

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

SPECIAL MEETING MINUTES
Monday, May 21, 2018

Council met in a SPECIAL MEETING. The President of Council called the meeting to order at 5:30 p.m.; the Ward 2 Councilor offered the opening prayer and the Pledge of Allegiance was recited.

Member(s) Present:	Mr. Michael D. Speelman	(Ward 4 Councilor)
	Ms. Jane Haines	(Ward 5 Councilor)
	Mrs. Kym Harley	(Ward 1 Councilor)
	Mr. August A. Pugliese	(Ward 2 Councilor)
	Mr. Christopher J. McClure	(Vice President)
	Mr. John S. Roskovics	(President)

Member(s) Absent:	VACANT	(Ward 3 Councilor)
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Officer(s) Present:	Mr. James M. Timonere	(City Manager)
	Mrs. Dana D. Pinkert	(Finance Director)
	Michael Franklin	(City Solicitor)
	Mrs. LaVette E. Hennigan, MMC	(Clerk of Council)

Officer(s) Absent:	None
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SUNSHINE LAW CERTIFICATION

The Clerk of Council certified conformity to the Sunshine Law.

PURPOSE

The President announced the purpose of this Special Meeting was to permit City Council to hear Bam Pow Boom’s request to appeal the Ashtabula City Planning Commission’s decision to uphold the Ashtabula City Architectural and Restoration Review Board’s decision that the comic curtains currently hanging in the establishment’s windows located at 430 Lake Avenue, in the H-1 Harbor Historical District, shall be removed.

WELCOME

Visitors were present.

OATH OF SWORN TESTIMONY

The Clerk of Council administered the following to persons who planned to or might be asked to testify: DO YOU SOLEMNLY SWEAR OR AFFIRM THAT THE TESTIMONY YOU WILL GIVE IN THIS PROCEEDING WILL BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH, AS YOU SHALL ANSWER UNTO GOD, OR BE SUBJECT TO THE LAWS OF THE STATE OF OHIO RESPECTING PERJURY?”

SUMMARY

City Manager

- The matter regarding the curtains has been on-going for some time. The business owners met with the Ashtabula City Architectural and Restoration Review Board (ARRB) to seek permission to hang comic curtains on their windows. The ARRB denied the request because it does not conform to approved Historic District colors. There was also a violation of obstruction of the interior view into the business that was prohibited. The reason being is the curtains covered the entire window and do not afford a clear view of the interior from the street or outside the building. The curtains were removed, at one point, everything seemed to be fine, but recently the curtains were rehung. The ARRB still holds to their ruling that the curtains are in non-compliance with the Historical District. It was appealed to the Ashtabula City Planning Commission (PC). The PC upheld the ARRB's ruling on the curtains. Today's meeting has been convened to hear the owner's appeal of the PC's decision. The curtains should be down. Violation letters have been sent to the business owners, a copy of which was also sent to the Mr. Tom Pickens, the building's owner. If City Council votes to uphold the PC's ruling and deny the owner's appeal, and the curtains are not removed, it will be sent to the City Solicitor's office for a citation and charges for non-compliance.

Ward 5

- Is the issue the color of the curtains and because curtains are covering the entire window.

Manager

- Yes, regarding the covering of the entire window. He asked an ARRB member to address the curtain's color.

Ann Rapose, ARRB Chair

- The curtains are a variety of prints that were not colors in the Historic District color scheme. The curtains are covering the bottom of the windows; because it [was] a game room you should be able to see into the business. Included in this Special Meeting's packet is found what the ARRB recommended the owners do, a copy of which was also given to them. They were told they could hang the curtains inside on the top and put a liner facing the outside, in a historic color, and that they could find other ways of advertising, such as with window decals. The owners complained about UV light, but most of the light comes in from the top of the windows, and they could still use film on the bottom if they needed to. They asked for a color chart, which was given to them. They picked the dark blue fabric, but instead of just covering the top of the window they covered the entire window to the bottom. They had it like that for quite awhile. They argued with, then Code Enforcement John Artuso, that they should be able to change their business from game room to retail and that would get them out of the clause of having to cover their windows. The ARRB didn't pursue it because "that's where it was at

that point. But then whenever Mr. Artuso left, the printed curtains went back up; and the top of the window is still covered, too.”

Ward 5

- So, the windows cannot be covered?

Manager

- City ordinances say they cannot.

Solicitor

- There are two distinct and separate issues. One is the authority of the ARRB to make the call on the appearance from the street side of window coverings/treatments/dressings. The second one is a separate ordinance which is not specific to the Historic District. It is a general business ordinance which has been on the books for decades. It indicates that if the business includes a game room, the interior of the business must be visible from the street. The appeal does not involve the second one because it is not a question of can you have window treatments of a certain shade or a certain treatment. It is can they block the view from the street. That ultimately has to be decided depending on the business owner’s preference on how to move forward after this meeting – that ultimately has to be decided in a criminal proceeding. The question as to whether they are a game room or not will be a question for the criminal court to decide, if we need to go that far. The question before Council is can these curtains, whether they are at the upper part, the lower part or the whole part of the window – can they be displayed in the Historic District over the ruling of the ARRB.

Ward 2

- If you are objectionable to the curtains why are you okay displaying them on the top?

Rapose

- There would be a liner behind the comic curtains, which would be seen from the street and the curtains would only be seen from the inside of the business.

Clerk

- The ARRB’s July 12, 2017, meeting minutes (attached), details what was agreed upon.

The President asked the Clerk to read the letter of appeal into the record. (see attached)

Manager

- A follow up letter was issued in response to the appeal letter (attached). The statements are factual. At no point did he ask the Solicitor for his opinion and state they were doing any type of video gaming or gambling at the site. He included the letter he wrote to the Solicitor, which represented that they only had board games and did some video games that people could do in tournaments, in the back of the room. I specifically said no video gaming or gambling was on that site. So, I did not misrepresent what they

were doing at their business. Secondly, they are very correct that the lower portion of Bridge Street is on the Federal National Registry. But, as we all know, this City established a Historic District (H-1 District), which their business falls into; therefore they have to follow the guidelines as administered by the ARRB. The area extends all the way up to Lake Avenue and down to West 9th Street between Sav-a-Lot and encompasses that entire area; and, I believe it also goes up to Walnut Boulevard, to the north. A map was included in his correspondence to Bam Pow Boom.

Mr. Tom Martin, Co-Owner

- Asked how official is the ARRB's authority?

City Solicitor

- The City of Ashtabula is a Charter municipality under the Ohio Constitution. It has the right to enact local ordinances. Some decades ago it enacted local ordinances creating the Harbor Historic District. Those ordinances have been amended, from time-to-time, over the years. They have always been associated with published notice in the newspaper because they are in the nature of a zoning ordinance. "Zoning" is a land use restriction that political subdivisions are allowed to impose upon business and property owners for legitimate public purposes. In this case, a public purpose was declared to be Historic District preservation. The role given to the ARRB was to, essentially, police that in terms of the exterior appearance of buildings and their decorations. It is very official. It is a law that has been on the books for quite some time.

City Manager

- What the Solicitor described is not exclusive to Ashtabula. Almost every community has some type of architecture review board or a historic preservation board. From experience, the guidelines in some other areas are much stricter than ours; which is evident by the appearance of their historic district.

Mr. Martin

- We believe we do have the right to put our curtains up and sale these items in our stores. We make custom curtains. We actually sell these items. They (the curtains) also tell people what kind of store we are. We get one sign on the corner of the street. You can't see it coming up Bridge Street; you can't see it going down Lake Street (Avenue); you can only see it going down Lake Street (Avenue) towards the Lake. Our business dropped dramatically after we had our curtains down. We're probably the only business ever going to stay in that building because everything else closes - goes out of business; it's a bad corner. The restrictions they (the ARRB) put on our business will hurt our business. All our customers love our curtains; they like the way it brightens up the corner of Bridge Street and Lake. We had like 600 names on a petition against us taking down our curtains. Why does board gaming fall under a gambling law?

Solicitor: Is there any board use fee or cover or anything that's charged for it?

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Mr. Martin: No.

Solicitor: So, people walk in and there's no prearrangement of any kind?

Mr. Martin: No.

Solicitor: You've got the boards set up and if they feel like it they can sit down and play?

Mr. Martin: Yes; we have stacks of games.

Solicitor: Do you receive any compensation, at all, for holding these tournaments?

Mr. Martin: Yes. We've been discussing a solution where we'd take the brighter ones down and have like a curtain on each side of our door, above our door on both doors – that way people can still see what kind of business is here, cause they'll just drive right by.

Ms. Tammy Hartman

- When Tom was talking about finding a solution to rectify this whole situation, the brighter curtains – there's a bright yellow one with Snoopy on it – there's some Ninja Turtles ones that are kinda of brighter. But, the older style ones – Spiderman, Batman, Wonder Woman and things like that are more in the same color scheme – the curtains. That's why we brought it (this evening) in case you want to compare it. We were thinking if we kept the ones that were more cohesive in color and put them even to the tops of the windows – every other window, like he had just explained, on each side of the door.... Alright, in the front there are three windows on Bridge Street. The rest of the windows are all down Lake. That would be 4 or 5 curtains out of all the 10 that are up right now. So, many of them would come down.

President

- What City Council is charged with this evening is upholding the decision of the ARRB and the Planning Commission or overturning it. He said solutions to be given to the ARRB for their ruling, not City Council.

Ms. Hartman

- The reason there are curtains covering the full window is because "we have to. The sunlight comes through those windows. It's blazing hot in there. If we don't have things on the windows people won't come in. It's blazing hot; the sun just beats through that window because all the windows are on the Lake Avenue side and the sun just comes right in. Secondly, sunlight terribly fades comics. That's our product. We have millions of dollars in comics in that store. We can't afford to have them faded out and ruined. So, it's not us trying to be rebels; we're trying to protect our product and keep it comfortable for our customers, such as Doug. He's one of our customers who

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comes in and plays. We're not trying to be unreasonable, at all; we're trying to find a solution.

Solicitor

- How long have you been in business at this location?

Ms. Hartman

- One year, April 10.

Solicitor

- You lease?

Ms. Hartman

- Correct.

Solicitor

- What is the term of your lease?

Ms. Hartman

- Month-to-month, right now.

Mr. Martin

- The only tournaments that we receive any compensation for is our Magic Gathering Tournaments. It's store credit that's handed out and they pay a fee to be in the tournament.

Solicitor

- But, you do charge a fee for entering into the tournament?

Mr. Martin

- Right

Solicitor

- Okay. Again, just so you're clear, though, that issue is kinda of beyond Council's preview in this hearing. What they're focused on now is the appearance of your curtains from the street and whether you can hang those curtains, in any fashion, so that the print is visible from the street as opposed to one of the approved architectural features that Mrs. Rapose talked about.

Manager:

- To be clear about what is happening tonight – it is just about whether to uphold the Planning Commission's ruling to uphold the ARRB ruling. I'm glad you're at the point where you're trying to work something out, but that would have to go back to the

ARRB. They would approve or deny whatever is presented to them. I've stated this to the owners before – if the building they are leasing was on Main Avenue we would not be here this evening – that would be an allowable use of those window dressings and those window coverings. We might still have the issue with the “game room” as it relates to covering the entire window. There is precedence; there is a historic value to the Harbor. Even the City went through quite a bit to get light fixtures approved for the municipal parking lot on Bridge Street. The persons involved with the new townhouses being constructed on Bridge Street have gone to the ARRB several times. We have an issue with a building on Bridge Street where someone put a window in that is not historic. It has to be removed and it is a battle we're fighting. But, that's what keeps the integrity and character of districts like that. He said Mrs. Rapose can attest to his frustration when he brings developers before the ARRB to present something he believes looks great but is not within the historic perimeters. He said, “I get it, but following the guidelines is what will keep the District intact.

Ms. Hartman

- I understand the need to keep the historic district intact. I would like her (Ann Rapose) to understand that the comics are historic. “Mickey and Minnie go back to the 20s; it's part of American history. Superman's from the 1930s. So, it is historically accurate – putting those characters up.

President

- Asked if any member of Council believed an executive session was required to discuss the Pending or Imminent Court Action; it was not.

Ward 4

- While he believes the curtains are cool; the letter of the law is that you can't do it right now. Is there a process for appealing the ARRB standards to allow the curtains?

Solicitor

- Whatever the decision of Council is here, sitting as like an appeals court... there is a window of time (30 days) where that decision can be appealed to the Court of Common Pleas. And, the Court of Common Pleas can determine issues of law. They have a limited ability to reopen the questions of fact – the curtains are the curtains and the decisions are the decisions, so that shouldn't be a big dispute. But, questions of law can be debated in front of the Court of Common Pleas. There are two ways the underlying perimeters can be changed: 1) This Council can determine to change the law. Your predecessors passed these laws; you can determine to change them. Now, there's a process you have to go through (hearing, published notice, etc.). 2) Similarly, a group of citizens can circulate an initiative petition and bring such a change before City Council. There is also a process to abide by, one of which is it goes on the ballot for a vote of the electorate.

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Ward 4

- Can Council grant an exception?

Solicitor

- The Manager spoke and said he would not recommend that because then we begin to lose the ability to control the appearance of what buildings look like. The ARRB follows national guidelines enacted at the federal level. The Solicitor said they are “guidelines”; “recommendations”. But, in terms of your question – “can you grant an exception”? Yes, you can uphold the appeal and send it back to the ARRB for further proceedings consistent with Council’s decision. Council will have to give them some perimeters.

Ward 4:

- So, they can request a variance?

Solicitor

- They actively have. But, it sounds like the procedural posture is more like they were threatened with enforcement action and they object to that. I don’t believe that these particular folks have come to any board specifically saying here’s our plan and here’s the variance we’re asking for. They’ve just said we don’t think you should be able to do what you’re doing.

Mr. Martin

- Actually, we were told that’s how it is; period.

Mr. Douglas Warren (Bam/Pow/Boom customer)

- I’m not a huge fan of comic books but understand how it works. I like to go there to play board games with his friends. It’s a really cool environment to do it in. Is the problem with the curtains the print, the color or both?

Rapose

- Both

Mr. Warren

- Concurred that the characters are historically accurate. He feels better when the whole window is covered because people get drunk at the bars on Bridge Street and knock on the windows. He said the bars are historically accurate and is where people are getting drunk and acting ridiculous, but “the nicest store is getting picked on for their curtains”. They (Martin and Hartman) are upset but are very passionate about their business. I’ve been in there a lot. They’re the nicest people. They don’t have problems with anyone or anything; they’re just very passionate about what they do. He said believes they are willing to come to a solution if the curtains are the problem. But as for the whole covering of the window, it is important because comics fade; just like paintings fade in sunlight (he’s an artist) and ruin the product. Full curtains will eliminate people from bothering patrons.

MOTION

Mr. Roskovics moved, Mr. McClure seconded to uphold the ruling of the Ashtabula City Planning Commission and the Ashtabula City Architectural & Restoration Review Board.

DISCUSSION

Ward 5: I love for new businesses to be in Ashtabula. Having said that, I think that it's important... I always say we promote what we permit. So, if we allow you to do that, then you've gotta times it by every other business. And, for those reasons I'm going to go along with upholding them, but that's not because I'm against you or against your business.

Ward 4: And, hopefully... you said you're willing to compromise. Hopefully you guys could come to the table and reach a compromise. As it stands right now, the rules are the rules – like them or not.

Clerk: Regarding the rules, when is a property owner or a business owner told about those rules, when they're in the Historical District? How do they know to go to the ARRB to get those rules prior to saying I'm going to locate here?

Solicitor: That's why it's called a Codified Ordinance. It's a published law of the City of Ashtabula. It's available online. It has been a law of the City of Ashtabula for many years before I came into this position. Where you're going, I think, Mrs. Hennigan, ties into the whole thing "Ignorance of the law is no excuse". We are all charged with knowledge of public laws which affect the activity in which we wish to engage. If I'm going to open a business in a certain location, I am charged with the knowledge of the zoning and the business codes and the fire codes and the health codes that may pertain to that business. And, one can't say they didn't know because you're charged with that knowledge.

Manager: Also, when someone goes to the Planning and Community Development Department (PCD) and says they are opening a business and fills out the form, there are guidelines that are handed out that we have copies of up in the office. And, I know Ms. Rapose is constantly up and down that street talking to people. The landlord certainly knows because of the restoration he did on the former Hulbert's Restaurant; that there are rules to follow in that District, as well.

Rapose: My first contact with this business was working with them to get their sign approved. At that point, I also gave them, besides the sign guidelines, the other guidelines for the District and the pamphlet that explains the review procedures.

VOTE

The President called for the roll on the vote to uphold the ruling of the Ashtabula City Planning Commission and the Ashtabula City Architectural & Restoration Review Board. On the roll call to uphold the ruling of the Ashtabula City Planning Commission and the Ashtabula City Architectural & Restoration Review Board: Mr. Speelman, Ms. Haines, Mrs. Harley, Mr. Pugliese, Mr. McClure, Mr. Roskovics voted yea; motion CARRIED.

The President adjourned the meeting at 5:38 p.m.

DATE APPROVED: June 4, 2018

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

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

Ashtabula Harbor Historical District
Architecture Review Board
City of Ashtabula, Ohio 44004

Meeting Report, July 12, 2017

Members Present: Eames Madar-Pruett Payne Perry Presciano
 Rapose Schwarz

Also Attending: Jim Timonere, City Manager, Jo Misener, City Council President
John Artuso, City Code Enforcement Officer

Applications for Review:

- # 014-2017 453/455/457 Lake Ave Lucy Dragon, D&L Homes Ltd.
An application to paint the three bay store front in a new color scheme. The brick has been previously painted. Owner chose three Behr paint colors that have equivalency to colors in the approved Benjamin Moore Historical Color Chart. Body River Stone MS24 = BM77HC Alexandra Beige Trim Native Soil PPU24 = BM 85HC Fairview Taupe Accent Porcelain Peach PPU411 = BM 57HC Sheraton Beige
Application Approved as submitted.
- # 015-2017 527 Lake Ave. Formality Resale Penny Bowers-Schebal
Application for a temporary sign- Sidewalk sign one year
Application Approved as submitted.
- #016-2017 1032 Bridge Street Heartmade Boutique Melody Shiflet
Application for a temporary sign- Sidewalk sign one year
Application Approved as submitted.
- 1037 Bridge Street Purola Brothers Bridge Street Pizza
A non-conforming double hung window was put in the transom of the west storefront window. A citation was issued. Owner Chris Purola is working to find an awning style window that would be appropriate for the Historic District. This building is in the National Register Area. He is working with Metcalf Glass and also looking at other alternatives. Chair Ann Rapose will meet with Chris and with Metcalf Glass to help expedite the process.
- 430 Lake Ave. BAM/POW/BOOM Comics Tom Martin/Tammy Hartman
Tammy Hartman contacted Ann Rapose asking for approved colors to replace the multi-print curtains cited by the Review Board. Ann Rapose met with Tom Martin and gave him a color chart. As discussed at the

Review Board June meeting, the curtains were to be hung in the upper half of the store windows and the door windows were to be uncovered. Visibility into the storefront was an issue because the business was listed as a game room falling under Ordinance 707.09 Obstruction of Interior View Prohibited.

New curtains were hung in an approved color but covering entire window.

Code Enforcement Officer John Artuso gave an update. The business has changed their business listing from game room to retail, now claiming that they should be permitted to cover their entire windows. However, the City Fire Inspector has told them that any window coverings must be fireproof. Review Board members agreed that the color of the new curtains was acceptable. The Board will defer to the Zoning and Fire Departments to enforce the other code issues and will continue to monitor the situation

Sign Ordinance Update- implementation list of non-compliance for zoning All Code Issues identified 4/25/17 have been addressed.

City Manager Jim Timonere gave an update on projects the City is moving forward on including the recently completed Hotel Study and the information packet for new businesses being developed with the County Building Department. The City also plans to set up a separate link on the city website for the Harbor Historic District and include the Historic District Zoning Flyer, Application for Review, Sign Regulations, Guide for Preservation, Alteration, Restoration, and New Construction.

Board members and the Manager had an informal discussion centered on improving communication and issues in the Historic District.

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To whom it may concern,

5-5-2018

I am filing an appeal for a citation received on 5-5-2018 stating that we must comply with orders to take down our comic curtains from our business by 5-25-2018. We feel that this is unjust, for many reasons.


First, I would like to clarify that there were many untrue statements made in the letter from Mr. Timonere, that was included in the citation. We DO NOT hold online video game tournaments. We only hold board, and role playing game tournaments. It is NOT gambling, it is NOT an arcade, it is NOT a pool hall. It is board gaming. There is no code violation, based on this information. I am not sure how to get this point across. The solicitor has been misinformed. I would request that he be present at the meeting, when scheduled or, set up a private meeting between him and us.

With the bars, alcohol and threats of gun violence present in the harbor our customers feel that our curtains are a shield and feel safer knowing that they are not moving targets from gun fire, and also people knocking on the windows and making them feel on display for the world to see, not to mention disrupting any event going on.

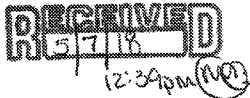
I took it upon myself to investigate the claims that the area in which our store is located, was indeed on the National Registry of Historic Places as claimed by the Historical Society. In my investigation, I found that the Federal Historic area is from below the 1200 block of West 5th St to across the river. It does not extend up to Lake Ave. It seems to us there is no Federal jurisdiction when it comes to our business property as stated by Mr. Timonere and the Historical Society. I will be more than happy to contact the National Registry Of Historic Places to receive confirmation on this. It appears to us and others in the community that the Historical Society is over reaching their "authority" when it comes to where and what they can and can't do.

We are willing to come up with a compromise that will be acceptable to all involved, which we were assured at the last meeting would happen. We can discuss the compromise at the appeal hearing. We just want to run our business successfully, and without harassment over comic curtains. There are bigger things to be concerned about in our community.

Thank you,


Bam Pow Bottom LLC
430 Lake Ave
Ashtabula, OH 44004
440-992-2666

12-9pm
TBE



CITY OF ASHTABULA
OFFICE OF CITY MANAGER

MUNICIPAL BUILDING
4717 MAIN AVENUE
ASHTABULA, OHIO 44004

JAMES M. TIMONERE
CITY MANAGER



(440) 992-7103
Fax: (440) 992-4515

May 3, 2018

Black Dog LLC
Bam Boom Pow
430 Lake Avenue
Ashtabula, Ohio 44004

To Whom It May Concern:

As you are aware, the Planning Commission unanimously denied your appeal of the Architectural & Restoration Review Board's (ARRB) decision regarding the curtains in your windows at its regular meeting on April 19, 2018. It has been determined the curtains are not in compliance with the Harbor Historical District and this decision has been upheld by the Planning Commission.

You are respectfully advised the decision made by the Planning Commission may be appealed as any other administrative decision affecting zoning according to the Charter and the ordinances of the City.

Due to the denial of your appeal by the Planning Commission, you are currently in violation of section 1137.04 of the Codified Ordinances of the City of Ashtabula.

Codified Ordinance 1137.04 gives broad authority to the ARRB to make those sorts of calls:

D. The Board shall determine the appropriateness of applications regarding **construction, preservation, restoration, reconstruction and rehabilitation** of structures and changes to any landscaping within the District in accord with the following standards set forth by the National Trust for Historic Preservation:

- 1) **General design and arrangement;**
- 2) **Texture, material and color;**
- 3) **Exterior architectural features**, including signs **subject to public view from a public street, way or place;**
- 4) *Extent to which the building, structure or landscaping would be harmonious with or incongruous to the old and historic aspect of the surroundings of the District;*
- 5) *Extent to which such preservation, restoration, reconstruction and rehabilitation shall promote the general welfare by maintaining and increasing real estate values, generating business, creating new positions, attracting tourists, students, writers, historians, artists and artisans, attracting new residents and making the City a more attractive and desirable place in which to live.*

Equal Opportunity Employer

In addition, I have asked our Solicitor for an opinion on whether or not your establishment would be considered a "game room" for the purposes of section 707.09 of the Codified Ordinances which would require you to maintain a clear view of the interior of the building from the street.

You stated at the meeting you host online video game competitions as well as board and card game competitions in your establishment. It is understood you are not conducting or hosting any types of gambling activities on your premises.

A "game" is defined as "a form of play or sport, especially a competitive one played according to rules and decided by skill, strength, or luck." A "game room" would be the premises in which a game is conducted.

If you are offering contests of "skill, strength or luck" as you stated you are by hosting online game tournaments as well as board game and card games, your business is considered a game room by our Codified Ordinances. Hence, you are in violation of Ordinance 707.09 - Obstruction of Interior View Prohibited.

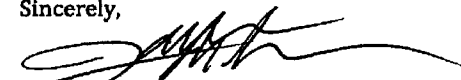
You stated the County Auditor has listed you as a retail establishment. Please understand the County Auditor's designation of your business for tax purposes has no bearing on the City's Ordinances nor does it prohibit the City from classifying you as a game room.

As I and many others have stated to you, your business resides inside the City's Historical District and with that comes with certain rules and regulations that do not pertain to other parts of the City. This is to protect the integrity of the Historical District.

Enclosed you will find the Notice of Property Inspection and/or Violations for your establishment. Your business will be reinspected on May 25, 2018 at which time it is my hope you will have complied and corrected these violations.

If you have any questions, please contact my office. I realize this has been a combative discussion to this point with all parties and it is my hope we can move past the uncivil communications and come to a resolution on this matter.

Sincerely,



James M. Timonere

Cc: Tom Pickens, Property Owner
Michael Franklin, City Solicitor
Mary Church, PCD Assistant Director
Ann Rapose, Chair, ARRB



CITY OF ASHTABULA
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
4717 Main Ave. Ashtabula, Ohio 44004
Phone: (440) 992-7118 Fax: (440) 992-7180

Notice of Property Inspection and/or Violations

BLACK DOG LLC
BAM/POW/BOOM
430 LAKE AVE
ASHTABULA, OHIO 44004

RE: 430 LAKE AVE
PARCEL: 684090010300

The above mentioned property was previously inspected on: 04/25/2018

The Property will be Reinspected on: 05/25/2018 at DRIVE BY

You are receiving this letter due to a previous inspection conducted by our Inspector / Code Enforcement Officer. All listed violations will need to be repaired by the inspection date to avoid any fines or fees associated with non-compliance.

Failure to Comply will result in the following:

1361.02 Owner will be issued a citation for "failure to comply" and will be required to appear in court. Failure to appear will result in a warrant for your arrest.

1361.02 Failing to comply with the Inspector's Orders and Orders of the Department of Planning & Community Development are criminal charges and may carry a maximum of a \$250.00 fine and/or 30 days in jail.

Please be advised that according to section 1361.20(a) and 1361.20(b) of the City of Ashtabula codified ordinance selling, leasing, or giving away any premises that is in violation of any codes is prohibited.

If you are receiving this notice in regards to removing any items left on the tree lawn, you may contact our Sanitation Department to make arrangements for pick up and associated costs at (440) 993-8101

You are advised that you have the right to request an appeal of this notice within ten (10) days pursuant to Chapter 1361.11, Codified Ordinances.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mary Anne", is written over a horizontal line.

Ashtabula City Council Special Meeting
Monday, May 21, 2018

The following violations were found to exist and MUST be corrected on or before the above-mentioned inspection date.

1361-1365 NOTE

1137.04 (d) (3-4) ARCHITECTURAL RESTORATION REVIEW BOARD POWERS AND DUTIES.

The ARB is asking for compliance because the curtains are a variety of unmatched colors and prints that are not in conformance with approved Historic District colors.

1361-1365 NOTE

707.09 OBSTRUCTION OF INTERIOR VIEW PROHIBITED.

Game rooms shall be constructed and maintained to afford a clear view of the interior of such place from the street on which the business is located.