
Ashland City Council

MINUTES FOR THE REGULAR SESSION OF COUNCIL

May 3, 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

April 19, 2005 Regular session

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

Ayes: Stewart, Gorrell, Detrow, Wertz Abstain: Valentine

COMMENTS OR QUESTIONS FROM THE AUDIENCE

(a) Smoking area location at Brookside Swimming Pool: Richard, Amanda and Beth Vogel

Vogel presented the fact that second-hand smoke kills as many as 53,000 every year. He pointed out that many Ashland restaurants now are non-smoking, and his family appreciates that and patronizes those. His issue this evening is Brookside Pool, where many people do smoke and by doing so send a message to the children who congregate there, as does his daughter, that smoking is a good idea.

His primary concern is, however, that the smoking section at the pool is located right next to the small children area, and to go to the concession stand, one must go right through that area. His main question to the City is why is smoking allowed at Brookside Pool? He understands that it is within the City's power to ban smoking at the pool, and it would serve the health and welfare of the City. What actions might Council take as to this issue and to teach children that smoking is not something that is a good idea?

Mayor Strine responded that he tends to agree with Vogel and would like to have a discussion on this at a work session sometime. Detrow asked if smoking is already banned on City property, but the Mayor stated it is banned in the buildings, but not on City property. He told Vogel that they would definitely discuss it.

Vogel's daughter Amanda added her feeling that people should not smoke at Brookside Park, because kids and parents will get sick. Her mother, Beth, agreed with Amanda, and added that she'd like to see the restaurants go smoke-free, too.

(b) Appreciation for Council response : Howard Scanlan

Scanlan thanked Council for getting back to him concerning his traffic concerns on Cottage Street as to the by-pass detour during reconstruction of the bypass planned for later this year. He then asked whom he should contact as to enforcing the speed limit in the school zone there, and Mayor Strine said he would pass that on to the Police Chief.

Scanlan also noted he agreed with the Vogels about the smoking and about banning it in restaurants.

LEGISLATION

Ord. 29-05

Item (a) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT FOR THE PURCHASE OF **EQUIPMENT** FOR THE **DIVISION OF FIRE** OF THE CITY OF ASHLAND, OHIO, OBVIATING FORMAL ADVERTISING AND BIDDING; 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:

Fire Chief Mark Burgess explained that this is a grant through the Ohio Public Safety Division of EMS for which the department made application and received notification that they received \$100,000 for the purchase of MARCS radios. This goes along with the purchase last year of MARCS radios, and it is state contract and so eliminates the bidding process. It will improve the department's communication system.

This is a 100% grant; no matching funds from the City. The MARCS radios are not replacing the complete system but are supplemental; they are an entirely different system which runs off 800 megahertz and is a trunk system, whereas the present radio system is an older single-phase. The new system will improve operability for disasters and such. The department is about three-quarters done with the change over to the type of equipment they need.

Moved by Stewart and seconded by Valentine that the Ordinance 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 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. 30-05

Item (b) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ADVERTISE FOR **BIDS** AND TO ENTER INTO A **CONTRACT** FOR THE WASTE WATER TREATMENT PLANT **FLOW EQUALIZATION** IMPROVEMENT PROJECT WITHIN 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: Stewart, Valentine, Gorrell, Detrow, Wertz

Comments:

City Engineer Jim Cooper told Council that this is the culmination of several years of design work, of planning by Arcadis, Bruce Wiser and his employees, and the Engineering Department. It is in response to a 1988 Consent Decree from the Ohio Attorney General, for which the City has been trying to work through and eliminate inflow and infiltration (I/I) of storm water in City projects and to update the wastewater treatment plant.

Several years ago, the City did update part of the plant. Another portion of the Consent Decree was to eliminate overflows in the plant. In 2003 the five-year I/I study was concluded with many recommendations, which were included in the Modified Consent Decree. As a result of that history and background, a four and a half million-gallon equalization basin was designed to assist the plant in handling the flows that come into the plant, of which now the plant can handle only 10 million gallons.

This equalization tank will permit the plant to store the overflow of the storm water, and as it recedes the overflows will come into the plant to be treated properly. This upgrading of infrastructure in this manner is critical as a quality of life issue to all of the citizens. The engineer's estimate for this EPA requirement is \$5.1 million, and the project must be completed by April 30, 2006.

Mayor Strine stated that the funds come from user fees and not general fund or tax money. Most of this money has to be put out as notes yet, about \$4,500,000 of which will be noted this year; the balance of it will be noted at the beginning of next year.

Gorrell added that the users fees would pay off the notes. In addition to the EPA issues, this project, when completed as the studies call for, will complete any issues and concerns and will satisfy the EPA requirements. After several years of work sessions and great detail study, tonight is the bid process to actually make this happen.

Stewart asked if the engineering firm has established the necessary size of this project so that the City won't get a five to ten year rain that will put the City into non-compliance? Cooper told him that is correct; but a twenty-five year storm will still present some overflows. The consultants studied eight rain events and determined that this is the size Ashland should have for the most part.

Stewart asked about being subject to discipline from the EPA for overflows, and Cooper affirmed that there would be a fine of \$2,000 per day for each day the plant overflows; that is put right in to the Modified Consent Decree. The problem is the cost to make a large enough plant to handle a twenty-five, fifty or hundred year storm; this is based on Arcadis' experience and their measurements.

Gorrell stated he felt it is fair to say that in the last couple of years of huge storms, there was a lot of water in this community, and this project will alleviate a good bit of what went downstream but frankly shouldn't have. He emphasized that Ashland couldn't afford to build one that would solve the problem for any size storm that might come; this however will meet EPA requirements and will go a long way to do what must be done for this community.

Stewart asked Water Treatment Director Bruce Wisner if other infrastructure and sanitary system improvements also will reduce infiltration, which Wisner affirmed and stated that it will put water in the tank and not store so much in the interceptors. That will also help the collection system and should give benefit all through the system.

Cooper added that, in addition to the basin, other projects such as the Jamison Creek and other replacement sewer lines will eliminate quite a bit of I/I to also help the plant; the Modified Consent Decree also requires these. The City must continually upgrade the infrastructure waterlines, sewer lines and storm water systems.

Gorrell noted that those issues are addressed in the five-year capital plan and the approved appropriations.

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

Ayes: Stewart, Valentine, Gorrell, Detrow, Wertz

Motion carried.

Ord. 31-05

Item (c) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ADVERTISE FOR **BIDS** AND TO ENTER INTO A **CONTRACT** FOR THE ISSUE II 12" **SANDUSKY STREET WATERLINE** REPLACEMENT PROJECT IN 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:

Cooper explained that this is another project for which plans are nearing completion; all the fieldwork is done and part of the design is on paper. This is an Issue 2 project which will replace a forty to sixty-year old, antiquated 8-inch waterline with a 12-inch waterline, ductile iron; it will go from Parkside Drive up to the top of the hill beyond Mowry Drive; it will connect to an existing line, and will reduce a lot of the rust and problems the people have been having in that area. This is needed for the City's infrastructure upgrade, and the state will pay for about 80% through the 2004 Issue 2 grant.

Detrow asked if this will do anything for water pressure in that area, and Cooper responded he didn't know about pressure but that it will much improve quality of the water. Wisser referred to the pressure, saying that an elevated tank placed near the area is needed to improve the water pressure there.

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 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: 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. 32-05

Item (d) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ADVERTISE FOR **BIDS** AND TO ENTER INTO A **CONTRACT** FOR THE **SCOTT STREET REPLACEMENT** PROJECT IN 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:

Cooper explained that this is another Issue 2 project from two years ago. It has been designed, and with Council approval they'd like to get it bid out so that construction can start in June for completion by mid-August while school is out of session. It will be replacing the streets, improving the storm water system, adding curb, gutter and sidewalk, adding yard drains for drainage. Up near the school they will increase the width to 28 feet so people can pull off to pick up their children, hopefully improving the safety and traffic flow there during peak hours.

The City's share is about \$62,700 out of \$313,000 total.

Stewart asked if design would be done on schedule so that the work can start on schedule? Cooper responded that once approval is given by Council, they will get the plans and specs going; the design is nearly complete; Engineering just talked about it on Monday; and there are a few minor changes, but yes. They'd like to bid it out in the next week or two and get the process moving.

Stewart went on to say that he'd missed the engineering department's construction timeline sheets that Council had been getting earlier, and Cooper told him that Kurt Brzyszc puts that together and does a nice job. They will continue with that.

Moved by Stewart and seconded by Wertz that the Ordinance 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 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. 33-05

Item (e) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ADVERTISE FOR BIDS AND TO ENTER INTO CONTRACTS FOR THE REPAIR AND RESURFACING OF VARIOUS STREETS IN THE CITY OF ASHLAND, OHIO, TOGETHER WITH ALL INCIDENTALS AND APPURTENANCES NECESSARY THERETO; 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:

Cooper explained that this is the City's annual resurfacing program. Every year Jerry Mack and Engineering Assistant Lee Yetzer work together, looking at all the streets and the history of what has happened, then trying to go with about a ten-year cycle. There are occasions when streets break down in eight years, and there are streets that last 15 years. But they review them and try to come up with a fair composition for the money available. It comes to about \$490,000 in estimated value.

Gorrell added that this money would come out of the four accounts listed in the ordinance and which were approved in the appropriations. This is simply asking for the bid process so that the streets can be done this summer.

Valentine asked about the reasons for the blanks at some street names; this is just the idea that's it? Cooper affirmed this. Valentine asked about the possibility of having money left, and Cooper told him that it does happen if they get good bids, and they usually have three bidders on this. The money goes back for use the following year if there is any left.

Moved by Wertz and seconded by Valentine that the Ordinance 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 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. 34-05

Item (f) AN ORDINANCE ENACTING SECTION 927.03 OF THE CODIFIED ORDINANCES OF THE CITY OF ASHLAND, OHIO, ESTABLISHING A POTABLE WATER SUPPLY WELL-HEAD POLICY; 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:

Gorrell explained that this was an item that was tabled at an earlier session subject to further review, and this brings it back for Council consideration.

Cooper explained that initially when they did this a month ago, there were a number of people who had potable water wells in the City and voiced their concerns. Cooper worked with the water department and researched this, but there was enough concern that this was reviewed and discussed further. It was revised in effect to grandfather existing wells, so that if residents have a potable well now they can continue to have that well.

This ordinance, if passed, will affect people within 100 feet of a City waterline; they will be required to connect to the City waterline. There will not be an option to have their own wells.

Valentine asked if there was a requirement as to inspection, and Cooper responded that there was not. Valentine also asked about a specified time period as to being in violation of this ordinance and the correction of violations, and Mayor Strine told him that if someone were notified, the time would then be specified.

Stewart suggested that the time specification was almost a moot point; they way the ordinance is written, no one can put in a well now for potable water. Mayor Strine responded that there is still an existing ordinance for putting in a new well and those specifications would still have to be met. Gorrell stated that if the well were further than 100 feet from a waterline, they would have to meet the specifications and be in compliance with guidelines for putting a well in. But no one within a hundred feet could put a new well in for potable water.

Gorrell went on to say that part of the reason for this ordinance goes beyond people trying to save on a water system; if they put in a well close to a fuel line or gas station or underground tank, there could be health hazards associated with that that they might not even be aware of. Part of this is to prohibit that from happening as well.

From the audience, Nevin Bowers asked if a person could put a well in strictly for irrigation purposes, and Cooper told him they could. He gave the example of Ashland University putting in five wells for that reason.

Moved by Stewart 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 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.

WARD REPORTS

Ward 1: Bob Valentine

(a) King Ridge; Jamison Creek project:

Valentine asked about the work being done on King Ridge Drive as to whether it is the Jamison Creek project, and Cooper affirmed that it is.

(b) Edgewood Court; Water problem:

Valentine received a call from an Edgewood Court resident as to a water problem, and when Valentine checked it out, there was no standing water. However, the land is low and water runs that way. The resident had contended that the Baney Road project affected that. Cooper told him he would check that out if Valentine wanted him to.

Stewart stated that from 1976 until 1989 with water back there in the winter, they would ice skate there. It is very low there, but he wouldn't say that Baney Road didn't contribute more to it. There has been a low spot, and with enough rain and cold they could ice skate back there.

OLD BUSINESS: *None*

NEW BUSINESS

(a) Request for liquor permit: (Transfer)

To: STL Ashland LLC, dba Schorchers Casual Eatery and Draft House and Patio, 1149, 1157 and 1159 East Main Street

From: Labrador Retreat, Inc., dba Schorchers Casual Eatery and Draft House and Patio, 1149, 1157 and 1159 East Main Street

Gorrell placed this item before Council for consideration and discussion, stating that this is simply a transfer of the liquor license.

Moved by Gorrell and seconded by Wertz to not request a hearing.

Ayes: Stewart, Valentine, Gorrell, Detrow, Wertz

MAYOR'S COMMENTS

(a) Work session and special session scheduled:

A work session will be held Tuesday, May 24th to hear a detailed presentation by the US-EPA in Ohio concerning assistance in turning around brownfields, potentially contaminated sites, to a new, productive reuse of the land. The County Commissioners have been invited and any interested citizens also are welcome to come to ask questions. Eventually, the City will be moving forward and trying to get some of these sites cleaned. The meeting will be held in the Mayor's Conference Room.

A special session regarding enterprise zones will be conducted previous to the work session. The time will be 7:00 p.m. for the special session, with the EPA presentation to follow.

(b) Certified Local Government (CLG); Center Street Historical District:

Mayor Strine passed out updated copies of the Certified Local Government legislation. Though that is the latest version, he thinks there will still be some changes to that; he is working on the map and is closer to having that done now so that the map and the description of the area match. He asked Council if they wanted to have another open session on it or to simply have the legislation presented.

Detrow placed another discussion item concerning the CLG legislation before Council. Some people on Center Street became aware that the City does not have any kind of minimum maintenance ordinance. In some cities, the historic district just depends on the city's minimum maintenance ordinance or a somewhat enhanced version of the same. Since there is nothing in the City to require minimum maintenance, the Center Street people are going to request that it at least be put in the ordinance for Center Street.

Mayor Strine suggested then perhaps it would be better to have another work session on that. Eventually he'd like to discuss City-wide minimum maintenance procedures at an open public discussion. He gets a lot of complaints about deteriorating homes in the City of Ashland.

Detrow stated that the Center Street people just want to know their focus and narrow it as much as possible. She has done some research on minimum maintenance standards, finding that some ordinances are really tough on minimum maintenance. She is working with Building and Zoning Inspector Roger Gordon on this, and he will be getting copies of maintenance standards for Council to consider.

Gorrell suggested that the ordinance and corrected map be presented for passage in order to move forward on the CLG, and then meetings could be scheduled on minimum maintenance standards for the entire community that would include the Center Street district as well. Mayor Strine agreed with moving the Center Street project forward and in place for those people on Center Street.

Gorrell's concern is that it could take a long time to work through a set of minimum standards using the "blue book" already in existence. So after the CLG is in place and up and running with a Board of Directors established, that Board could then participate in formulating the standards project.

Stewart cautioned that it is one thing to set standards and another thing to enforce them. That's a challenge, though he is not against setting minimum standards at all. But if there are substantial violations of minimum standards, the City will wind up in court most of the time. People have different views as to what maintenance is.

Gorrell understands the need for standards for CLG, but he'd like to see the CLG in place; it can always be modified later, but the process has to start someplace.

Mayor Strine stated he'd get the map complete with the description needed and get copies to Council soon. Hopefully he will have that ready for Council's next meeting.

(c) Follow-up of student meeting :

The scheduled session to follow up on the meeting held with Alternative School and other students will be held on Thursday, May 19th at 7:00 p.m. at the Pumphouse Ministries. The youth survey results are beginning to come in, as reported by Sam Rodriguez, a member of the steering committee.

ADJOURNMENT

Moved by Stewart and seconded by Gorrell to adjourn.

Ayes: Stewart, Valentine, Gorrell, Detrow, Wertz

Council adjourned at 7:46 p.m.

Submitted by
Elaine C. Bucklew
Clerk of Council