
Ashland City Council

MINUTES FOR THE REGULAR SESSION OF COUNCIL July 20, 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

July 6, 2004 *Regular session*

Moved by Stewart and seconded by Detrow to approve the minutes as delivered.

Ayes: Stewart, Valentine, Gorrell, Detrow, Wertz

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None

LEGISLATION

Ord. 51-04

Item (a) AN ORDINANCE AMENDING SECTION 303.08(e) OF THE CODIFIED ORDINANCES 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:

Mayor Strine explained that this is a matter of no longer being able to have a vehicle towed for the price of \$35.00; that will have to be raised to \$50.00.

Police Chief Bill Miracle further explained that it has been at least 15 years since this figure has been raised. At the request of the towing operators due to increasing costs, gasoline etc., they are requesting an increase. At the same time, the department is also increasing the administrative fee from \$5.00 to \$10.00 and the towing and storage fee \$1.00 per day.

Valentine asked if this was broken down as to costs and deficit; Miracle said it was not.

Gorrell noted the objective is just getting the City to where the current costs are.

Moved by Gorrell and seconded by Stewart that the Ordinance be passed on the second 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. 52-04

Item (b) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ADVERTISE FOR BIDS AND TO ENTER INTO A CONTRACT FOR THE PURCHASE OF EQUIPMENT FOR THE WASTEWATER TREATMENT DIVISION OF 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:

Director of Water Treatment Bruce Wisner told Council that this is an ordinance to purchase generators needed to operate the lift stations during times of emergency power outages. During the large power failure of last August, it became obvious that the City needed a way to take care of the many lift stations during this kind of event. The plan is to have portable generators to keep the system running.

Wisner asked for this to be bid; if there is a good price, the department will buy up to two more of these generators. More are needed, but it all hinges on the bids; if the bid is good, as many as possible will be bought to power lift stations. The cost will not exceed \$53,000, the budget amount for this. Planning this way allows the purchase in an organized manner rather than buying piecemeal.

The lift station maintenance fund from which this purchase will be taken comes from sewer funds, not general funds. Wisner surveyed prices for these generators, and it does look as if four can be bought for the \$53,000 budgeted.

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 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. 53-04

Item (c) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT FOR THE PURCHASE OF EQUIPMENT FOR THE WATER TREATMENT DIVISION 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:

Wisner explained that the department has had this piece of equipment on its budget, in cooperation with Doug Strine and the Water Department, for a couple of years. Now it is necessary to proceed with the purchase, which is a valve maintenance system. There are about 100 valves on the treatment plant site, and there are valves in the well field, in addition to the thousands of them in the distribution system. This equipment will maintain the valve network better by exercising these valves and getting data on them as they go.

This equipment ties into the GIS system and will become part of a database on the condition of the valve system. The specified company is the best one providing this equipment,

which was recommended by the City's consultants due to how it operates. The budgeted money for this is coming from the equipment account.

Water Distribution Director Doug Strine explained that, beyond exercising valves and having a vacuum, they could actually excavate with this equipment. It has a power jet with water and a vacuum for retrieval that will help them dig up small areas around a curb box or valve box, without having to take out a backhoe to dig a 4' by 6' hole. It is also capable of running anything that uses hydraulic power, enabling them to run tools right off this equipment, and being on a trailer, it is independent of a vehicle.

Strine emphasized that valve location confirmation is very important to them, and with the GIS system, this fits right in.

Stewart asked if the cost as presented is accurate and if there is training required, and Strine told him the cost is OK. There is training that comes with it, and they will have that; in addition there are tapes available in his office.

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 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 Wertz that the Ordinance be passed.

Ayes: Stewart, Valentine, Gorrell, Detrow, Wertz

Motion carried.

Ord. 54-04

Item (d) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ENTER INTO A CONTRACT FOR CONSULTING ENGINEERING SERVICES WITH BURGESS & NIPLE, INCORPORATED, FOR PROFESSIONAL SERVICES RELATED TO THE DESIGN, BIDDING, AND CONSTRUCTION OF PHASES OF THE WATER BOOSTER STATION ELECTRICAL IMPROVEMENTS PROJECT AT THE MIFFLIN AVENUE WATER TANK.

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:

Wiser told Council that there haven't been any improvements of any consequence made to this booster since the 1960's or 1970's, and much of the electrical equipment in this building needs to be upgraded. The department will be getting help from Burgess & Niple in planning to upgrade that equipment to 2000 standards. The amount of that engineering service would be \$45,000.

Gorrell asked Wiser when the construction phase might commence and what a target completion date might be, and Wiser said they have been talking to the company for quite awhile on this. Bidding might happen within a few months.

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

Motion carried.

Ord. 55-04

Item (e) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ENTER INTO A CONTRACT FOR CONSULTING ENGINEERING SERVICES WITH BURGESS & NIPLE, INCORPORATED, FOR PROFESSIONAL SERVICES RELATED TO PROVIDING PROFESSIONAL SERVICES DURING CONSTRUCTION FOR THE WATER TREATMENT PLANT "PHASE I" IMPROVEMENTS; AND DECLARING AN EMERGENCY.

Moved by Stewart and seconded by Valentine 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:

Wiser said this is the final step in the Phase 1 contract to upgrade the water treatment plant, and the amount for the services provided by Burgess & Niple is \$249,000. This is a major upgrade of the treatment facility and will take about a year to complete.

Gorrell added that this is the culmination of a long effort to look at the whole system, which hasn't had any major modifications. This is part one of a multi-phase process that when finished will completely revamp the whole system. Wiser added that it will include the hydraulics of the treatment plant, improve the way the treatment plant operates, include a lot of work for control, and give a much better picture of what is going on in both the system and the treatment plant.

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 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. 56-04

Item (f) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ADVERTISE FOR BIDS AND TO ENTER INTO A CONTRACT FOR THE ORANGE STREET SANITARY (12") SEWER REPLACEMENT PROJECT IN THE CITY OF ASHLAND, OHIO; AND DECLARING AN EMERGENCY.

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

Ayes: Stewart, Valentine, Gorrell, Detrow, Wertz

Comments:

Wiser told Council that this is a sanitary sewer improvement much needed in the Orange Street area and giving much relief to these people. The cost of the project is \$122,000, and it should make a big improvement on the way the system operates in this area. Gorrell noted that sorting out the storm water from the system is the big thing for this, though Wiser explained that it

will act more as a relief for an overcharged system. There is some I/I, but this improvement is alleviating back ups in this system. The project won't take more than a month to do after the bidding is finished.

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

Ayes: Stewart, Valentine, Gorrell, Detrow, Wertz

Motion carried.

Ord. 57-04

Item (g) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ADVERTISE FOR BIDS AND TO ENTER INTO A CONTRACT FOR THE MASTERS AVENUE/SANDUSKY STREET INTERSECTION SAFETY IMPROVEMENTS PROJECT.

Moved by Wertz and seconded by Gorrell 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 project is at the intersection of Masters Avenue and Sandusky Street, where large trucks have a very hard time making the turn. His biggest concern is that it is very busy there during school hours, and this will improve the safety along with making it easier for the trucks to turn so they don't go into people's yards. It is a matter of widening the turn area on Sandusky Street and Masters Avenue.

Gorrell affirmed that when the trucks turn even with the protecting poles in place, there is damage to people's yards. Some people have suggested that the truck traffic be routed in from Faultless Drive to the north, extending Masters Avenue to do that. But there are building issues, railroad tracks, woods and other things to contend with, all of which makes a multi-hundred thousand dollar long-term project, as opposed to doing this to alleviate the problem.

Detrow asked about needing to purchase land for this project, and the Mayor told her that the City would not have to purchase land. He added that the City is still looking into the possibility of going out to Faultless Drive, but that project would take a long time. He feels that this needs to be done sooner.

Moved by Detrow 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 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.

WARD REPORTS

Ward 1: Bob Valentine

(a) *Miscellaneous calls:*

Valentine received various calls, and he directed those calls to the different departments to take care of.

(b) *Pinkley situation:*

Valentine received a call from the Pinkleys who conveyed their appreciation for the retention pond that helped with their water problems.

(c) *Moving the Ten Commandment list from Kinnaman Park:*

Valentine commented on the Eagles removing the Ten Commandment display from Kinnaman Park to their new building, which was done with the approval from the Mayor, as the Eagles actually own this monument. He discussed the idea that moving it may eliminate possible controversy in the future, and he outlined many places where the Ten Commandments are displayed on the Supreme Court building in Washington DC. Valentine's main concern is that the monument should have stayed where it was.

Mayor Strine stated for clarification that the Eagles contacted him, asking if they could have them back, because Eagles all over the United States are into a program where they want to have the Ten Commandments displayed at their buildings. The Eagles had donated this monument to the City, and he understood why they wanted them back, and for that reason he approved the Eagles moving them. He also felt more people would see them at the Eagles than downtown at Kinnaman Park.

Ward 3: Ruth Detrow

(a) *Tree lawn trees:*

Detrow reported a call from a gentleman who had planted some trees in the tree lawn, which is illegal, and the trees were removed. She thinks this had already been straightened out; however, she wondered if Council could look at the ordinance which allows no one but the City to plant anything in the tree lawn.

Law Director Rich Wolfe responded that there is a Tree Commission in the City, and they authorize what kinds of trees can be planted in the right-of-way. The City also has a tree-planting program, and yes, people cannot plant trees in the tree lawn without approval of the Tree Commission.

Detrow pointed out that many people plant things in the tree lawn to improve the appearance in front of their houses. She wondered if Council couldn't bring the ordinance into line with practice, as in this particular case, so it is no longer illegal.

Wolfe responded that maybe it should be the other way around, with the practice in conformity with the law. There are reasons not to have various obstructions in the right-of-way. Certainly Council could look at this regulation if they wish; that is their prerogative.

Ward 4: Paul Wertz

(a) *Pleasant Street alley vacation:*

Wertz asked about legislation vacating this alley; he thought it was to have been on the agenda tonight, and wondered why it was not. Wolfe told him it wasn't ready for legislation, as the Board of Revision of Assessments had not met to consider it, as a member was away on vacation. There will be a report on it coming up.

At-large: Glen Stewart

(a) *Barking dogs:*

Stewart stated Mr. Wolfe had taken care of a problem with barking dogs in a timely manner, and he let Wolfe know he appreciated his help.

(b) *Junk yard compliance:*

Stewart said Council has had several calls on the compliance of perceived and/or actual ordinances regarding junk and salvage yards. In talking with Wolfe, he updated this problem by saying that there are actions being taken; there have been numerous visits to those specific areas; there was a meeting with a state official; there have been some letters written; and some actions have been taken by the owners.

Stewart emphasized the importance for those residents who have a valid concern about these areas that it certainly is a slow process, but in fact the law department is moving to

improve or bring into compliance some of those areas. It is very, very difficult, and Stewart expressed his appreciation to Wolfe as to his continued pursuit of that.

OLD BUSINESS

(a) Expiring sidewalk waivers:

Gorrell mentioned that one sidewalk waiver extension is expiring on August 1st, and he asked about the status of that sidewalk. Mayor Strine will check on this.

Stewart noted that everyone is apparently current as to those who have asked for waivers; however, there still exist numerous non-compliant lots in the City that are in violation of the ordinance Council updated earlier. These haven't even asked for waivers, so they are not even being timed.

(b) Pleasant Street alley vacation:

Gorrell asked if there is a sense as to when this legislation can be presented to Council. Mayor Strine responded that they had their Board of Revision of Assessments meeting today, and they feel some study needs to be done on this situation. The Board would like to talk to the Traffic Committee about this particular alley. They will make their report later.

Wolfe further explained that all three of them have looked at this alley, and in essence, they are not prepared to recommend that this alley be vacated at this time for several reasons. There are three other alleys in that immediate area that people may request be vacated; if done, there will not be any crossing north/south alleys. The Board questioned which alleys are OK to close and which ones aren't, and how does the closing of one affect the volume of traffic on the others. They felt some further study by the Traffic Committee would be beneficial to the consideration of this and any of the other alleys for which there may be future requests. More study of the immediate area surrounding the alley needs to be done before a decision is made to vacate any or all of these alleys.

Mayor Strine added that Board members wish to have their facts together before recommending anything. Wolfe clarified that there is not a time frame on this; after the Board makes a recommendation to Council, then Council may consider legislation if the board recommends favorably.

NEW BUSINESS

(a) Application for building permit:

48 West Main Street; Applicant, Kim Duncan

Gorrell noted that this awning is consistent with other awnings in the area, and there is no information indicating that it should not be approved.

Moved by Wertz and seconded by Gorrell to grant the permit on the condition that it meets the Engineering Department specifications.

Ayes: Stewart, Valentine, Gorrell, Detrow, Wertz

(b) Request for liquor permit hearing: (New)

Ashland Drive Thru #2 LLC, dba Ashland Drive Thru #2, 1032 East Main Street

Gorrell noted this is a new item received just yesterday and placed on the agenda tonight because of its due date. He explained that this is a new liquor permit.

Police Chief Bill Miracle told Council that there seems to be some discrepancy in the address given; both 1032 and 1632 are both listed, and he's not exactly sure where this business is. After discussion, the permit was tabled for further information. It will be placed on a special session to be held on August 3rd.

Moved by Wertz and seconded by Stew to table this item until more information can be gathered.

Ayes: Stewart, Valentine, Gorrell, Detrow, Wertz

MAYOR'S COMMENTS

(a) *Special session scheduled:*

Mayor Strine suggested a special session be scheduled for August 3rd with a work session to follow. The liquor permit request considered earlier will be placed on this agenda.

(b) *Executive session held:*

Gorrell announced that Council would move into executive session after adjournment from the regular session. The executive session will consider matters pending and imminent as to potential litigation. Upon conclusion of that executive session, Council will adjourn. No action will be taken as a result of the executive session.

PUBLIC HEARING

7:10 p.m. Alley vacation petition:

The purpose of this hearing is to gain input concerning the petition to vacate a certain alley located in the City of Ashland. (*College Boulevard*)

Gorrell opened the hearing and explained the location on College Boulevard of this alley, which splits two lots off the southern end and eastern side of that street. The hearing is for the purpose of gaining input as to the vacation of the alley. Gorrell opened the floor for comments.

Proponents: *None*

Opponents:

Sam Lett, 273 Sandusky Street:

Lett noted that his position is a general position with regard to all this college (Ashland University) activity. It is like a logging system tearing up their town, but what are they giving back. The City school systems are in trouble and need help, while the college has all the money in the world and isn't doing anything. The college is going through Council as a conduit to them to allow them to expand, and that's fine. However, at the same time it isn't known what their limitations are for their expansion; it isn't known whether Samaritan Hospital is coming one way, while the college is going the other way. The town is being choked to where the people in the middle don't know whether their homes will be there or not in five years. That is why he is speaking against the closing of this area; he doesn't think people know enough about what the plans are in the enormity of the whole town. He is asking that things be slowed down until it is known what is going on.

Valentine questioned that this is just an alley vacation requested by whom, and Gorrell responded that this is a request by Mr. Smetana who lives right next door to this alley. This is an individual and not a university request.

Gorrell asked if there were any other comments on this matter prior to closing the hearing, and a woman from the audience asked what is the purpose of vacating the alley; is it expansion of buildings or some other purpose? Tony Smetana, the petitioner, responded that he has concerns toward the safety of his children, and he perceives there will be an increase in traffic flow due to some of the college activity that is going to happen. From his perspective it will be a little safer for that reason, though he doesn't think the college agrees with that necessarily. However, the university does support this and so do the other adjacent neighbors.

Gorrell explained that the appropriate paperwork has been filed and is open to review by the public; the appropriate City officials have also reviewed the paperwork prior to this hearing.

There were no further comments or discussion from the audience or from Council members, and Gorrell closed the hearing.

Gorrell requested legislation, and a discussion ensued concerning timing of the legislation with relation to the Charter-required August recess for Council. Mayor Strine explained that typically in August there are no meetings, but usually there is plenty of business to do, and that

many times things are put off until September when they really don't need to be. He asked Council to keep in mind having a special meeting on one of the regular Tuesday times.

Special sessions are held to discuss only the specific business on the agenda, and if there is the necessity of calling a special session, Gorrell requested that legislation for this alley be placed on the appropriate agenda.

ADJOURNMENT

Moved by Valentine and seconded by Wertz to adjourn to executive session to discuss a matter of potential litigation.

Ayes: Stewart, Valentine, Gorrell, Detrow, Wertz

Council adjourned the regular session to executive session at 7:58 p.m.

Submitted by
Elaine L. Hootman
Clerk of Council