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# Ashland City Council

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## MINUTES FOR THE REGULAR SESSION OF COUNCIL

December 21, 2004

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In the absence of Council President Greg Gorrell, Glen Stewart called the meeting to order at 7:00 p.m.

### ROLL CALL

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

Moved by Stewart and seconded by Detrow to excuse Greg Gorrell from the meeting.  
Ayes: Valentine, Detrow, Wertz, Stewart

Moved by Wertz and seconded by Detrow to appoint **Glen Stewart Acting President** in Gorrell's absence.

Ayes: Valentine, Detrow, Wertz, Stewart

### PLEDGE OF ALLEGIANCE

### PRESENTATION OF MINUTES

**December 7, 2004 Regular session**

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

Ayes: Valentine, Detrow, Wertz, Stewart

### COMMENTS OR QUESTIONS FROM THE AUDIENCE

(a) **Jack Coleman**, 317 Carroll Street:

Coleman spoke to Council from a prepared statement:

1. "Cuts in City services is a main concern of many people residing in and supporting Ashland. Between the selling of bank notes and money in the City Capital Fund, there is \$3 million available to save those services – instead of that money being earmarked for an industrial park – which a lot of people in Ashland feel that we don't need – and – a reservoir which could take up to 20 years to complete – which will do the people of Ashland as they exist today absolutely no good."
2. "City services account for our welfare and safety – particularly those services provided by the fire department. Our tax dollars have already paid for those services. Cuts within the fire department is going to reduce emergency response time – which has already been acknowledged – which could result in a human death – which otherwise could have been avoided. Are we sacrificing today's human life for tomorrow's growth – which – as we exist right now – such growth not being a sure thing. Today's human life and/or death is a sure thing – there is no gray area. Do we not have this City's priorities in reverse order here?"

### LEGISLATION

Ord. 81-04

Item (a) AN ORDINANCE REZONING A CERTAIN AREA OF THE CITY OF ASHLAND, OHIO, FROM "M-4" INDUSTRIAL AND BUSINESS PARK DISTRICT TO "M-1" LIGHT INDUSTRIAL DISTRICT.

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: Valentine, Detrow, Wertz, Stewart

Comments:

Valentine asked about the location of the area to be rezoned; it was briefly discussed. Mayor Strine noted that the Planning Commission recommended this rezoning, a step-down zoning from the residential area just south of the area. The apartments to be built by Mr. Baker are a well-designed development, and the Mayor recommended passage of the ordinance.

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

Ayes: Valentine, Detrow, Wertz, Stewart

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: Valentine, Detrow, Wertz, Stewart

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

Ayes: Valentine, Detrow, Wertz, Stewart

Motion carried.

Ord. 82-04

Item (b) AN ORDINANCE PERTAINING TO THE ANNEXATION OF CERTAIN TERRITORY TO 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: Valentine, Detrow, Wertz, Stewart

Comments:

Stewart explained this area on C.R. 1095 is the site for the proposed Hospice facility; Hospice of North Central Ohio already owns that parcel of approximately 14 acres which is immediately south of the Brethren in Christ Church located at the corporation limits.

Mayor Strine stated he feels this is a real good thing for Ashland. Hospice serves four or five counties and is a well-needed facility; it also will provide additional jobs for Ashland.

Moved by Wertz and seconded by Valentine that the Ordinance be passed on the first reading.

Ayes: Valentine, Detrow, Wertz, Stewart

Moved by Detrow and seconded by Stewart 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: Valentine, Detrow, Wertz, Stewart

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

Ayes: Valentine, Detrow, Wertz, Stewart

Motion carried.

Ord. 83-04

Item (c) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT FOR THE PURCHASE OF RADIOS AND RADIO EQUIPMENT FOR THE FIRE DEPARTMENT OF THE

CITY OF ASHLAND, OHIO, OBTAINING FORMAL ADVERTISING AND BIDDING; 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: Valentine, Detrow, Wertz, Stewart

Comments:

Chief Burgess explained that this money was awarded from the State Department of EMS and is a \$62,000 grant applied for several months ago. This is the actual purchase of the equipment, which is state bid obviating bidding; the purpose is to upgrade the City's radio system.

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

Ayes: Valentine, Detrow, Wertz, Stewart

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: Valentine, Detrow, Wertz, Stewart

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

Ayes: Valentine, Detrow, Wertz, Stewart

Motion carried.

Ord. 84-04

Item (d) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ENTER INTO A MODIFICATION OF THE ORANGE ROAD SANITARY SEWER REPLACEMENT PROJECT – SIMONSON EXCAVATION CONTRACT AUTHORIZED BY ORDINANCE NO. 56-04; 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: Valentine, Detrow, Wertz, Stewart

Comments:

City Engineer Jim Cooper told Council that this is the final change order for the work done on Orange Road, putting in a new 12-inch sewer line to replace the existing 8-inch line. Hopefully it will solve a lot of the problems with flooding in basements and such in this area. The change order includes some additional aggregate base on the asphalt pavement work; the bulk of the money is in the asphalt courses. When the road was cut, the asphalt was much deeper than expected, and this same depth should be replaced as it was since there is a lot of truck traffic on this road. This was a situation found as the work progressed. The job is completed.

Moved by Valentine and seconded by Wertz that the Ordinance be passed on the first reading.

Ayes: Valentine, Detrow, Wertz, Stewart

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

Motion carried.

**Ord. 85-04**

Item (e) AN ORDINANCE AMENDING SECTION 229.11 OF THE CODIFIED ORDINANCES OF THE CITY OF ASHLAND, OHIO, RELATIVE TO REFUNDS FOR MUNICIPAL INCOME TAX; 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: Valentine, Detrow, Wertz, Stewart

Comments:

Director of Finance Nancy Boyd explained that this is a housekeeping measure changing the income tax refund amount from \$1.00 to \$3.00 due to the cost of writing checks.

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

Ayes: Valentine, Detrow, Wertz, Stewart

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: Valentine, Detrow, Wertz, Stewart

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

Ayes: Valentine, Detrow, Wertz, Stewart

Motion carried.

**Ord. 86-04**

Item (f) AN ORDINANCE PROVIDING FOR TEMPORARY APPROPRIATIONS FOR THE CITY OF ASHLAND, OHIO, TO MEET THE ORDINARY EXPENSES OF SAID CITY, UNDER THE AUTHORITY OF OHIO REVISED CODE SECTION 5705.38; AND DECLARING AN EMERGENCY.

Moved by Detrow 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: Valentine, Detrow, Wertz, Stewart

Comments:

Boyd explained that this legislation is presented each year at this time to permit the operation of the City until the final appropriations ordinance is passed. The deadline for passage is March 31, 2005.

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

Ayes: Valentine, Detrow, Wertz, Stewart

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: Valentine, Detrow, Wertz, Stewart

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

Ayes: Valentine, Detrow, Wertz, Stewart

Motion carried.

Ord. 87-04

Item (g) AN ORDINANCE ESTABLISHING WAGES AND OTHER COMPENSATIONS FOR ADMINISTRATIVE EMPLOYEES, NON-COVERED UNDER THE FAIR LABOR STANDARDS ACT, 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: Valentine, Detrow, Wertz, Stewart

Comments:

Mayor Strine explained that basically all of the next four ordinances are for different sections of City employees, and the only change made in these ordinances is that, due to the Fair Labor Standard Act, the City is required to reevaluate whether employees are exempt or not from overtime. Regulations have become much more strict so that supervisory employees must meet certain criteria, and if they do not meet that, they must be considered hourly rather than salaried. The changes reflect these salaried to hourly amounts.

These are the ordinances the City passes every year for salary increases; this year the ordinances call for salary freezes. He told Council they may hold these ordinances until the December 31<sup>st</sup> special meeting if they need more time to study them.

Moved by Wertz and seconded by Valentine that the Ordinance be passed on the first reading.

Ayes: Valentine, Detrow, Wertz, Stewart

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: Valentine, Detrow, Wertz, Stewart

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

Ayes: Valentine, Detrow, Wertz, Stewart

Motion carried.

Detrow requested tabling the next three ordinances for further study.

Item (h) AN ORDINANCE ESTABLISHING LIMITS FOR WAGES AND DETERMINING OTHER PROVISIONS RELATIVE TO POSITIONS OF EMPLOYMENT OF SUPERVISORY PERSONNEL FOR AREAS NOT INCLUDED IN ANOTHER WAGE OR SALARY ORDINANCE IN THE CITY OF ASHLAND, OHIO; AND DECLARING AN EMERGENCY.

Item (i) AN ORDINANCE ESTABLISHING LIMITS FOR WAGES AND DETERMINING OTHER PROVISIONS RELATIVE TO POSITIONS OF EMPLOYMENT OF FIDUCIARY PERSONNEL TO DIVISION DIRECTORS AND ELECTED OFFICIALS IN THE CITY OF ASHLAND, OHIO; AND DECLARING AN EMERGENCY.

Item (j) AN ORDINANCE ESTABLISHING LIMITS FOR WAGES AND DETERMINING OTHER PROVISIONS RELATIVE TO POSITIONS OF EMPLOYMENT OF ALL OTHER PERSONNEL FOR AREAS NOT INCLUDED IN ANOTHER WAGE OR SALARY ORDINANCE IN THE CITY OF ASHLAND, OHIO; AND DECLARING AN EMERGENCY.

Moved by Detrow and seconded by Stewart to table Items (h), (i) and (j) until the December 31<sup>st</sup> special session for further study.

Ayes: Valentine, Detrow, Wertz, Stewart

[WARD REPORTS](#)

Ward 1: Bob Valentine

*(a) General information questions:*

Valentine asked several general information questions that were answered by the Mayor and/or Finance Director:

1. Is there a deadline in December for payment of City bills? Yes.
2. Is there just one pay period to go in December? Yes.
3. Does the City know what its balance is? Expenses, yes; income, no.
4. Hospitalization increases anticipated? Not at this time but will be reviewed in May.
5. 6 % increase written in but can cover that? If more than 6% increase happens, hopefully enough in insurance fund to cover; if not, would have to go back to employees and discuss it.

Ward 3: Ruth Detrow

*(a) Possibility of safety levy:*

Detrow noted that several groups have approached her about the question of a safety levy in light of the City's financial problems and cutting back of services. The community should have the chance to say yes or no to a fire and police safety levy. The conversations have come to her and have not been initiated by her; safety is a concern of the people of Ashland. She is willing to learn what the people want Council, as elected officials of Ashland, to do about this.

OLD BUSINESS

*(a) Petition received:*

Stewart wanted the minutes to reflect that Council did receive a petition regarding a baseball complex as Gorrell had promised at the work session concerning the Ashland Community Baseball proposal.

NEW BUSINESS

*(a) Request for sidewalk waiver:*

Daniel Wyand, Lot Numbers 2228, 2229, 2230, North Ashland; 1032 East Main Street

Stewart asked City Engineer Jim Cooper to comment on this request, and Cooper responded that it is his recommendation that a waiver not be granted in the interest of safety of those who might be walking to reach this establishment, located on the corner of Lee Avenue and East Main Street. The sidewalk would be installed along the Lee Avenue side of the carryout.

Wertz asked about when the sidewalk 10-year plan would reach Lee Avenue, and Cooper told him it would be about the fourth year (2007).

Petitioner Dan Wyand was present and entered into the discussion that ensued:

- If City puts sidewalk in, there is a specific process to follow; cost put on tax duplicate.
- Wyand's comment: no sidewalks on Lee Avenue at all; walk-ins haven't been prolific. He has no problem putting in a sidewalk if everyone on Lee Avenue also puts them in; however, doesn't want to put in a sidewalk that no one will use.
- Stewart: sidewalks are an issue throughout the City; the City has taken the step to require upgraded, replaced and/or installed sidewalks throughout the City, and it's a long-term project.
- Wyand: financing a sidewalk no one will use after spending to build the business looks like throwing money away; 100 feet of sidewalk on a street where there are no others.
- Cooper: if used by people, safety is the issue; if not used, then allow the four years till the 10-year program reaches there; there is sidewalk on the East Main Street side of the lot.

Moved by Stewart and seconded by Wertz to not grant the waiver.

More discussion:

- Valentine asked about setting a precedent here; Stewart responded that was why he moved to not grant the waiver; there was no time frame connected with this request.
- Wolfe said Council could decide and set a time frame as part of this process.

Telah Smith, from the audience, asked to comment, noting that he has no connection with the petitioner but is a citizen attending the meeting only.

- Stated that what upsets him right now is that this man has put a new business here in town which everybody needs, and Council is hurting him by doing this. It's not right.
- Council is using the safety issue; the petitioner has already come forward to say that in four years time he will put a sidewalk in, which is in the plans of the City in the future.
- The City is begging for new businesses to come into this town right now; the petitioner has done that, established a new business down there; and now Council is (noting that they are not specifically going after him) using the ordinances not to help him out with his new business.
- Smith suggested that Council could change the time frame in the ordinance to help each side out on this.

At this point, Wertz withdrew his second to the previous motion, and the motion died for lack of a second.

Moved by Valentine that the request be tabled until January.  
The motion died for lack of a second.

Stewart emphasized that Council needs to act on this request in some manner.

Cooper told Council that the area would fall into Phase 4 of the City Sidewalk Master Plan that will probably be 2007.

Stewart asked Wyand if he would be the lead person on Lee Avenue to install sidewalks in 2007? Wyand responded that he had no problem with that.

Moved by Wertz and seconded by Detrow to grant the waiver until sidewalks in the area are put in (clarification by Detrow: as the City's Sidewalk Master Plan reaches Lee Avenue; Wyand agreed to a "Gentleman's Agreement" with Council that he will install his sidewalks first as a "good example" for others in the area.)

Ayes: Valentine, Detrow, Wertz Stewart

*(b) City response to Essex House situation:*

Telah Smith, a former firefighter and presently a part-time dispatcher for 911, commented on the water emergency yesterday at the Essex House. The building had to be evacuated, and the residents taken to a safer place. He worked with Georgene Aber at the Red Cross; he called Fire Chief Burgess to coordinate help; and he called the Finance Department about using the City's transit buses. The transit buses were there (snap of the fingers) that quick, and Smith wanted to thank them for their help to the residents. They were quick, no questions asked, and were at Essex House in five minutes. That kept the situation from being a whole lot worse.

## MAYOR'S COMMENTS

*(a) Update on Water Treatment Plant Improvement contract:*

Mayor Strine asked Cooper to update Council on the Water Treatment Plant Improvement contract.

Cooper explained that Burgess & Niple are the consultants on the Water Treatment Plant renovations. The bids have come in (four contracts: three subcontractors and a general contractor) with a total of a little over \$3.8 million. Back in March Council approved an ordinance with a preliminary cost at \$3.3 million; the Engineer's estimate prior to the bidding was about \$3.5 million. So the bids were over that estimate. Cooper would like to come to Council in January to request additional money to get this project started. In the actual account number, there is \$4.5 million.

Stewart asked if there is an identified purpose for that account beyond this work here, and Cooper said it is Water Treatment Renovations. He thinks that might carry-over to Phase 2; the renovations are the purpose for that account.

Stewart asked if there would be other phases for this project which would run over the estimates so that there would not be funds to complete the project as it stands, and Cooper answered not on Phase 1. Phase 2 work has been adjusted into the future more due to finances, but eventually they would have to ask for more money. This fund does not have money in it for Phase 2 and Phase 3 as to their total completion. There may be some excess money that will go into that.

Valentine asked about capital funds being used for this, and Mayor Strine told him this account is totally separated by user fees and has to stay in that fund.

Mayor Strine told Council that the purpose of this update is to let Council know the finances before the ordinance is presented; they will have time to ask questions then.

*(b) Letter to City unions:*

Mayor Strine read a letter that he had asked Cherie Helterbridle to give to the City unions today:

“The City of Ashland is proposing that each bargaining unit accept a freeze on their base pay only at this time. The City projects that a freeze on the base pay of all employees, both union and ordinance, plus the reduction in operating expenses of approximately \$710,000, may carry the City through the first quarter of 2005. The City will review the budget status at the end of the first quarter and each quarter thereafter. The City will provide an update to employees as to the status of the budget. Due to immediate nature of this necessary budget reduction, the City is requesting that the unions inform the City of their decision in this matter on January 4<sup>th</sup> date as previously agreed upon.”

The Mayor hoped the unions and City employees see the need to do this; asking for the freeze in the base salary is much less than the City was asking them to do previously. It makes things a little more precarious, but hopefully if it is watched on a quarterly basis, it will show where the City stands and they won't be asking the employees to give up something if they don't have to. The freeze on base salary would be for the year 2005; the other concessions asked earlier will not be requested for now.

Human Resources Helterbridle told the Mayor that the letter had gone to the unions today but that she was of the understanding that the letter asked for a freeze for the first quarter, then review at the beginning of the next quarter. That is the way the letter reads, and clarification is necessary at this point. Mayor Strine responded that the wording of through 2005 was his decision so to not lead anyone on that things will be turning around by the next quarter.

Stewart emphasized that it is important that those involved understand that it may be for the entire year. Mayor Strine stated he feels very uncomfortable with this, but in fairness to the employees, this is his recommendation and hopefully the unions will go along with it.

Questions from employees in the audience/answers:

- Does that mean there won't be any layoffs in the City in that quarter period? Mayor: none that there haven't already been; no additional.
- Mark Miller, firefighter: received the memo from HR today; an issue to be resolved is seeing a sample contract language and provisions, something besides the memo, before decision can be made by the union bodies; more specific to vote on. Mayor Strine: will try to get that to them.
- Sally Strine, Fire Department secretary: if a review is done for unions at the second quarter, will a review for non-union personnel be done as well? Mayor Strine answered yes.
- Fred Schwan, firefighter: due to time frame with holidays need more time to study final figures to help with their decision; an extension beyond January 4th. Mayor Strine: the longer into the year this takes, the longer the City is operating as if there is no problem, there is no wage freeze; extra payrolls and changes are extremely hectic. This needs to get done.

- Finance Director will have figures by the special session of Council on December 31<sup>st</sup>; needs union response on January 4<sup>th</sup>.
- Firefighters still want to see the final 2004 figures and the contract language with specific provisions discussed, specifically no layoffs. In discussions today, that provision to include no layoffs has been withdrawn; that is the impression given today. Mayor Strine responded that impression is correct.
- The Mayor was again asked by a firefighter to clarify if it was agreed upon that there would be no layoffs in that first quarter. Mayor Strine responded that he didn't anticipate any layoffs the first quarter, but he really doesn't know how much money the City will get in. He is concerned about this situation; it takes money to run the general fund. If the situation gets worse, he asked how he could promise no layoffs if there was no money to pay them. However, first quarter, not likely.

#### ADJOURNMENT

Moved by Valentine and seconded by Detrow to adjourn.  
Ayes: Valentine, Detrow, Wertz Stewart

Council adjourned at 8:14 p.m.

Submitted by  
Elaine C. Bucklew  
Clerk of Council