
Ashland City Council

MINUTES FOR THE REGULAR SESSION OF COUNCIL

October 19, 2004

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

October 5, 2004, *Regular session*

Moved by Stewart and seconded by Detrow to accept the minutes as received.

Ayes: Gorrell, Detrow, Wertz, Stewart, Valentine

COMMENTS OR QUESTIONS FROM THE AUDIENCE None

LEGISLATION

Res. 22-04

Item (a) A RESOLUTION DECLARING COUNCIL'S INTENTION TO VACATE A CERTAIN ALLEY LOCATED IN THE CITY OF ASHLAND, OHIO. (*W. 13th/W. 14th Streets*)

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:

Gorrell explained that the first three resolutions on the agenda deal with intention to vacate separate alleys in the City, each brought by different petitioners. The term "intent to vacate" is an indication that the process could move forward but doesn't necessarily indicate that the alleys actually will be vacated. The purpose of the first three items then is to schedule the public hearings, and those are set for Tuesday, December 7, 2004, at 7:10 p.m.

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

Ayes: Gorrell, Detrow, Wertz, Stewart, Valentine

Moved by Wertz and seconded by Valentine 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.

Res. 23-04

Item (b) A RESOLUTION DECLARING COUNCIL'S INTENTION TO VACATE A CERTAIN ALLEY LOCATED IN THE CITY OF ASHLAND, OHIO. (*Highland Boulevard/Banning Avenue*)

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

Moved by Gorrell and seconded by Stewart 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 Valentine and seconded by Detrow that the Resolution be passed.

Ayes: Gorrell, Detrow, Wertz, Stewart, Valentine

Motion carried.

Res. 24-04

Item (c) A RESOLUTION DECLARING COUNCIL'S INTENTION TO VACATE A CERTAIN STREET LOCATED IN THE CITY OF ASHLAND, OHIO. (*Birch Street*)

Moved by Wertz and seconded by Stewart 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

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

Ayes: Gorrell, Detrow, Wertz, Stewart, Valentine

Moved by Detrow and seconded by Valentine 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 Stewart and seconded by Wertz that the Resolution be passed.

Ayes: Gorrell, Detrow, Wertz, Stewart, Valentine

Motion carried.

Res. 25-04

Item (d) A RESOLUTION ENACTING SECTION 5513.01(B) PERMITTING ASHLAND PUBLIC TRANSIT TO PARTICIPATE IN CONTRACTS OF THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE PURCHASE OF MACHINERY, MATERIALS, SUPPLIES OR OTHER ARTICLES.

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:

Director of Finance Nancy Boyd told Council that usually after the budget has been passed in the spring, Council passes a resolution applying for capital funds for the Transit to purchase a vehicle or sometimes computer software. This year, in preparation for 2005, the state is requesting that the City pass this resolution just to say that next year the City might want to pass

another resolution to get capital funds. This is not spending any money but is just appealing the grant guidelines from Columbus, that the City will possibly go into that program next year.

Gorrell noted that Council must pass this legislation in order to potentially participate, and most of it is a grant of about \$7,000. Boyd responded that next year in the tentative agenda there is an upgrade to the dispatching software, of which the City's cost is \$700 if they choose to go forward and get the upgrade. Without this legislation there is no option to participate.

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 Valentine 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.

Item (e) A RESOLUTION AUTHORIZING THE MAYOR, DIRECTOR OF PUBLIC SERVICE OF THE CITY OF ASHLAND, TO FILE AN APPLICATION AND ENTER INTO AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR THE PURPOSE OF ACQUIRING FUNDS THROUGH THE NATURE WORKS PARKS GRANT PROGRAM; AND DECLARING AN EMERGENCY.

Comments:

Gorrell stated that this legislation needs to be tabled, and Boyd further explained that the account number included in the resolution is incorrect. This grant is not due until February so there is plenty of time to get it done.

Moved by Gorrell and seconded by Stewart that the Resolution be **tabled** until it is reviewed and placed back on the agenda another time.

Ayes: Gorrell, Detrow, Wertz, Stewart, Valentine

Motion carried.

Ord. 68-04

Item (f) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ADVERTISE FOR BIDS AND TO ENTER INTO CONTRACTS FOR THE PURCHASE OF PLAYGROUND EQUIPMENT FOR THE PARK AND RECREATION DIVISION OF 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:

In the absence of Park Director Tim Clingan, Boyd told Council that this is a replacement of some playground equipment at Brookside West and Cahn Grove; the money was placed in the 2004 appropriations and is available.

Valentine questioned the reasons for replacement, discussing possible new regulations since originally installed and safety/liability issues. Mayor Strine affirmed both of those reasons.

Gorrell stressed that this is replacement of equipment due to safety issues, and Mayor Strine responded that if not replaced, the equipment would have to be removed, as it is getting to the place where it is unsafe.

Stewart had checked on finances and found that funds are available in the account (73%), and funding from revenue flow does not appear to be a problem. This particular line is funded by two main sources, one which is stable and one which is income tax. This line item has

not been tapped out near to what the approved budget amount for this is; as such, he can support this. That budgeted line item has not been spent to anywhere near the end at this point in the year, so even if the income flow should drop even further, there is no problem here. He asked if that is accurate, and Boyd responded that is accurate at this time. (2004 budget)

Mayor Strine pointed out that Boyd just answered the question and said "at this time, yes that is correct": he added that the possibility exists, because of the revenues for the City next year, that they would be asking Council to change the distribution of the income tax to continue the services provided in the general fund at a basic level. That might require change of some of it from the park. He explained that he didn't want to mislead Council about spending this money; he wanted them to be aware of this.

Stewart stated that this is 2004 money, and the Mayor reminded him that whatever isn't spent this year is left for next year. Stewart added that \$346,000 was appropriated to this account; \$291,000 is the balance in that line; so with this expenditure, the account is still well within that budget line.

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

Ayes: Gorrell, Detrow, Wertz, Stewart, Valentine

Moved by Wertz and seconded by Valentine 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 Stewart that the Ordinance be passed.

Ayes: Gorrell, Detrow, Wertz, Stewart, Valentine

Motion carried.

WARD REPORTS

Ward 1: Bob Valentine

(a) *Traffic increase, Center Lane Drive:*

Valentine reported a couple of calls about Center Lane Drive and traffic use as somewhat of a throughway to Baney Road, Crestview Drive and such. There is some concern with the residents about the speed. There is no posted speed for Center Lane Drive, and he asked what the speed there is. Chief Miracle told him that, if not posted, the limit is 35 mph.

Valentine asked about policy as to speed limit signs, and Miracle told him that the Traffic Committee reviews it, but that most side streets are not posted. If a street becomes more heavily used, then it might be considered and put through Traffic Committee before any determination is made. He stated that budgetary concerns would have to be considered should all streets be posted, but a determination would have to be made as to whether signs are necessary on Center Lane Drive or not.

Valentine suggested that it be looked into, and Miracle said he'd take it to the Traffic Committee at their next meeting.

Ward 3: Ruth Detrow

(a) *Leaf pens:*

Detrow noted that the City no longer has leaf pens, and she had a call about the area for leaf disposal at Willo-Dell. It has a driveway difficult to use, making it a chore to dump leaves. She asked Street Department Director Jerry Mack to explain the situation.

Mack talked about the leaf collection areas the City used to provide for residents: there was one in Brookside Park which was taken down because of the mess it made in the park area. The same thing happens at the Sewer Department area: if people used it just for leaves it would be all right, but it becomes a dumpsite for everything. Then there is no way to get rid of it all because of the trash mixed in with the leaves, and it becomes a hazard. That area has been closed all summer, and the mess was cleaned up just a couple of weeks ago: they took 12

truckloads of material out of there. One of the main reasons for removing it was that it had become a fire hazard. That's what happens because people abuse the rules even when the pen is removed. There are regulations for maintaining leaf collection areas, and those have not been met, nor does the department want to get into them again.

The City opted to use the Willo-dell site, and they allow the City residents to dump for free there; however, the driveway isn't real nice going back in. It's a dumpsite.

(b) Leaf pickup schedule:

Detrow asked about the schedule for leaf pickup, and Mack told her it didn't start this week officially, but the department is out picking up piles and trying to keep ahead of it and keep leaves out of the gutters and storm sewers. He explained that he has to hire a lot of extra help when pickup really begins; however, nature just isn't dropping leaves much, postponing the real start up. There's no sense in paying extra people and bringing out three machines until nature cooperates. Meanwhile, the department will hopscotch around cleaning up as needed. When the leaves do really come down, residents still have to have time to begin raking and such. At this point, if someone calls in, the department will go out and pick up for them.

(c) Council minutes on the Internet:

Detrow expressed her satisfaction that Council minutes are being put on the Council web site now, and people can check them out for themselves. She stated they are very neat. Anyone who has a question about Council issues can go look up the minutes for themselves for information. The minutes are there and they are complete. It's wonderful.

Correll stated Detrow is right; they are terrific, and Wertz agreed.

At-large: Glen Stewart

(a) Yard waste pickup:

Stewart noted the yard waste pickup stopped officially this week, yet there is no more need for this pickup anytime during the year than there is the next two weeks. Without leaf pens now, he wondered if the two situations would warrant an additional two weeks until the first of November next year to pick up yard waste.

Sanitation Director Doug Strine commented that it could be done; one of the reasons for stopping yard waste pick up is to get things out of the way for the street department to suck the leaves up.

OLD BUSINESS

(a) Update on sidewalk program:

Stewart asked for a report on sidewalk installations, but City Engineer Jim Cooper was absent. Assistant Engineer Kurt Brzyscz responded that he is not working with Cooper on that at this time.

NEW BUSINESS

(a) Request for change of zoning:

Sugarbush Drive/Eagle Way area: From "M-4" Industrial and Business Park District to "M-1" Light Industrial District. Public hearing scheduled for December 7, 2004 at 7:15 p.m.

Correll introduced this, saying that the purpose for this agenda item is to schedule a hearing. (December 7th at about 7:15 p.m.)

Moved by Detrow and seconded by Wertz to schedule this for public hearing.

Ayes: Correll, Detrow, Wertz, Stewart, Valentine

MAYOR'S COMMENTS

(a) Solid Waste District meeting:

Mayor Strine announced there would be a Solid Waste District meeting on Thursday, October 28th at 8:00 a.m. It is a hearing type meeting, and the reason he is trying to keep Council up to date on this is that the SWD needs to put some things into place, the result of which is that Council will need to pass an ordinance. If this ordinance is not passed, it will put a halt to how the solid waste district works, basically recycling. This is done every five years.

The Mayor explained that if Council goes along with the ordinance presented to them, everything will go along as it is, with a few minor changes; if not done, things will change. He handed out a letter to Council members.

(b) Ohio Edison letter:

Mayor Strine passed out letters from Ohio Edison and told Council he has a copy of the City's current contract with them. He explained that he has no idea what Ohio Edison is going to propose, but there will be an ordinance to approve it. The Mayor will be meeting with the representative for Ohio Edison, and perhaps he will arrange a presentation to Council. He will let Council members know.

(c) Good Shepherd Villa letter:

Mayor Strine told Council he doesn't have any more information with reference to the certified letter received from the Good Shepherd Villa; when he receives some he will pass it on to Council members.

(d) Work session reminder:

Mayor Strine reminded Council of a work session to be held on **October 26th at 6:00 p.m.** in the Mayor's Conference Room, Second floor, Municipal Building. Items for discussion are as follows:

1. The baseball complex proposal.
2. Explanation of the Ashland County Partners for the Fund for Our Economic Future, a northeastern Ohio group: Martin Irvine, Keith Boales and Tom Seddon
3. Dorchester alley vacation petition.
4. The soccer dome proposal.
5. Update on the equalization basin project.

PUBLIC HEARINGS

7:10 p.m. **Alley vacation petitions:**

The purpose of these hearings is to gain input concerning the petitions to vacate certain alleys located in the City of Ashland.

(a) Elm/Arch Streets

Gorrell opened the public hearing concerning the petition for vacating this alley located between Elm and Arch Streets, and opened the floor for comments for or against the vacation.

Proponents: None

Opponents: None

After the hearing, Gorrell requested legislation for the next regular session of Council, which legislation would be to vacate the alley, subject to the review and report from the Board of Revision of Assessments.

(b) Dorchester Street

Gorrell opened the hearing for public comment concerning this alley located behind Dorchester Street.

Proponents:

1. **Ron Carter**, 325 Dorchester Street, petitioner

Carter explained that he requested the vacation of this alley in order to merge four lots (three are located on the back side of the alley, and the other is his Dorchester Street lot containing his house) into one large lot. He owns the lots, and after they are merged into one,

he wants to build a three-car garage on that lot, as he has no room on his present lot to do so. He does not intend to close or change the alley itself. Access to the garage would be this alley, which they maintain now; the City does not maintain this alley.

Council and Carter reviewed the location of the alley and other specifics, the sticking point being the fact that a vacated alley is divided between the property owners adjacent to the alley. Carter would not have all the width of the alley, but only half, and if the other owner decided to use his half for, say, a grape arbor, Carter would not have the entire alley to use for access to his garage. However, Carter indicated that he could access his garage from another alley abutting his property.

Council members emphasized they wanted Carter to be aware of the legalities of the situation and implications for future owners.

Carter told Council that he could not build on the three back lots until they are merged with his front lot where he lives, and to do that he must have the alley vacated. He was told he could not receive a building permit for the three separate lots due to a 1985 regulation saying that if there was no building on a lot prior to 1985, that lot could not be built upon after 1985; or something to that effect. All he is trying to do is build a garage on those lots.

Stewart requested that this be tabled until Council can discuss with the law director as to what are the parameters of the division of a vacated alley. Gorrell stated that the opposition must be heard from yet, but that there have been questions raised at this hearing that Council will have to pursue before a decision can be made.

Opponents:

1. Al Sawchak, 329 Dorchester Street

Sawchak handed out information as to his objections and a color-coded map to show the areas in question. He also emphasized that he does not disagree with anything his neighbors (Carter's) have said; they always said they bought the extra lots for a future garage. Sawchak has no contention with that.

However, Sawchak is opposed to vacating the alley behind the properties as it will cause hardship and devalue his property. He outlined the following reasons:

- Vacation would limit access for any reason to the rear portion of his property as his lot is narrow and extremely sloped.
- Closing the alley would eliminate his or a future owner's option to build at the rear of their property, specifically a garage or an addition to the house.
- Access problems would affect the marketability and value of his property.
- There is conflicting information as to what happens with the land once an alley is vacated.
- Other property owners on Dorchester Street would have limited access to garage and/or buildings located at the backs of their properties.
- Any new property owners of the lots involved could cause future problems with access, etc.

Sawchak gave several alternatives to the vacating of the alley; alternatives presented would still allow the petitioners to build their garage without blocking access to other properties. He also requested that if the alley is vacated, one of two conditions be placed on the vacation, both of which involve easements for access. He would like for property owners to have access and the petitioners or others be able to build upon their properties.

Gorrell questioned the slope of the alley and the location of trees growing within the alley as they relate to the area of Sawchak's property. Sawchak responded that the trees are probably in the right-of-way but on his side; he has accessed his property maybe a half a dozen times over the years by weaving through the trees. He emphasized he is not thinking only of himself but of the other property owners' rights of access; if he should want to build on to his house or put a small garage up, the back of his lot must be accessible via this alley.

More discussion ensued around the question of trees, accessibility and other possible routes of access, and why the necessity for vacating the alley in the first place.

Gorrell suggested that this be tabled; that discussion of the questions and information from tonight be held; that a resolution of the situation be found that is in the best interest of the City but that works for all involved; that the situation be resolved properly. He moved that this be tabled but only until the next Council meeting, and that in the meantime Council review everything to determine what is appropriate and consistent with current ordinance and law by way of resolution of the problem. That will have to involve the zoning inspector and the law director.

Moved by Gorrell and seconded by Stewart to close the hearing.
Ayes: Gorrell, Detrow, Wertz, Stewart, Valentine

Stewart requested that the law director be involved in the discussion to answer the question of what happens to the land when the alley is vacated, how is it divided, and what can be done with it. Mayor Strine told Council he'd be glad to follow this through by means of a meeting with Council, the building inspector and the law director.

It was decided to add this to the agenda for the work session scheduled for Tuesday the 26th.

Moved by Gorrell and seconded by Valentine to table this only until the next meeting with the assignment that this be followed up and reviewed through the Mayor's office and placed on the next agenda.

Ayes: Gorrell, Detrow, Wertz, Stewart, Valentine

ADJOURNMENT

Moved by Valentine and seconded by Stewart to adjourn.

Ayes: Gorrell, Detrow, Wertz, Stewart, Valentine

Council **adjourned** the regular session at **8:17 p.m.**

Submitted by
Elaine C. Bucklew
Clerk of Council