 1 of the Suburban Gardens Allotment, recorded in Plat Volume 7, Page 13 of Ashtabula County Records, being a consolidation of all of those lands conveyed to Hutton ST 17, LLC by deeds recorded in Official Record Book _____, Page _____ and Official Record Book _____, Page _____ of Ashtabula County Records, said premises being more particularly bounded and described as follows:

Beginning at the intersection of the centerline of North Ridge Road (U. S. Route 20), of variable width, as shown in the right of way plans for Ohio Department of Transportation Project ATB-20-13.780, and the centerline of Orchard Road, 40 feet wide; thence South 00 degrees 36 minutes 34 seconds East along the centerline of Orchard Road, a distance of 442.95 feet to its intersection with the northerly line of lands conveyed to Lawrence L. Peterson by deed recorded in Official Record Book 661, Page 393 of Ashtabula County Records; thence South 89 degrees 23 minutes 26 seconds West along the northerly line of said Peterson lands, passing through a 1 inch iron pin found at 20.03 feet, a total distance of 142.07 feet to the southeasterly corner of Sublot No. 15 in the aforementioned Subdivision No. 1 of the Suburban Gardens Allotment, said point being the **PRINCIPAL PLACE OF BEGINNING** of the premises herein described, being located on the northerly line of Sublot No. 52 in the same, and being witnessed by a 3/4 inch iron pipe found distant 0.07 foot South and 0.12 foot West therefrom;

Course No. 1: Thence North 00 degrees 36 minutes 34 seconds West along the easterly line of said Sublot No. 15, also being the easterly line of lands conveyed to Dolgen Midwest, LLC by deed recorded in Official Record Book 492, Page 2522 of Ashtabula County Records, a distance of 316.29 feet to its intersection with the southeasterly line of the aforementioned North Ridge Road, said point also being the most southerly corner of Parcel 28-SH, a Perpetual Easement for Highway Purposes granted to the State of Ohio, Department of Transportation by deed recorded in Official Record Book 530, Page 1469 of Ashtabula County Records and being witnessed by a 5/8 inch iron pin found distant North 62 degrees 50 minutes East, 0.18 foot therefrom;

Course No. 2: Thence North 59 degrees 11 minutes 26 seconds East along the southeasterly line of said North Ridge Road, also being the southeasterly line of said parcel 28-SH, and along the southeasterly line of Parcel 29-SH1, a Perpetual Easement for Highway Purposes granted to the State of Ohio, Department of Transportation by deed recorded in Official Record Book 530, Page 1501 of Ashtabula County Records, a distance of 103.20 feet to a 5/8 inch iron pin set at the most easterly corner of said Parcel 29-SH1;

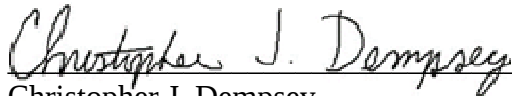
Course No. 3: Thence South 74 degrees 50 minutes 42 seconds East along the southwesterly line of Parcel 29-SH2, a Perpetual Easement for Highway Purposes granted to the State of Ohio, Department of Transportation by the aforementioned Official Record Book 530, Page 1501 of Ashtabula County Records, a distance of 34.16 feet to its intersection with the westerly line of Orchard Road, 40 feet wide, said point being witnessed by a 5/8 inch iron pin found distant 0.03 foot North and 0.13 foot East therefrom;

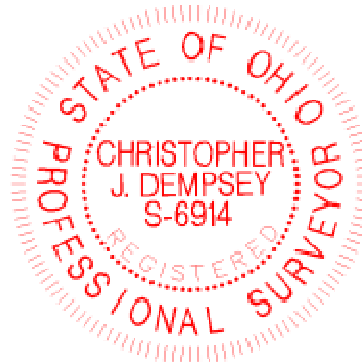
Course No. 4: Thence South 00 degrees 36 minutes 34 seconds East along the westerly line of said Orchard Road, a distance of 358.92 feet to its intersection with the northerly line of the aforementioned Peterson lands, said point being witnessed by a 1 inch iron pin found distant South 89 degrees 23 minutes 26 seconds West, 0.03 foot therefrom;

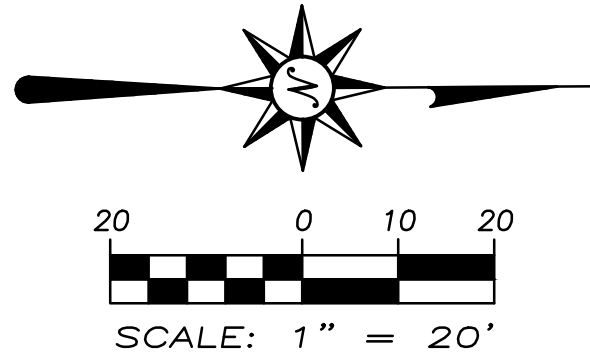
Course No. 5: Thence South 89 degrees 23 minutes 26 seconds West along the northerly line of said Peterson lands, passing through the aforementioned 1 inch iron pin found at 0.03 foot, a total distance of 122.07 feet to the Place of Beginning and containing 0.9752 Acre (42,480 Square Feet) of land, according to a survey by Christopher J. Dempsey, Professional Land Surveyor No. 6914 of Dempsey Surveying Company on April 5, 2021, being the same more or less but subject to all legal highways.

All iron pins set are 5/8 inches in diameter by 30 inches long with a yellow plastic cap stamped "C. Dempsey P.S. 6914".

Bearings are referenced to Grid North of the Ohio State Plane Coordinate System North Zone, NAD 83 (2011) Datum.


Christopher J. Dempsey
Ohio Professional Surveyor No. 6914





• DENOTES 5/8" DIAMETER, 30 INCH LONG
IRON PIN SET WITH "DEMPSEY P.S. 6914"
ID CAP (UNLESS OTHERWISE NOTED)

✕ MAG NAIL SET

ABBREVIATIONS

Dd. — DEED
MSD. — MEASURED
ACT. — ACTUAL
CALC. — CALCULATED
OBS. — OBSERVED
TD. — TURNED
FD. — FOUND
ENCR. — ENCROACHES
CLRS. — CLEARS
ASPH. — ASPHALT
CONC. — CONCRETE
SUBJ. — SUBJECT
CONT. — CONTIGUOUS
U.G. — UNDERGROUND
O.H. — OVERHEAD

SURVEY REFERENCES USED

1. Subject and adjoining deeds as noted
2. Subdivision No. 1, Suburban Gardens Allotment (Plat Vol. 7, Pg. 13 A. C. R.)
3. Changing of Town Lots in Suburban Gardens Allotment (Plat Vol. 15, Pg. 98 A. C. R.)
4. Centerline and right of way plans for Ohio Department of Transportation Project ATB-20-13.780

APPROVAL

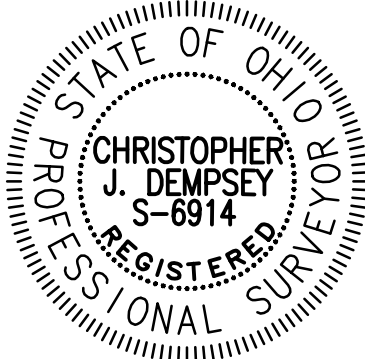
THIS PLAT IS HEREBY APPROVED BY THE ZONING INSPECTOR OF THE TOWNSHIP OF ASHTABULA, OHIO THIS _____ DAY OF _____, 20____.

JAYMEE VEST
ZONING INSPECTOR

LOT CONSOLIDATION FOR
HUTTON ST 17, LLC

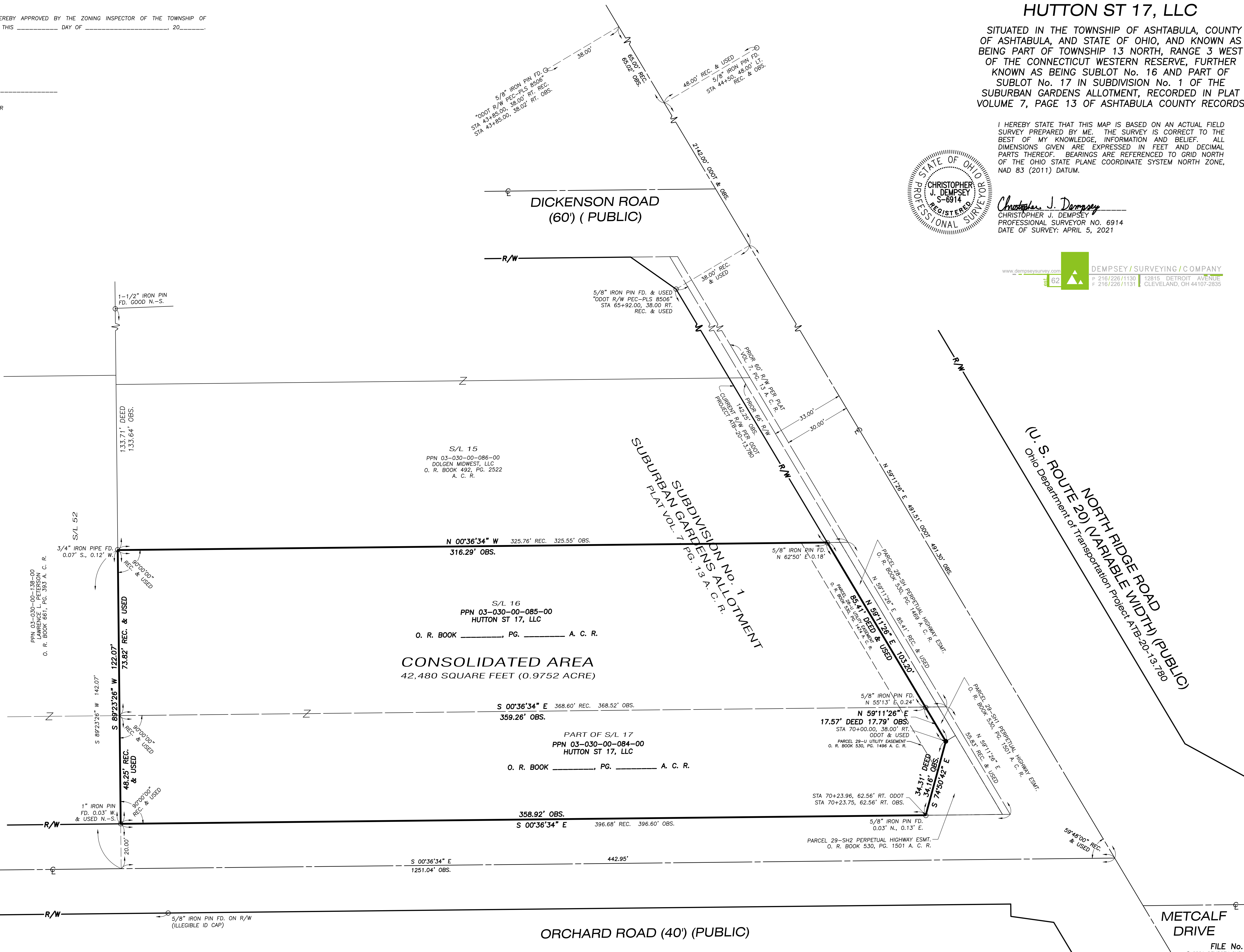
SITUATED IN THE TOWNSHIP OF ASHTABULA, COUNTY OF ASHTABULA, AND STATE OF OHIO, AND KNOWN AS BEING PART OF TOWNSHIP 13 NORTH, RANGE 3 WEST OF THE CONNECTICUT WESTERN RESERVE, FURTHER KNOWN AS BEING SUBLOT No. 16 AND PART OF SUBLOT No. 17 IN SUBDIVISION No. 1 OF THE SUBURBAN GARDENS ALLOTMENT, RECORDED IN PLAT VOLUME 7, PAGE 13 OF ASHTABULA COUNTY RECORDS

I HEREBY STATE THAT THIS MAP IS BASED ON AN ACTUAL FIELD SURVEY PREPARED BY ME. THE SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF. ALL DIMENSIONS GIVEN ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF. BEARINGS ARE REFERENCED TO GRID NORTH OF THE OHIO STATE PLANE COORDINATE SYSTEM NORTH ZONE, NAD 83 (2011) DATUM.



Christopher J. Dempsey
CHRISTOPHER J. DEMPSEY
PROFESSIONAL SURVEYOR NO. 6914
DATE OF SURVEY: APRIL 5, 2021

www.dempseysurveying.com
62
DEMPSEY / SURVEYING / COMPANY
P 216/226/1130 12815 DETROIT AVENUE
F 216/226/1131 CLEVELAND, OH 44107-2835





CHAIRMAN: *Bambi Paulchel*
VICE-CHAIRMAN: *Joseph J. Pete*
TRUSTEE: *Stephen J. McClure*

ASHTABULA TOWNSHIP TRUSTEES

FISCAL OFFICER:

Robert S. Dille
440-993-8351

FIRE CHIEF:

Tom Steele
440-997-4641

**ROAD
SUPERINTENDENT:**

Todd McGill
440-997-9221

**CEMETERY
FORMAN:**

Rob Phelps
440-997-9551

**OFFICE MANAGER/
ZONING INSPECTOR:**

Jaymee Vest
440-997-9221

August 6, 2021

Ashtabula City Manager and Ashtabula Township Trustees

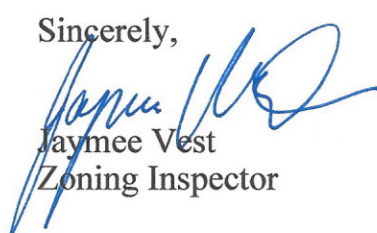
RE: Zoning Restrictions on Properties Proposed to be added as a Sixth Amendment to the Existing Joint Economic Development District
(Parcels— 03-030-00-085-00 and 03-030-00-084-00 Address Issued is 3540 North Ridge Road East)

Dear Mr. Timonere, Mrs. Paulchel, Mr. Pete, and Mr. McClure:

This letter is to indicate that the said parcels listed as #03-030-00-085-00 and #03-030-00-084-00 address issued is 3540 North Ridge Road East, that are owned by Kister Nancy & Trustee / NEO Development Corp. are currently zoning Local Business Commercial (LB). These parcels are restricted to being developed in accordance to the Ashtabula Township Zoning Rules and Regulations. The proposed principally and/or conditionally permitted use(s) must comply with the use(s) specified under the use section of the Ashtabula Township Zoning Text in the Local Business District. If any proposal/use fails to meet our required regulations then variances must be applied for and obtained by the Ashtabula Township Zoning Board of Appeals before being developed.

The above parcels are proposed to be added as a sixth amendment to the Joint Economic Development District and conform to the Ashtabula Township Zoning Rules and Regulations.

Sincerely,


Jaymee Vest
Zoning Inspector

2718 North Ridge Road East
Ashtabula, OH 44004
PHONE: 440-993-8351 FAX: 440-992-4058

**ECONOMIC DEVELOPMENT PLAN FOR
THE CITY OF ASHTABULA AND ASHTABULA TOWNSHIP
JOINT ECONOMIC DEVELOPMENT DISTRICT**

The City of Ashtabula (the “City”) and Ashtabula Township (the “Township”) are entering into a contract (the “Contract”) to create the City of Ashtabula and Ashtabula Township Joint Economic Development District (the “District”). The purpose of the District is to facilitate economic development to create or preserve jobs and employment opportunities and to improve the economic welfare of the people of the State of Ohio, the County of Ashtabula and the District. In accordance with Section 715.72(C) of the Ohio Revised Code, the Economic Development Plan for the District consists of both of the following schedules:

1. Schedule for the provisions of the new, expanded or additional services, facilities or improvements specified and provided for in the Contract in accordance with Section 715.72(F)(3) of the Ohio Revised Code.
 - a. Upon approval of the Contract and creation of the District, The City and Township may provide services to assist the District with planning, promotion and related activities to facilitate economic development in the District. The City and the Township will contribute an aggregate amount not to exceed One Thousand Dollars (\$1,000.00) to the District for the purpose of paying initial administration and other costs. The City and the Township will cooperate with the Board of Directors (the “Board”) in obtaining financial assistance, both public and private, for economic development projects. The City and Township, the extent permitted by law, agree to maintain a mutual aid agreement for police and fire protection for the District.
 - b. Provision of certain utility services:
 - i. Fire and EMS. The Township will provide fire and EMS services to the areas of the JEDD within the Township, and mutual aid contracts continue in Township, City and JEDD areas.
 - ii. The Township and City shall cooperate to provide professional land use planning in the District.
2. Schedule for the collection of an income tax levied under Section 715.72(F)(5) of the Ohio Revised Code.
 - a. The Contract provides that the District will levy an income tax on the District at the current rate of 1.8%, which rate is subject to change from time to time.
 - b. The Board of Directors of the District will levy that tax as its first meeting following approval of the Contract and creation of the District.

- c. The income tax will go into effect on the first day of the calendar quarter immediately following the effective date of the Contract.
- d. Businesses within the District will be notified prior to the income tax going into effect.
- e. The City of Ashtabula will administer the income tax pursuant to the Tax Agreement with the District.