
Ashland City Council

MINUTES FOR THE REGULAR SESSION OF COUNCIL

January 18, 2005

Council President Greg Gorrell called the meeting to order at 7:00 p.m.

ROLL CALL

Ward 1:	Bob Valentine	Present
Ward 2:	Greg Gorrell	Present
Ward 3:	Ruth Detrow	Present
Ward 4:	Paul Wertz	Present
At-large:	Glen Stewart	Present

PLEDGE OF ALLEGIANCE

PRESENTATION OF MINUTES

December 21, 2004 *Regular session*

December 31, 2004 *Special session*

January 4, 2005 *Regular session*

Moved by Wertz and seconded by Stewart to accept the minutes as presented.

Ayes: Gorrell, Detrow, Wertz, Stewart, Valentine

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None

LEGISLATION

Res. 3-05

Item (a) A RESOLUTION AUTHORIZING THE CITY OF ASHLAND, OHIO, TO FILE AN APPLICATION TO THE STATE OF OHIO TO PARTICIPATE IN THE INDUSTRIAL SITE IMPROVEMENT FUND PROGRAM.

Moved by Wertz and seconded by Detrow to invoke Section 113.01 of the Codified Ordinances as the distribution of this Resolution has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

Ayes: Gorrell, Detrow, Wertz, Stewart, Valentine

Comments:

Economic Development Director Martin Irvine explained that the state of Ohio has set aside \$5,000,000 for the entire state for infrastructure improvement. Through this industrial site improvement fund program and with this resolution, the City can apply for up to \$1,000,000 to put water, sewer and roadway into the recently purchased land (Riley farm) off Faultless Drive. This is a way for the City to offset some of its infrastructure costs, if it is fortunate to receive the grant. The estimate of cost done by the Engineering Department is about \$2.16 million for the entire infrastructure to be put in place in phases. The \$1,000,000 grant would jump-start this process.

The resolution is the final requirement for the application process that will be done by the end of this week. Time frame for receiving the grant is not known at this point.

Moved by Stewart and seconded by Valentine that the Resolution be passed on the first reading.

Ayes: Gorrell, Detrow, Wertz, Stewart, Valentine
Moved by Wertz and seconded by Detrow that the rules requiring the reading on three separate days be suspended and that the Resolution be passed on the second and third readings.

Ayes: Gorrell, Detrow, Wertz, Stewart, Valentine
Moved by Detrow and seconded by Valentine that the Resolution be passed.
Ayes: Gorrell, Detrow, Wertz, Stewart, Valentine

Motion carried.

Ord. 2-05

Item (b) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ENTER INTO **CONTRACTS** FOR THE **WATER TREATMENT PLANT RENOVATIONS** PROJECT WITHIN THE CITY OF ASHLAND, OHIO; AND DECLARING AN EMERGENCY.

Moved by Wertz and seconded by Detrow to invoke Section 113.01 of the Codified Ordinances as the distribution of this Ordinance has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

Ayes: Gorrell, Detrow, Wertz, Stewart, Valentine

Comments:

City Engineer Jim Cooper told Council that earlier in the year he requested an ordinance for what was then the engineer's estimate of \$3.3 million to construct the water treatment plant. The actual bidding process took place in November and December, and by that time, the engineer's estimate for this bid was \$3.5 million; they upped it as they reassessed what had been done and changed the cost. The project then went out for bid.

There were four separate bids: plumbing, electrical, HVAC and general. Those bids added up to \$3.8 plus million. This request then is to give the authority to award the job at the \$3.8 plus million so that the project can proceed. This is about 8.9% above the \$3.5 million estimate. Usually this problem doesn't occur because the engineer's estimate is higher; in this case there were three primary bidders, but there was no bid estimate lower than the engineer's estimate.

Detrow asked if this is reasonable, and Cooper told her it is reasonable; it's just a lot of extra money to be asking for. He thinks that if they bid again in a year, it would probably be more due to inflation, material costs and everything else.

Valentine asked what the reasons were for the higher estimates, and Cooper responded that part of the reason is the high cost of structural steel, though that is not all of it. There is a building which perhaps was \$100,000, but the rest is an underestimate by the consultants Burgess and Niple.

Valentine asked if this money is all bonded, and Finance Director Nancy Boyd said yes, explaining that the City borrowed in anticipation of this project last year as part of a bond issue. There is some leeway for that. Part of bonding was for bringing water to the plant from the White well field, which didn't materialize. The City does have money available. These are twenty-year bonds.

Gorrell clarified that this all comes from the 631 account, which is user fee account and not general fund money. This is a project that has been in the works for several years, and this is the final phase before actual construction. Once the bid is approved, this project can start and move ahead without affecting the general fund.

Stewart asked if all facets of this project need to be done at this point in time, or maybe phased in an effort to not expend some of this money even though it is bonded. Cooper responded that, in his opinion, this is tied together. Some of the people will be moved out of the main building into another building so the "brain" system can be put in. He had called Burgess and Niple to ask them the same question, and they concurred that it would be more expensive to do this piecemeal; it needs to fit together.

Water Treatment Director Bruce Wiser added that this project is very important because the control systems there are very old and are starting to fail, causing lots of problems already. He'd appreciate help on this. Stewart clarified that he didn't have thoughts that this shouldn't be done, but rather questioned if it was reasonable to think of spending all the extra money at this point in time. His conclusion: the answer is yes, the money should be spent.

Detrow asked about meeting EPA requirements, and Cooper said he thinks in the future it will. He didn't think anything had been done to this plant since 1980. Wiser added that there are, in fact, some EPA requirements to be satisfied, though not the whole project. But everything on this is needed.

Cooper stated that this project could be extended a year if it actually had to be, but it would be ideal to pass it now. Also, he referred to the \$600,000 put in the bond issue for the proposed waterline from the White property well. However, since that did not pan out, the money would be available for use.

Moved by Stewart and seconded by Gorrell that the Ordinance be passed on the first reading.

Ayes: Gorrell, Detrow, Wertz, Stewart, Valentine

Moved by Wertz and seconded by Detrow that the rules requiring the reading on three separate days be suspended and that the Ordinance be passed on the second and third readings.

Ayes: Gorrell, Detrow, Wertz, Stewart, Valentine

Moved by Detrow and seconded by Valentine that the Ordinance be passed.

Ayes: Gorrell, Detrow, Wertz, Stewart, Valentine

Motion carried.

Ord. 3-05

Item (c) AN ORDINANCE AUTHORIZING THE CITY OF ASHLAND TO ENTER INTO A **CONTRACT** PROVIDING FOR THE **LIGHTING** BY ELECTRICITY OF THE **PUBLIC STREETS** AND ROADS IN THE CITY OF ASHLAND, OHIO; AND DECLARING AN EMERGENCY.

Moved by Wertz and seconded by Stewart to invoke Section 113.01 of the Codified Ordinances as the distribution of this Ordinance has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

Ayes: Gorrell, Detrow, Wertz, Stewart, Valentine

Comments:

Gorrell explained that this is an ordinance concerning the contract with Ohio Edison for street lighting for the City; the contract expired as of December 31st. In order to have the rate structure as outlined in this document, this needs to be approved and back to Ohio Edison by the 20th, in two days. In absence of returning it, the rate structure could increase.

Wolfe explained that in this particular instance there is an Efficiency/Safety Incentive Program, which is something created about 10 years ago; the City has had a renewal under that program. It contains a lower rate available to municipalities and approved by PUCO. If the City does not participate in that program, it is subject to higher rates outside of that. This is the City's best chance to lock in a lower rate for the term of this agreement. This is for City street lighting only.

Stewart noted that other communities have this same situation, and Gorrell added that the City is a captive with not much of a choice.

Moved by Gorrell and seconded by Stewart that the Ordinance be passed on the first reading.

Ayes: Gorrell, Detrow, Wertz, Stewart, Valentine

Moved by Gorrell and seconded by Wertz that the rules requiring the reading on three separate days be suspended and that the Ordinance be passed on the second and third readings.

Ayes: Gorrell, Detrow, Wertz, Stewart, Valentine
Moved by Wertz and seconded by Detrow that the Ordinance be passed.
Ayes: Gorrell, Detrow, Wertz, Stewart, Valentine

Motion carried.

WARD REPORTS

Ward 1: Bob Valentine

(a) Policy, tree branches:

Valentine suggested that the City review its policy on tree branches placed in the tree lawn. People seem to assume that if they put branches there, the City will automatically take care of them, which isn't the case. The City does charge for that service when residents call and make arrangements for it. With the recent ice storm, many people are putting branches out.

Mayor Strine stated the reminder had been in the newspaper several times.

OLD BUSINESS

(a) Certified Local Government meeting:

Gorrell noted the work session held last week concerning the Certified Local Government request; the speaker, Glen Harper, is to send sample ordinances to consider. When those are received, Council will be given copies to review.

NEW BUSINESS

(a) Request for sidewalk waiver:

Chuck and Cheryl Price, 1031 Mifflin Avenue

Mrs. Price explained that their corner lot would be the only sidewalk in the area should they be required to install one. This is the older section of Mifflin Avenue.

Cooper stated that when the City Sidewalk Master Plan reaches the area, everyone would be required to install sidewalks. He approved the extension of waiver until that time. Mrs. Price said she'd have no problem with installing sidewalks at that time. Stewart reminded her that trees were not to be planted in the area of the sidewalks.

Moved by Gorrell and seconded by Wertz to grant the extension of time for installation of sidewalks contingent upon when the sidewalks come in that area as part of the City sidewalk plan. This sidewalk becomes a part of that plan.

Ayes: Gorrell, Detrow, Wertz, Stewart, Valentine

(b) Request for sign permit:

126 East Main Street; Debbie Telakowicz, petitioner

Moved by Gorrell and seconded by Stewart to grant the request as petitioned.

Ayes: Gorrell, Detrow, Wertz, Stewart, Valentine

MAYOR'S COMMENTS

(a) Work session scheduled:

Mayor Strine reminded Council of a work session January 25th at 7:30 p.m. to review the water rate study that has been submitted.

(b) Board of Revision of Assessments meeting:

Mayor Strine reviewed the list of alleys to go before the Board of Revision of Assessments meeting on Thursday, January 20th at 9:00 a.m. They are: West 13/14th Streets, Highland Boulevard, Birch Street, East Washington Street, Chestnut Street and Orange Road/Union Street.

PUBLIC HEARINGS

7:10 p.m.

Moved by Detrow and seconded by Wertz to move to public hearings.

Ayes: Gorrell, Detrow, Wertz, Stewart, Valentine

Gorrell explained that these hearings are a time for public comment on whether or not to vacate the alleys. No decisions will be made tonight concerning the alleys; these will be referred to the Board of Revision of Assessments for final review.

(a) Request for alley vacation:

East Washington Street area; Petitioner, City of Ashland

Opponents: None

Proponents:

The Council clerk reported a call from one adjoining property owner, Mrs. Bukowski, who had no objections to the vacation.

(b) Request for alley vacation:

Chestnut Street area (two alleys); Petitioner, City of Ashland

Three audience members indicated they had no opposition to the vacation of the alley, but they did have questions. The spokesman for the three asked what the vacation of the alley would entail. As property owners adjacent to the alley which runs along the back of their property, they wondered if it would be closed off or if the City would just no longer maintain it.

Law Director Rick Wolfe told them basically vacating an alley means that it is abandoned as far as public usage. The City has, in most instances, certain utilities that run through alleys and retains the right to repair, maintain and/or expand those utilities. But the action of vacating is a determination that it no longer serves a public purpose and would be closed as a public thoroughfare. The property would revert to adjoining property owners and could still be used for ingress and egress for adjoining property owners, but would not be open to the public.

Their next question was how to control public access then? That is the only access they have to the back of their lot (141 College Avenue); there are three property owners on the north side that adjoin the alley and one property on the south side. The property on the south side has access to their garage by this alley, and the north property owners have access to the back of their lots through this alley.

Gorrell noted he had visited that alley and talked to the south side owner, whose garage faces the alley, and Gorrell stated he didn't think any of the property owners could erect fences to impede access needed. Wolfe told them they still have the right to use the alley for ingress and egress, which is called an "easement by necessity"; a sign could be placed there for access only as a private driveway.

The next question was if the City was going to come in and block off the ends of the alley, and Wolfe assured them that would not be done. It is also prohibited that any building should be built over the alley, so as not to obstruct or interfere with utilities in that area.

Wolfe explained further that an alley is an easement for use but not ownership of the property by the City; the property reverts to the original ownership of the land. The City abandons the public right-of-way of the alley easement, no longer to be used for public purposes. Only the adjoining property owners have the right to use it.

Opponents: None

Proponents: None

(c) Request for alley vacation:

Orange Road/Union Street area (two alleys); Petitioner, City of Ashland

Opponents: None

Proponents: None

Moved by Stewart and seconded by Detrow to close the public hearings and move back to regular session.

Ayes: Gorrell, Detrow, Wertz, Stewart, Valentine

ADJOURNMENT

Moved by Gorrell and seconded by Stewart to adjourn.

Ayes: Gorrell, Detrow, Wertz, Stewart, Valentine

Council adjourned at 7: 36 p.m.

Submitted by
Elaine C. Bucklew
Clerk of Council