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# Ashland City Council

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## MINUTES FOR THE REGULAR SESSION OF COUNCIL

December 7, 2004

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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

*November 16, 2004 Regular session*

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

Ayes: Stewart, Valentine, Gorrell, Detrow, Wertz

### COMMENTS OR QUESTIONS FROM THE AUDIENCE

#### *(a) Water/sewer US250 East: Tiffany Meyer, JC Meyer Realty*

Meyer questioned what was being done about getting water and sewer under I-71 to the businesses established there and needing growth. She has had service industries coming to her with this question, as they would locate there if there were water and sewer on that side of I-71.

Mayor Strine asked if they would annex to the City, and Meyer responded the key would be getting contiguous annexation to them. The Mayor invited Meyer to meet with him to go over the maps showing annexed areas, those areas not annexed, and those that have water and sewer.

#### *(b) Public concerns with services: Tiffany Meyer, JC Meyer Realty*

Meyer also explained that she has had multiple phone calls from residential customers lately concerning Council support of schools for community growth and business. Now with City financial cuts, the people are concerned as to where this will lead the community; taxes increased and yet the City is talking about cutting services.

Mayor Strine explained the situation is that the economy has dictated the City's revenue, and that revenue is going down. Obviously, with that happening, services provided cannot continue as they have been. Hopefully, by improving the schools and the environment for business to grow, that this helps the future.

Gorrell added that general fund needs can be met with the funding that the City has; if funds are down and all needs cannot be met as they have been, then cuts will be considered. Division Directors have already made significant reductions, but if it continues into personnel reductions with no other viable options, cuts in services could happen. At this point there has been no definitions as to what loss of services there will be.

Meyer emphasized that the public concerns are along the lines of safety and public needs, and that is what she is passing on to Council. Gorrell responded that there will be work sessions on this, recommendations will be forthcoming, and it will be addressed. Any specifics or actions will be made in public session.

#### *(c) Riley farm purchase and growth: Dennis Kitchen*

Kitchen asked why the Riley farm was purchased northwest of the City when more businesses are being built east along I-71. Are there factories lined up or is the City rolling the dice on that? A \$2,000,000 sewer system has been run out that way for two businesses so far; are there other businesses that are going out that way?

Mayor Strine told him that yes, there are.

## LEGISLATION

### Res. 28-04

Item (a) A RESOLUTION DECLARING COUNCIL'S INTENTION TO VACATE A CERTAIN ALLEY LOCATED IN THE CITY OF ASHLAND, OHIO. (*East Washington 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: Stewart, Valentine, Gorrell, Detrow, Wertz

#### Comments:

Gorrell explained that this resolution sets the time for the public hearing for this petition for alley vacation. This does not vacate the alley. The same is true for the next two resolutions also.

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

Ayes: Stewart, Valentine, Gorrell, Detrow, Wertz

Moved by Gorrell 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: Stewart, Valentine, Gorrell, Detrow, Wertz

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

Ayes: Stewart, Valentine, Gorrell, Detrow, Wertz

Motion carried.

### Res. 29-04

Item (b) A RESOLUTION DECLARING COUNCIL'S INTENTION TO VACATE A CERTAIN ALLEY LOCATED IN THE CITY OF ASHLAND, OHIO. (*Chestnut 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: Stewart, Valentine, Gorrell, Detrow, Wertz

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

Ayes: Stewart, Valentine, Gorrell, Detrow, Wertz

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

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

Ayes: Stewart, Valentine, Gorrell, Detrow, Wertz

Motion carried.

### Res. 30-04

Item (c) A RESOLUTION DECLARING COUNCIL'S INTENTION TO VACATE A CERTAIN ALLEY LOCATED IN THE CITY OF ASHLAND, OHIO. (*Orange Road/Union Street*)

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

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

Ayes: Stewart, Valentine, Gorrell, Detrow, Wertz

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: Stewart, Valentine, Gorrell, Detrow, Wertz

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

Ayes: Stewart, Valentine, Gorrell, Detrow, Wertz

Motion carried.

#### Ord. 77-04

Item (d) AN ORDINANCE ESTABLISHING A SPECIAL REVENUE FUND TO DEPOSIT AND EXPEND MONEYS FOR THE PURPOSE OF THE MAYOR'S UNDERPRIVILEGED CHILDREN'S FUND; 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: Stewart, Valentine, Gorrell, Detrow, Wertz

#### Comments:

Mayor Strine explained that this fund is necessary to receive and disperse funds coming from the Ashland County Foundation. This money is being funded through the City Walk, which has been done two years now in connection with Ashland University. Jim Barnes has done a lot of work to promote the City Walk. The Walk was a matter of getting pledges and participating in the Walk. The total raised in the two years was \$7,600.00.

Ashland University has committed to supporting this for five years, and the goal is to collect \$50,000 for the fund. The Community Foundation will hold the funds and pay the interest that it earns each year to the City to be used for municipal activities such as golf, swim pool, those kinds of things for kids who cannot afford it.

Ashland University has specifically set this up so it is up to the Mayor's discretion as to whom the money goes. Help from agencies will come in the form of guiding those who need funding to the Mayor of the City. The City will begin receiving money approximately March 2005. The pledges received exceeded the amount necessary for the Foundation to dispense money, so that amount above and beyond what is needed will be given to the City to use for children who need it. The City will be receiving the interest then in the following years.

The university will continue the City Walk for three more years, and the goal is to have the fund at \$50,000, so that every year the City earns the interest on the \$50,000. That interest will be expended each year.

Gorrell noted that this is establishing the fund that allows the City to receive those funds; it is donated, contributed money; it is not taxpayer money; and it is to help kids in an appropriate fashion.

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

Ayes: Stewart, Valentine, Gorrell, Detrow, Wertz

Moved by Wertz 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: Stewart, Valentine, Gorrell, Detrow, Wertz

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

Motion carried.

**Ord. 78-04**

Item (e) AN ORDINANCE DESIGNATING THE DEPOSITORIES FOR THE ACTIVE, INACTIVE AND INTERIM FUNDS 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: Stewart, Valentine, Gorrell, Detrow, Wertz

**Comments:**

Director of Finance Nancy Boyd explained that the Charter requires that each two years the City goes through a bid process to set the depositories for the City. This is completing this process. First Merit Bank will have the active funds. All local banks are given the opportunity to bid on this.

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

Ayes: Stewart, Valentine, Gorrell, Detrow, Wertz

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: Stewart, Valentine, Gorrell, Detrow, Wertz

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

Ayes: Stewart, Valentine, Gorrell, Detrow, Wertz

Motion carried.

**Ord. 79-04**

Item (f) AN ORDINANCE ACCEPTING THE SUBDIVISION PLAT OF ABBIE CREEK "PHASE I" AND "PHASE II" IN THE CITY OF ASHLAND, OHIO, CONFIRMING THE DEDICATION OF THE STREETS SHOWN THEREON; AND DECLARING AN EMERGENCY.

Moved by Stewart 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: Stewart, Valentine, Gorrell, Detrow, Wertz

**Comments:**

Assistant City Engineer Kurtis Brzyszc told Council that Engineering has been involved in both phases of this project. All utilities, curb and gutter, sub base material and pavement have been installed per specifications, and Engineering recommends both phases be approved.

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

Ayes: Stewart, Valentine, Gorrell, Detrow, Wertz

Moved by Wertz 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: Stewart, Valentine, Gorrell, Detrow, Wertz

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

Ayes: Stewart, Valentine, Gorrell, Detrow, Wertz

Motion carried.

Ord. 80-04

Item (g) AN ORDINANCE AMENDING SECTIONS 155.01(a) AND (e) OF THE CODIFIED ORDINANCES OF THE CITY OF ASHLAND, OHIO, PROVIDING FOR THE SALARIES OF CERTAIN ELECTED OFFICIALS OF THE CITY OF ASHLAND; AND REPEALING EXISTING SECTIONS 155.01 (a) AND (e) OF SAID CODIFIED ORDINANCES.

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: Stewart, Valentine, Gorrell, Detrow, Wertz

Comments:

Gorrell explained that this is an ordinance dealing with compensation for public officials, and specifically the Mayor and three of the five City Council positions. Two years ago two wards elected to take a freeze, even though there was not necessarily financial reason to do so, but Council wanted to contribute their part to being fiscally prudent. There is also indication in this legislation that Council members who take office in 1/1/06 would have a freeze for 2006, 2007, 2008 and 2009.

With respect to the compensation for the Mayor, whose full time job is the chief executive officer of this City, he has opted and elected without request to take a freeze for the next two years as it relates to this legislation. His compensation package was already put in place for the year 2005, but he has opted not to take that increase in 2005 but to allocate those dollars to charitable organizations. He will then take a freeze for the next two years. This legislation will cause that to be enacted.

Stewart stated he believed the City Charter prohibits, without a charter change, any change in salaries during a term in office that is not already addressed in ordinance form. Gorrell affirmed that this legislation is consistent with the Charter, and the freezes will take place in a manner consistent with the Charter.

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

Ayes: Stewart, Valentine, Gorrell, Detrow, Wertz

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: Stewart, Valentine, Gorrell, Detrow, Wertz

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

Ayes: Stewart, Valentine, Gorrell, Detrow, Wertz

Motion carried.

WARD REPORTS

Ward 1: Bob Valentine

(a) *Wal-Mart/Home Depot:*

Valentine reported questions he'd received about the future of the buildings on Baney Road when Wal-Mart relocates. Mayor Strine said there were no plans that he knew of, but the City is always looking to find businesses to move into Ashland. As to specifically searching for that building, no, but the City will do what it can to encourage it. That property is no longer owned by Horne but has been sold.

Stewart added that Wal-Mart specifically told him a year ago that they did not own that. There was some discussion about what could be done, and they felt they couldn't do anything at that site under the circumstances.

Ward 3: Ruth Detrow

(a) *Swim pool no smoking area:*

Detrow noted a call that the swimming pool is not a smoke-free facility. She thought all City things were, but apparently there is an area at the swimming pool where people can smoke. The person who called her is not happy that in order to go get snacks or something similar, a non-smoker has to walk through the smoke-filled area.

Tim Clingan told her they will consider it.

OLD BUSINESS

(a) *Certified Local Government, Center Street:*

Law Director Rick Wolfe explained that he had requested materials on this from the Ohio Historical Society and had distributed the information. In order to pursue this, the City has to follow the guidelines set forth by the Ohio Historical Society; it has to fill out a certification application; it has to file the check list; and in order to know what the requirements are, the City must have those documents. Now, he has received them, made copies for everyone to review to see just what all is involved.

One of the questions particularly asked is whether the entire City has to be included; the answer is no, that the City can designate which areas want to be and the City would want in this situation. That is something to be determined as well. At this point, Wolfe is giving additional information for review.

Gorrell asked about a Commission that would want to preserve other areas of the community and be there for review and in making those requests, but that Council would have the final say as to other areas designated. Wolfe responded that he couldn't answer that. If that was something Council wanted, it would be subject to the approval of the certifying entity involved.

Detrow said she'd seen samples of legislation from other cities in Ohio, and it seems as though they are quite different one from the other; it seems as though there are specific things that must be done and guidelines that have to be followed. But also it seems that the individual city creates its own legislation and can be what the city wants.

Wolfe emphasized that it has to be at least in compliance with the guidelines; beyond that there are possibly other provisions that can be carved into it. But the City can restrict the areas.

Gorrell indicated that Council should study this and get back to the Mayor, and a work session could be held on this topic. Council tentatively set a meeting for a time in January when a representative from the Ohio Historical Society could attend. January 11<sup>th</sup> or 25<sup>th</sup> are possibilities, and the time would be 7:00 p.m.

NEW BUSINESS

(a) *Request for liquor permit hearing: (Transfer)*

To: Pry Food Services, Ltd., dba Linder's Sports Bar and Grill, 66 West South Street

From: L. G. Ltd. Partnership, dba Linder's Sports Bar and Grill, 66 West South Street

Gorrell explained that this was returned to Council due to the fact that the owner's wife needed to be added to the petition: Jody and Sam Pry are the co-owners of Linder's. Council had considered this last month and had not requested a hearing.

Moved by Detrow and seconded by Gorrell to approve this and request no hearing.

Ayes: Stewart, Valentine, Gorrell, Detrow, Wertz

MAYOR'S COMMENTS

(a) *Work session scheduled:*

Mayor Strine reminded Council there would be a work session Tuesday, December 14, 2004, at 7:30 p.m. for discussion of the proposed baseball complex.

(b) *Executive session held:*

Gorrell announced an executive session would be held immediately following the regular session for the purpose of discussing an imminent legal matter. Upon conclusion of the executive session there will be no action taken. Council will return to regular session from which they will adjourn immediately with no further action taken.

PUBLIC HEARINGS

7:10 p.m.

Moved by Stewart and seconded by Detrow to move to public hearing.  
Ayes: Stewart, Valentine, Gorrell, Detrow, Wertz

1. Requests for alley vacations:

(a) *Alley vacation petition: West Thirteenth/West Fourteenth Streets*

Gorrell explained that this hearing provides opportunity for anyone wishing to speak concerning this request, and he opened the floor for public comments.

Proponents:

1. *Mary Trease, petitioner*

Trease owns the empty lot and wants to built on it; wants to put a fence up; needs to vacate the alley to do so.

Opponents:

1. *Kathy Hatcher, 264 West Thirteenth Street*

Hatcher expressed concerns as to the junkyard, rats, sewer line put in by the City, flooding in her yard, fencing will worsen flooding, the petitioner building over the sewer line/storm sewer. The City owns all property around her residence except for the junkyard property. Hatcher has no problem with the building or the fencing as long as the flooding is not made worse.

Gorrell explained that their requests have been heard. The petition for vacation will be presented to the Board of Revision of Assessments, who will review the situation and make a recommendation to Council.

Moved by Stewart and seconded by Valentine to present petition to the Board of Revision of Assessments for their review.  
Ayes: Stewart, Valentine, Gorrell, Detrow, Wertz

(b) *Alley vacation petition: Highland Boulevard/Banning Avenue*

Gorrell opened the floor for public comments.

Proponents: *None*

Opponents: *None*

Moved by Detrow and seconded by Valentine to present petition to the Board of Revision of Assessments for their review.  
Ayes: Stewart, Valentine, Gorrell, Detrow, Wertz

(c) *Alley vacation petition: Birch Street*

Gorrell opened the floor for public comments.

Proponents: *None*

Opponents: *None*

Moved by Valentine and seconded by Stewart to present petition to the Board of Revision of Assessments for their review.  
Ayes: Stewart, Valentine, Gorrell, Detrow, Wertz

7:15 p.m.

2. Request for change of zoning:

(a) *From “M-4” Heavy Industrial District to “M-1” Light Industrial District, U.S. Rt. 250 East; Baker-Ashland, Ltd., Petitioner*

Gorrell explained the location and that this is a time for public input concerning this request. He opened the floor for public comments.

Proponents:

1. *Jerry Baker, petitioner/owner of property*

Baker noted he was the owner of the property and that he would be willing to answer any questions.

Mayor Strine stated that this area to be rezoned is off Sugarbush Drive and Eagle Way; the Planning Commission has recommended this rezoning, as they felt this zoning would be a good step between residential and the zoning needed for the upscale apartments to be built there. Some Planning Commission members have viewed another Baker project; it is a very nice project.

Stewart affirmed that, saying that it appears to be an upscale complex, very neat and well finished both inside and outside; he sees this as an asset to the community; it will act as somewhat of a residential buffer for other business development going in north of it.

Baker added that these will be 8-12 unit buildings; exterior of cedar and stone; garages and some carports; nice landscaping. It is a perfect buffer between single family residential and commercial, to use that multi-family as the buffer.

Opponents: *None*

Moved by Gorrell and seconded by Valentine to request legislation for approval at the next session of Council.

Ayes: Stewart, Valentine, Gorrell, Detrow, Wertz

Moved by Detrow and seconded by Valentine to close the public hearings.

Ayes: Stewart, Valentine, Gorrell, Detrow, Wertz

## ADJOURNMENT

Moved by Detrow and seconded by Stewart to adjourn to **executive session** concerning a matter of **imminent litigation**.

Ayes: Stewart, Valentine, Gorrell, Detrow, Wertz

Council adjourned to executive session at 7:53 p.m. and returned to regular session at 8:19 p.m. following the executive session.

Moved by Detrow and seconded by Stewart to reconvene the regular session.

Ayes: Stewart, Valentine, Gorrell, Detrow, Wertz

Moved by Stewart and seconded by Valentine to adjourn.

Ayes: Stewart, Valentine, Gorrell, Detrow, Wertz

Council adjourned at **8:20 p.m.**

Submitted by

Elaine C. Bucklew  
Clerk of Council