



City of Ashtabula
Ashtabula City Council
Safety Forces Committee
Monday, May 22, 2023 at 8:45 AM
4717 Main Avenue, Ashtabula, OH 44004

Minutes

Opening of Committee Meeting

Call to Order

The meeting of the Ashtabula City Council Safety Forces Committee was called to order at 8:46 a.m. by Committee Chair Speelman.

Roll Call

Members Present: Chair: Council Vice President Michael Speelman, Vice Chair: Ward 1 Councilor Kym Foglio, Member: Council President John Roskovics

Absent: none

Officers Present: City Manager James Timonere, Clerk of Council McKenzie Burgan, City Solicitor Cooper- arrived after the roll call was taken

Ashtabula Department Heads Present: Police Chief Robert Stell- arrived after the roll call was taken, Fire Chief Shawn Gruber

Visitors: Fire Marshal Stephen Chase

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

Chair Michael Speelman welcomed Stephen Chase, the Ashtabula Fire Department's Fire Marshal.

Police Department – Chief's Report

April 2023 Safety Stats

Chief Stell stated that there is a slight uptick in calls for service, which is typical with warmer weather. There is nothing unusual about the calls for service. They have had a few high-profile cases in the last few weeks. Within a six-week period, we had 3 homicides which tied up a lot of the department's manpower so they were unable to do a whole lot of activity with the task force as it included a lot of the same guys. They made arrests in all three homicide cases. He stated things were moving along pretty well. Mr. Speelman said he has a lot of respect for Chief Stell and his team at the Police Department.

City Solicitor Cooper asked Chief Stell to tell us about the weekend when we had 14 people in the jail. Chief Stell said that sometimes happens when it gets warmer. Ms. Cooper stated there were two pages of people in jail and she did not know how they all fit. Chief Stell stated that when this happens you have to double people up even though this is not preferred. He said we needed a new county jail.

Chief Stell said Safety Town is moving along. They have now raised \$17,000 and they started off with \$900 in the bank. The Elks provided a \$4,000 donation from a grant they applied for. He said 90% of the businesses he asked for donations donated to Safety Town. Mr. Speelman said that is nice to see and it is a nice investment in the kids.

Mr. Roskovics asked under what circumstances would there be 14 people in the jail at once. Chief Stell stated it would be for individuals who had felony warrants, or serious crimes such as domestic violence or robbery. If a domestic violence victim presses charges, they automatically have to put the abuser in jail. He stated he worked for the City of Hudson back in the late 1990s and he was there for 7 months and only had one domestic violence situation. The first day he came back to Ashtabula, he had 4 on the same day.

Chief Stell stated that Police Officer DeAngelo is out doing patrols on Main Ave. like he did last year and on the first day he made an arrest out in the park. The arrest was another import from the Pennsylvania State Police. The individual had a mental issue. He was dropped off in Conneaut and made his way to Ashtabula. Mr. Speelman stated that as Mr. Timonere stated that we tend to get a lot of people who come here as we have a lot of resources here that can help them.

Fire Department – Chief's Report

Proposed Fire Prevention Code Update

Chief Gruber introduced Steve Chase and stated that he does most of the code enforcement for the Fire Department and he had brought up these proposals to the Fire Prevention Code that needed to be addressed. He stated Steve also worked with the Solicitor's office on these updates.

Steve stated he knew the Assistant Solicitor was going through the housing code and he decided to go through the fire code. He went through the entire Fire Prevention Code and the Codified Ordinances that have been adopted. He also reviewed some other Codified Ordinances that are out there. He spoke with the Assistant Solicitor about some proposed changes, went through the entire code, and made changes to make the code current and reflect how the office operates. The changes also streamline a bunch of things.

Chair Speelman asked if there is an overall theme he wants to be changed or if there is a little bit of everything and Mr. Chase said it is a little bit of everything. He went through and just tried to update the current Codified Ordinance to address how they behave. For instance, there is a section for fire-damaged structures and he pretty much eliminated the entire thing and adopted the state legislation. All they initially did was essentially cut and paste the state legislation for their code, which then creates a problem when the state changes their legislation because they would then have to go back and change theirs. He said there was quite a bit of that and also changes based on other things the current fire code has adopted which makes some pieces irrelevant. He went through and cleaned it up and made it more user-friendly. He stated if anyone had specific questions that he would address them. The way he submitted his proposed changes to the Assistant Solicitor is the same way it was presented to us, with sections marked out and notes in the review section.

Member John Roskovics asked about enforcement part 1501 on people denying the Fire Department entry and if this really occurs. Mr. Chase stated that yes, people do deny entry to the property and the simple solution to that is to obtain a warrant to go into the property. It covers them and their 4th amendment rights and prevents them from trampling on people's constitutional rights. If someone refuses their entrance, there are remedies in court. Solicitor Cooper stated they would obtain an administrative search warrant so they could go into the property and look for code violations. She stated they do these warrants with Mr. Chase, the Animal Control Officer, and the Housing Inspector. It is like any other warrant, you must show there is probable cause such as some

type of code violation within the residence. They do not do these a lot, but if there is a danger to the citizens, they will take this step. These go through Judge DiGiacomo and if she is not available, she and Judge Iarocci have a mutual aid agreement and it would go to him.

City Manager Timonere stated he knew they were going back and forth about the Fire Damage Security Fund and asked what the final outcome was for this. Mr. Chase stated that the purpose of the Fire Damage Escrow Fund is to allow municipalities, such as ours, that have fires to give us funds to secure or demolish a damaged structure. This money comes from the insurance company. When a property has a fire, he contacts the insurance company and tells them they collect Fire Damage Escrow Funds and they send them a check. The Fire Chief would then handle the check. They hold on to this money. They have run into situations in the past where property values are so low they only get \$2,000-\$4,000 escrow checks and that is not enough money to demolish the house. They have discussed contacting the state or changing this where they would put a minimum dollar amount on it so, instead of just a percentage of the payout, they would get \$15,000 or 15%, whichever is greater, so they have enough money to demolish it if they do not fix the property. They have discussed putting this in the Codified Ordinance and the opinion of the Assistant Solicitor is that this is not legal for them to do as it exceeds the state's mandate. They have had discussions about going to the state representatives about getting this changed statewide. We are not the only municipality dealing with this. Chief Gruber stated this is unique to municipalities like us, that have super low housing values. City Manager Timonere stated that if the insurance company does come along and demolishes the house or if the homeowner demolishes it, we return the money. The money is there if they do not take care of the issue. Chief Gruber said we need timelines that say they have a certain amount of time to demolish or fix the structure. He stated that what happens is, property owners will sell the burned property so it is no longer their problem and then the Fire Department is no longer legally allowed to keep the escrow money as the insurance policy owner no longer owns the damaged property. Mr. Speelman asked what the ballpark price is to demolish a house. Chief Gruber said it was about \$15,000. Mr. Speelman asked how long property owners have to tear down a house. Mr. Chase said there are no set criteria in the Codified Ordinance or the Ohio Revised Code. It is pretty much a judgment call on the Fire Department's part. The problem is, they order the property owners to tear the building down, and when they don't, it goes to the court system and it becomes a fight with the court system and people stating they do not have the funds to tear it down. This is why the council passed the requirements for rental properties to be insured a few years ago. Mr. Chase stated that if we had the money to just go tear these places down and put a lien against the property taxes, that would be great. But if he gets \$2,000 in escrow and he has to spend \$10,000 of the taxpayer's money on a property that will never sell for \$10,000 we are never going to get our money back. City Manager Timonere stated that the land bank is looking into different programs that might address fire-damaged structures and some emergency repair-type things, so hopefully, they will have announcements on this. He said this is certainly not an issue uncommon in other areas. Mr. Speelman stated he cannot imagine losing your property to a fire and then having to worry about finding the money to tear it down. Mr. Chase said that insurance companies are slow-moving too. Mr. Timonere stated that even with commercial properties, insurance companies are slow-moving. Mr. Speelman said this is a fight we have to take to the state level and Mr. Timonere said yes, as far as setting an amount for the escrow funds.

Mr. Speelman asked if anyone had any questions about the proposed changes to the Fire Prevention Code. Ms. Cooper stated that as everyone gets a chance to review the changes if they have any questions, to get in touch with Mr. Chase or Assistant Solicitor Colgan. Mr. Speelman said if they move to bring this out of committee it will give everyone time to review the changes. Mr. Chase said there is a lot there and it was something that took him some time to complete. Mr. Speelman thanked Mr. Chase for streamlining it and he is sure this will make everyone's job easier in the future.

Motion: Member John Roskovics moved to bring the proposed Fire Prevention Code changes out of committee; Vice Chair Kym Foglio seconded.

Discussion: None

VOICE VOTE

Yeas: Chair Michael Speelman, Vice Chair Kym Foglio, Member John Roskovics

Nays: None

Motion passed.

Chief Gruber stated the biggest thing they are trying to deal with is the ladder truck. There have been a couple of hoops they have had to jump through. He stated he believes they are prepared for next week. Mr. Timonere said we hope so. Chief Gruber stated that May 23rd and May 24th are the assessment portion of the promotional exams. The Chamber of Commerce has been kind enough to host them for this.

City Manager's Report

City Manager Timonere stated he does not have many updates. He has tried to keep us up to date on what is going on with the financing for the ladder truck. He stated he would have a call with Bond Counsel on this date to hopefully get things situated. He stated there are a lot of things they are battling with ORC and what we are and are not allowed to do. He was really hopeful that we would be able to finance this for longer than 10 years, but, unfortunately, ORC does limit us to 10 years due to the life of the assets. They do not realize we can get 30 years out of a ladder truck. He stated most turnover is about 10 to 15 years on ladder trucks. This makes the payment a lot higher. They have a seven-year loan on Engine One and have had that truck for five years now so there are two years of payments left. That is about \$80,000 a year. He was hoping to do at least one year in arrears, interest only, so they could keep that payment down and not strain the PI Fund as much. There are now limits on how much money they have to pay in those first years, so he is going to get all those details from the Bond Counsel today. Andover Bank has an interest rate in the 4% range versus another lender they spoke to being in the 7% range. It is a big purchase, but if they had to finance the whole purchase price of 1.8 million dollars, we would not even be having this discussion.

Mr. Speelman asked if it is abnormal for a community this size to have a ladder truck. Chief Gruber stated that a lot of it depends on what you have within your area. He said Ashtabula has certain buildings that ISO looks at and with our downtown being so big it does require a ladder truck. We are unique in the fact that we have a lot of international ships that come in and, in order to even get people off of those ships, the Fire Department utilizes a ladder truck to take medical patients off of the ships. Otherwise, there is no other easy way to do that and it would become a much bigger project than using the ladder truck to bring the patient off board. Just the buildings in our town alone dictate that we need a ladder truck. Mr. Timonere stated that when Chief Gruber says an ISO rating, it is an insurance rating. Depending on the assets you have, distance to fire stations, mutual aid agreements, etc., the insurance company rates your municipality and that is how rates are determined within the area. The better we are with the ISO number, the lower the insurance rates for the residents. He stated he believes it is just us, Geneva, and Ashtabula Township that have ladder trucks currently. There are three ladder trucks within the county. With our mutual aid agreements, we travel a lot to help out and they also come to us when needed.

Mr. Speelman asked what a community does if they need a ladder truck but simply cannot afford it. Mr. Timonere stated we would have one for sale at a discounted rate. Chief Gruber stated they will hopefully be able to get someone on mutual aid that has a ladder truck to assist them. There are a lot of variables such as building height and square footage.

Mr. Timonere stated that with the fire we had on Main Ave. two years ago, we utilized both our

ladder truck and Geneva's ladder truck and without those, it would have spread. He said anything red with lights and sirens costs a lot right now. Chief Gruber stated that, luckily, the lifespan of a ladder truck is in the 30-year range. Mr. Timonere stated this is between a 34-36 month build and, because of our charter and a few other things, we have to finance it now and start making payments. They have discussed with us a minimum of a 4% increase in build cost by June 15th.

Mr. Timonere stated that he was informed by Bond Counsel that he was unable to put the money in a savings account or CD where they would be making more interest off that than they can on the loan due to the Ohio Revised Code. He said we would be able to make some interest off of it but there are limits. Ms. Cooper stated that is why we decided to get Bond Counsel because it is such a specialized field to finance government purchases. Mr. Timonere stated that Bond Counsel on something like this would approach about \$10,000.

City Solicitor's Report

City Solicitor Cooper stated that they filed about 1,530 criminal cases last year and they have currently filed 647 this year, so they are on track to hit at least last year's number. There were 2,918 traffic cases filed, which she believes include simple traffic stops like stoplights to OVI's, and this year they have had to file 1,346, so they are on track to hit last year's number also. She said summer is the busy season for traffic stops.

Ms. Cooper stated the Chief's office is doing a great job working the homicide cases. She stated they are trying to work with the prosecutor's office to get some of these murders moving faster, but so far they have met some resistance. She stated there have been a couple of cases the prosecutor's office has dismissed due to time issues. They had someone who was bringing in 200 pounds of drugs through the mail and they liked to keep that person in custody, but the labs were not coming as fast as they needed, so they ended up indicting him without the crime lab back and then ended up dismissing it and letting him out on the street with no supervision. Hopefully, once the labs come back they will reindict it. There is another gentleman whose case ended up being dismissed and all the evidence was returned due to time issues, so that case is done. Mr. Speelman asked where the time bog down is at. Ms. Cooper stated that part of it is the county jail. The prosecutor will not start looking at it until the person is in the county jail, but the county jail will not take them until they are indicted. There were also some instances where they claimed they were not getting the paperwork from the solicitor's office, but they are emailed and receipts are kept. There are some communication glitches. They make sure that as soon as someone is bound over, they get a copy of the report from the solicitor's office and they copy the records custodian on it and she sends the whole case electronically through Matrix to the prosecutor's office so they get everything within a week of the individual getting bound over.

The Court Security Committee is meeting later this week, on May 24th. They are having some issues at the courthouse and plus the issue at O'Reilly, so they are looking at the court security, camera situation, hours the security staff work, etc. The security staff were coming in from 8 a.m. to 4 p.m., which is great for the court, but not so great for employees coming in in the morning or leaving work because most of them work until 4:30 p.m. They have had some issues in the parking lot after work. They are changing their hours and they will be keeping the doors locked until 8 a.m. so people cannot come in. She stated that, especially in the winter time, the homeless would sometimes stay in the breezeway or if it was really cold and it was someone law enforcement was familiar with, they would be allowed to come in and sit on the benches. She does not want this to stop, but getting staff in the building within the same timeframe without a security guard there can be uncomfortable. They are taking steps to make the court staff and the solicitor's staff more familiar with simple, basic personnel security techniques. She stated Lieutenant Parkomaki suggested Lieutenant DeFinas help with this as he had just gone to a personal defense training course through OPOTA and also does jiu-jitsu. She stated they were going to set up something basic with him.

Mr. Roskovics asked what would happen to the man who shot up O'Reilly and stated his case would end up in the county court, not our court, and Ms. Cooper said yes. Ms. Cooper stated that what has happened to him so far is that they have filed criminal charges with the Ashtabula Municipal Court. The charges include one count of aggravated murder and one count of attempted aggravated murder. They charged the two counts to keep him in jail, but there will be many more when it gets to the county. He is entitled to a preliminary hearing within ten days of being arrested. They got to the preliminary hearing, and his public defender went to speak with him. Generally, they hold the hearing and the case goes to the county or they waive the hearing and it goes to the county. However, the public defender's office for the past two murder suspects has requested competency examinations. They are trying to challenge their mental status right here in our court. This is why these two individuals are still in our jail as these evaluations have to be done to determine if they can assist their council during the proceedings. Once they bond the case over it goes to the grand jury, gets arraigned, and the county takes over and they will be transferred to the county jail. Ms. Cooper stated that this is pretty much the process for all felony cases with the exclusion of the competency exams.

Unfinished Business

None.

New Business

None.

Next Meeting

Monday, June 26th, 2023 at 8:45 a.m.

The next meeting will be held on Monday, June 26th at 8:45 a.m. in the AAP Conference Room.

Adjournment

The meeting was adjourned at 9:23 AM by Committee Chair Michael Speelman.

Attested by: McKenzie Burgan, Clerk of Council