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# Ashland City Council

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## MINUTES FOR THE REGULAR SESSION OF COUNCIL

July 6, 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

June 15, 2004 *Regular session*

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

Ayes: Wertz, Stewart, Valentine, Gorrell, Detrow

### COMMENTS OR QUESTIONS FROM THE AUDIENCE

#### (a) *Question of use of "Emergency" legislation:*

Noting that most of the legislation uses the term "Emergency" in the preamble, a member of the audience asked how everything that goes on in this town is an "emergency"? Who decides what is an emergency and receives emergency treatment or fast tracking in terms of legislation? Gorrell responded that it isn't the intent to have legislation fast-tracked but rather the objective is to be able to move through the City business in an orderly fashion, so the routine items do not have to be read three times to pass them. Otherwise it would take forever to get legislation completed. On major tax issues or other major items in the community, it is the intent of Council if it impacts the entire community, oftentimes to do three separate readings three separate meetings. The term emergency here is a misnomer, and Gorrell asked the City Law Director to comment on this.

Law Director Rick Wolfe explained that emergency in this context doesn't mean dire urgency; it just means it becomes effectively immediately upon passage. It is rather an archaic term that determines when it becomes effective.

#### (b) *Garmon Street "raceway", Richard Lilley, Garmon Street:*

Lilley asked why, with all the police force around town, Garmon Street is still a drag way with cars racing from one end of the street to the other. There are children on that street, and the neighborhood fears for their safety. There have been no results even though he has talked to an officer; they even asked for speed bumps and got no results even on that. Lilley did not ask for a response; he just wanted to comment.

### LEGISLATION

Ord. 43-04

Item (a) AN ORDINANCE TO VACATE A CERTAIN STREETSITUATED IN THE CITY OF ASHLAND, OHIO; AND DECLARING AN EMERGENCY. Second reading (*Grant Street: AU*)

Comments:

Gorrell noted it was not necessary to move to have the vote for non-reading in full, as this was done at the June 15<sup>th</sup> meeting. This is the legislation pertaining to vacating Grant Street. He opened the floor for any comments to be made respecting new information as to this legislation.

*Dorothy Stratton*, 213 Samaritan Avenue, explained that she was a twenty-year employee of Ashland University. She thanked Council for not hurrying through the readings of the petition to vacate Grant Street; this time has given opportunity for people to think more deeply about the situation. She has listened to and talked with persons representing the university, the City government and the neighborhood. From those conversations, Stratton formulated a proposal that can allow all parties to be winners rather than to continue a spiral of conflict and animosity that would have everyone, the university, the City government and the community residents, being losers.

Stratton read:

*Proposal:* That City Council table the petition to vacate Grant Street for 120 days while construction of the AU Education Building takes place.

*Background for the proposal:* The intention of this proposal is to come up with a solution to the controversial situation in a manner that is based on timely and realistic research and which allows all parties to feel that they have had a part in a decision-making process that honors both business expansion and neighborhood integrity, two aspects of community vitality that do not need to be in conflict.

Grant Street will be part of the construction zone while the Education Building is being built, not part of a walking campus. Grant Street will undoubtedly be closed when construction needs dictate. During a month of temporary closure (September) while the university and the City schools are in session, a traffic study can be done of the actual traffic flow with the street closed and the new parking lot in use.

This process would allow the residents and the City to see what problems actually materialize. It would allow the City to see what new stop signs, traffic signals, speed bumps, one-way designations, and so forth would be needed if Grant Street were permanently closed. The City could experiment with one-way designations on surrounding streets. Ashland University could experiment with curbside drop-off arrangements and handicap access to Hugo Young Theater.

Regarding the City's concern about the message being sent to other businesses if Grant Street is not closed immediately, businesses know that they operate in a community context. The employees of businesses live in neighborhoods. The customers of businesses live in neighborhoods. Thriving businesses and thriving neighborhoods support each other. No business fitting the character of our community would base a decision on whether or not to locate or expand in Ashland solely on whether a small street having no direct economic impact on any business was closed.

By tabling the petition for 120 days and doing appropriate monitoring and experimentation, City Council will re-configure the current controversy over the vacating of Grant Street into a situation in which all parties "win":

1. City Council gains valuable realistic information on which to base its decisions and plans. It gains the opportunity to experiment with traffic control.
2. Neighborhood residents see tangible proof that they have been genuinely heard and their problems considered. With Council decisions based on the new traffic study, they would be more accepting of those decisions.
3. AU's expansion progress does not slow down. AU has time to regain neighborhood good will. They can experiment with access to the campus, especially Hugo Young Theater, where events attracting large numbers of community residents are held.
4. Businesses anticipating expansion see that Ashland's City government works with businesses in a purposeful way to develop plans that lead to success for the business and for the community.

Stratton made one brief further comment. Vacating Grant Street is not an emergency from anyone's perspective. There is no need to act quickly on this closure while promising better communication and better research in the future. The future is now. We can hold off on vacating Grant Street; that will be detrimental to no one. We can begin improving communication in this community right now, right here tonight. We can begin to eliminate the "us versus them" attitudes that have arisen, right now, right here tonight. Stratton stated she would like to have Council's unanimous approval of her proposal, but she knows they can move forward if at least three of Council's members will agree that we should do so. Stratton addressed each Council member by name, asking them to consider the good sense that this proposal makes and give it their support. She emphasized she would be happy to answer any questions they might have, and she thanked them for their consideration.

Gorrell asked one question: if a major institution in this community is a non-hazardous entity that desires to have an economic corridor, desires to grow and from that perspective, desires to compete, and the competition isn't them leaving Ashland but rather other universities around the state; if they make a request to close a single street that straddles two major arteries and thoroughfares, how does closing Grant Street cause conflict in the community?

Stratton replied there is evidence of the conflict that has arisen over it; she believes that the university decided to request this closing early, perhaps feeling that it is perhaps better to do everything as a package deal. But she thinks the package deal asks that vacating the alleys, which no one objected to, rezoning for the parking lot, the tearing down of the houses – a very visual reminder of what is happening in the neighborhood – and the closing of Grant Street at the same time, was just basically overwhelming.

She feels that the closing of Grant Street is probably going to happen and is fine to happen; she thinks the priority problem is the timing and the lack of real information about what will happen to the traffic flow. She also feels that at least postponing this for 120 days would allow everyone to do a temporary closure, and let all parties see what happens. She emphasized that she didn't think anything would be lost in doing that, and there would be a lot to gain.

Council comments:

*Glen Stewart*

Stewart thanked all the residents, the university personnel and the City administration for the continued review of the Grant Street issue. He has received and studied the Stratton proposal delivered to him with the normal Council packet, which proposal requests a delay of 120 days to study the impact of closing Grant Street after the university returns for the fall term, or during the construction phase of the Education Building. He stated he has full confidence that the City administration and this Council will take appropriate action in a timely manner, should a significant traffic issue arise due to the closing of Grant Street and the relocating and enlarging of the student parking facility. Most have heard the administration and several Council members, including himself, state that they will request a full study of public input and alternate traffic routing proposals prior to giving consideration for requests to close any thoroughfare or any major public right-of-way. He favors closing Grant Street as petitioned in the interest of enhancing the campus of Ashland University and furthering their competitive competition with other Ohio universities and colleges. He also recognizes that changes such as this Grant Street closing proposal, or any change anywhere in our city, may have an impact on some of the residents. The impact, from his viewpoint, will be measured as it impacts the community as a whole, as well as the local residents. There will not always be agreement on his position, but he will always try to do what is best for Ashland as a community on the whole.

*Greg Gorrell*

Gorrell stated that he too has spent a lot of time pondering this and reviewing information, and he has met with Mrs. Stratton and others; he has taken phone calls from many who were at the work session held last week. Many have heard the discussion of what the strategic planning process is going to be and how that would impact major arteries and

thoroughfares in the future. He shared his remarks on this process that will impact everything tonight and will also impact this community in the future.

Ashland University has petitioned closing Grant Street; there has been review by the Planning Commission and Council; there have been recommendations through this process over the last several weeks to move forward by the Mayor, by the Board of Revision of Assessments, a traffic study, public discussion; and requests have been made to the Mayor, Council and Ashland University by several here tonight to delay the closing of Grant Street.

The traffic committee has met and is willing to meet on an ongoing basis as this project unfolds, just as the traffic committee has met and will continue to meet with future projects as they unfold. In the course of the traffic committee to refine, to alter, to change stop signs, traffic lights, alter street parking, review loading/unloading zones for products and people, review street parking or other concerns by residents which the Mayor reiterated in the session one week ago tonight, the implication is that if Grant Street does not remain open or is further delayed until further study, that many of the residents will feel they have not been heard. Gorrell said that he understands their passion and why they feel that way. On the other hand, the evidence of having been heard is that all those who have had a desire to speak have been accorded that opportunity, as well they all should.

A planning meeting took place a week ago as a result of all input. As a part of that planning meeting, there was discussion of plans that are already in place that many did not know anything about. Also, there was an invitation on the part of the Mayor and his staff to talk about strategic planning in the future and the impact of corridors in this community, not just for now but in the future. The outcome of that meeting was to refine long-term strategic planning, which the Mayor did outline, and which will be an ongoing effort not limited to the major items Council has prioritized and directed. Long-term strategic planning will include traffic patterns from major arteries in Ashland.

The evidence of having been heard and agreed to by the Council, by Ashland University and the Mayor is that future petitions for *major street* modifications or closures, and he does not personally believe Grant Street to be one of those, will not occur until alternate street routes, funding and other data have been analyzed and assessed. Gorrell already shared at the last meeting what he considers to be the criteria and factors that determine a major artery and thoroughfare, and he will honor that commitment.

The balance from his perspective is that the residents have been heard; they have brought to the table discussion and dialogue that has elevated awareness. The process for future major changes is set forth for desirable growth Industries, whether it is the university, the hospital, Hospira or any other institution or manufacturer. He views that as being significant.

Finally, and it has been mentioned by many, this issue will come up again and again and again in this community. And he hopes it does, because that means if there is expansion, there is growth; and he hopes that does happen in the future. Whether it is retail expansion, growth corridors, industrial and health care expansion; if this community is to grow, there must be a balance between responsible growth and neighborhood concerns. The process is in place to do that.

Gorrell stated that his position specifically on Grant Street has not changed since they originally talked, based on the data he shared with these people on the last meeting. To that end, his personal opinion is that Grant Street, not all of Grant Street but the one sector with contiguous property owned 100% by Ashland University for a closed campus corridor, for a portion of the business department, arts and humanities, education and science, is attractive to students and parents looking for curb appeal, facility appeal and campus aesthetics; and he will compare that with what is going on with 25 other colleges and universities that are private institutions in this state that students can choose to go to rather than come here. Grant Street should be closed under the conditions he has outlined here and consistent with the remarks he made in the last meeting.

Responsible long-term growth by healthy industries is also critical to this community. The message he has heard from the people attending these meetings is that long-term planning needs to be inclusive of the major corridors. His perspective has been accomplished by all input.

But he will vote to close Grant Street, with the caveat that a course has been set as to how to approach these issues for the major corridors in the future.

*Ruth Detrow*

Detrow stated that when this was first brought up as proposed legislation, she said at that point she felt that one block of Grant Street should be closed, and that it would take something new and different in the way of information to cause her to change her mind about that. She does feel that the people of that neighborhood and of the whole city have a right to protest that, and she thinks this has taken almost a symbolic nature. It is a line drawn in the sand and is not so much that many feel that the closing of Grant Street would be absolutely awful but that they feel that this is the beginning of something that might be absolutely awful.

Detrow feels that Council and the administration have tried and tried to assure people that they have been listened to as they protested; they understand what the group has been saying; and they intend to do a great deal of planning and work before any major street is ever closed.

She has not heard or seen anything to make her change her mind that that one section of Grant Street should be closed. That is the way she will vote.

*Robert Valentine*

Valentine echoed what the other Council members said. He noted he has had the opportunity, as it is his ward, to have a meeting with residents of the neighborhood; he met with them twice. He understands their concerns; they treated him very nicely; and he thinks he understands where they are coming from as such. He thought the meeting last Tuesday kind of brought the issue to a head; a lot of things and explanations that had not been explained were explained. He felt that some have been frustrated, thinking that he should go along with the way they feel. Valentine emphasized that he didn't think that is why they voted him into this position, but rather so that he could make the best judgment possible. The best judgment possible as far as this Council is concerned is to close that part of Grant Street.

After these discussions, Gorrell called for a motion that the ordinance be passed on the second reading.

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

Ayes: Wertz, Stewart, Valentine, Gorrell, Detrow

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: Wertz, Stewart, Valentine, Gorrell, Detrow

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

Ayes: Wertz, Stewart, Valentine, Gorrell, Detrow

Motion carried.

**Ord. 44-04**

Item (b) AN ORDINANCE **ADOPTING THE TAX COMMISSION BUDGET** OF THE CITY OF ASHLAND, OHIO, FOR THE FISCAL YEAR BEGINNING **JANUARY 1, 2005**, AND SUBMITTING THE SAME TO THE COUNTY AUDITOR; 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: Wertz, Stewart, Valentine, Gorrell, Detrow

Comments:

Director of Accounting Anna Tomasek explained that on June 15<sup>th</sup> there was a public hearing for the 2005 tax budget, and this is legislation to take it to the county auditor.

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

Ayes: Wertz, Stewart, Valentine, Gorrell, Detrow

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: Wertz, Stewart, Valentine, Gorrell, Detrow

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

Ayes: Wertz, Stewart, Valentine, Gorrell, Detrow

Motion carried.

#### Ord. 45-04

Item (c) AN ORDINANCE AMENDING ORDINANCE NO. 11-04 ESTABLISHING NEW 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 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: Wertz, Stewart, Valentine, Gorrell, Detrow

#### Comments:

Director of Human Resources Cherie Helterbride explained that this is for intermittent workers who work irregular hours; they have been part of the AFSCME union contract until this year. At this time the union has decided to allow them to be removed so that they are not charged an agency fee. Till now a fair share agency fee has been charged for these employees, and with their irregular hours, it is difficult to know what to charge them. So they are coming out of the AFSCME union and going into the "all others" employee contract; they will not pay agency fee and the City will not pay their PERS pick-up for them. The union and all parties have agreed to this; there is no change in compensation.

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

Ayes: Wertz, Stewart, Valentine, Gorrell, Detrow

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: Wertz, Stewart, Valentine, Gorrell, Detrow

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

Ayes: Wertz, Stewart, Valentine, Gorrell, Detrow

Motion carried.

#### Ord. 46-04

Item (d) AN ORDINANCE AMENDING ORDINANCE NUMBER 42-93, RELATIVE TO THE CITY OF ASHLAND, OHIO, PROCUREMENT POLICY FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAMS; AND DECLARING AN EMERGENCY.

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

#### Comments:

Anna Tomasek explained that this ordinance is to change the current procurement policy. The Ohio Department of Development came to review the current policy, and this ordinance reflects their recommended changes. Tomasek noted the grant application is due July 16<sup>th</sup>.

Gorrell added that this is a filing requirement so that the City can apply for the grants that Council previously approved. Stewart asked if this has impact on any other procurement, and Tomasek emphasized that this is just for the Community Development Block Grant.

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

Ayes: Wertz, Stewart, Valentine, Gorrell, Detrow

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: Wertz, Stewart, Valentine, Gorrell, Detrow

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

Ayes: Wertz, Stewart, Valentine, Gorrell, Detrow

Motion carried.

#### Ord. 47-04

Item (e) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ENTER INTO A MODIFICATION OF THE CONTRACT AUTHORIZED BY ORDINANCE NO. 71-03; 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: Wertz, Stewart, Valentine, Gorrell, Detrow

#### Comments:

City Engineer Jim Cooper told Council that this is the final change order for the sanitary sewer running from Cottage Street down to Pleasant Street, which was done by Page Construction. He pointed out the additions and deletions included, and stated that this a procedure done at the end of every contract. Ultimately, the increase was \$5,268 for all these; the original contract amount was \$76,490, and the final amount was \$81,758.

Gorrell asked if it is fair to say that some conditions wouldn't be spotted until work really got into it, and Cooper affirmed that, saying once into a situation like that, a decision has to be made right on the job. In some of these cases it is difficult to come to Council every time, and so they are lumped together and brought to Council with hopes they meet with Council's approval.

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

Ayes: Wertz, Stewart, Valentine, Gorrell, Detrow

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: Wertz, Stewart, Valentine, Gorrell, Detrow

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

Ayes: Wertz, Stewart, Valentine, Gorrell, Detrow

Motion carried.

#### Ord. 48-04

Item (f) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ENTER INTO A MODIFICATION OF THE CONTRACT AUTHORIZED BY ORDINANCE NO. 61-03; 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: Wertz, Stewart, Valentine, Gorrell, Detrow

Comments:

Cooper explained that this is another final change order to deal with Reynolds Construction, the company that did the City's well drilling and related work. Originally there was a deletion of \$8,000 because the casing was changed to 3/8' versus 1/2", saving the City \$8,000. The geologist recommended that change. After the well was drilled, it was found there were problems as far as developing the well. After talking with the geologist, Ernie Williams, 30 hours of test pumping was deleted, a deduct of \$4,800 so they could come up with some additional testing and developing that would not normally have been used to see if this well could be saved.

Working through Ernie Williams, other experts from Ohio State were consulted; a number of possibilities were explored; but in the long run the well was capped. There wasn't enough clear water to justify \$800,000 of distribution lines to the plant. It was one of those things concerning probabilities; when the process was started, they felt that there was an 80% probability that this would work. However, when the well was down, there may have been boundaries that the testing didn't show, and so this unsuccessful well was capped.

Ultimately the total price of this contract was \$155,021; the original contract amount was \$152,251, paid to Reynolds. The City has \$265,000 plus or minus; unfortunately that money was spent but it did not get a good well.

Gorrell suggested that normally when the City has gone for the well drilling with all the engineering studies and design, it has borne fruit; this is one that simply didn't. Cooper affirmed that, and went on to say that if the county is considered, the average is generally one in fifteen or twenty that goes bad. That includes a lot of wells just being sought for individual dwellings.

Stewart asked if it were true that this hydrologist in his 30 some years has never had a well that would not clear, and Cooper affirmed that. That is why the City, even though there was all this experience from the geologist and the well-driller Reynolds, the City still went to Ohio State to get their input.

Valentine asked about the aquifer that the City uses: is it extended under there too? Cooper affirmed that, and added they were hoping to have a deep aquifer around 300 feet, like well #5 is, so the driller went down about 346 feet. From 297 feet down, there was sand and gravel that indicated a double screen could be used and would get between a half million and a million gallons of water per day. That was what they were hoping for, but it just didn't pan out with those quantities.

Stewart asked if the White farm had been restored yet, and Cooper told him it is still in the process. The field where the work was done was about 3 to 4 acres, but it is still very wet as it floods from the Jerome Fork over that field. They are trying to get a dozer in there when it dries up; the City is working with Mr. White to do things right.

Stewart asked if Mr. White could get any benefit from that well, and Mr. Cooper responded that he has plenty of water from his own well.

Gorrell stated that it's a good thing there is work beginning on the reservoir, and Cooper explained that there should be plans at the end of this month; they still have to go to the Corp of Engineers. He's hopeful this could be bid out this year with construction starting early in 2005.

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

Ayes: Wertz, Stewart, Valentine, Gorrell, Detrow

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: Wertz, Stewart, Valentine, Gorrell, Detrow

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

Motion carried.

**Ord. 49-04**

Item (g) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE IMPROVEMENT OF A SECTION OF STATE ROUTE 96 WITHIN THE CITY LIMITS; 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: Wertz, Stewart, Valentine, Gorrell, Detrow

**Comments:**

Cooper explained that this legislation is required by ODOT if they are to do any work in a city. They are to do an asphalt overlay from Mowry Drive to the west City limits, and it should not cost the City anything. The job should be done sometime this fall.

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

Ayes: Wertz, Stewart, Valentine, Gorrell, Detrow

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: Wertz, Stewart, Valentine, Gorrell, Detrow

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

Ayes: Wertz, Stewart, Valentine, Gorrell, Detrow

Motion carried.

**Ord. 50-04**

Item (h) AN ORDINANCE ACCEPTING THE SUBDIVISION PLAT OF STONE CREEK ESTATES "PHASE VII" IN THE CITY OF ASHLAND, OHIO, CONFIRMING THE DEDICATION OF THE STREETS SHOWN THEREON; 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: Wertz, Stewart, Valentine, Gorrell, Detrow

**Comments:**

Cooper explained that basically the City is taking ownership of these two cul-de-sacs and the associated utilities, curb, gutter and roadway. The City does testing, observes the construction procedures, approves the plat and files it at the courthouse, after which the streets become the City's property and right-of-way. This is the last of the streets in this development.

Stewart asked Cooper to outline the process necessary to go through as a plat evolves so that the City is assured everything is right. Cooper told him that whenever a development initially begins, the developer submits plans to engineering and the building and zoning departments; plans are looked at in detail to check City specifications; the plans are approved through the City Planning Commission. Construction begins, and the City runs inspections periodically for procedures: sanitary sewer is checked for safety and tight joints; pressure testing is done on sanitary sewer and waterlines; ductile iron pipe is installed as required by the water department;

work is checked with the sub grade, stone, soil; the department works with and observes the utilities, the roadway, the curb and gutter. The goal is to get a good system that the City will inherit.

Detrow asked about the City having all the maps and plans as to where the sewers are and everything, and Cooper affirmed that, saying that the City has the plans and the contractor also gives plans. The final plat is accepted, and the City takes over.

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

Ayes: Wertz, Stewart, Valentine, Gorrell, Detrow

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: Wertz, Stewart, Valentine, Gorrell, Detrow

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

Ayes: Wertz, Stewart, Valentine, Gorrell, Detrow

Motion carried.

#### Res. 11-04

Item (i) A RESOLUTION AUTHORIZING AND DIRECTING THAT THE CITY OF ASHLAND MAKE APPLICATION FOR A GRANT FROM THE OHIO ENVIRONMENTAL PROTECTION AGENCY FOR LOCAL DRINKING WATER PROTECTION PLANNING; 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 Resolution has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

Ayes: Wertz, Stewart, Valentine, Gorrell, Detrow

#### Comments:

Cooper addressed this resolution for Director of Water Treatment Bruce Wisner, who was absent. This is requesting federal money through the EPA to add to a City matching amount; the objective is to plan, do field inspection, and make recommendations for a wellhead protection plan. The City has done part of this in the past, and this is an upgrade to that. These are things the City needs to look at in case there is a contamination problem, a spill or emergencies like that. The City is basically trying to get free money to help with this.

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

Ayes: Wertz, Stewart, Valentine, Gorrell, Detrow

Moved by Wertz and seconded by Detrow that the rules requiring the reading on three separate days be suspended and that the Resolution be passed on the second and third readings.

Ayes: Wertz, Stewart, Valentine, Gorrell, Detrow

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

Ayes: Wertz, Stewart, Valentine, Gorrell, Detrow

Motion carried.

#### WARD REPORTS

##### Ward 1: Bob Valentine

###### (a) *Miscellaneous calls:*

Valentine received various calls, and he directed those calls to the different departments, in which case those have been taken care of. He commended the people taking care of those problems.

##### Ward 2: Greg Gorrell

(a) *Pinkley water problem, Sunset Drive:*

Gorrell commented that he visited the Pinkleys tonight, finding that others were also there already. He'll swing by tomorrow again to check with them.

Ward 3: Ruth Detrow

(a) *Siler property, weeds:*

Detrow reported that the Siler property has weeds up to a person's ears again, and it is being taken care of.

Ward 4: Paul Wertz

(a) *Water in basement, 502 Perry Street:*

Wertz asked Cooper if anything had been done at this location as to the water in the basement. Cooper responded that they are still looking at that, trying to determine private versus public issues. A number of them are trying to get together to come up with a solution that is fair to the City and fair to the individual.

At-large: Glen Stewart

(a) *Pinkley water problems, Sunset Drive area:*

Stewart stated that Mr. and Mrs. Pinkley are in attendance tonight, and several Council members had been at their home and directly behind their home tonight. He hoped that some of the problems they are experiencing momentarily are being addressed as best they can by Bruce Wisner and his crew. Stewart also hoped that someone had discussed this with the development contractor, and he was told that had been done. Cooper affirmed that he had talked with Mr. Jewett tonight, and the street department has people helping out there in the field tonight, too. Cooper noted he is to meet with Mr. Jewett tomorrow.

Stewart told the Pinkleys he would stop out there sometime during the day tomorrow; he can't make anything happen, but he will stop out to see what is happening. He thought it was fair to say that Council members were dismayed to see what had happened out there.

## OLD BUSINESS

(a) *Capital projects:*

Gorrell mentioned that there are a lot of capital projects that are on the docket. He expressed appreciation for the report he received regarding what those projects are, the dollars being spent, and the encumbrances made on sewer, water, reservoir, streets, planning and other projects in the City. He looks forward to further discussion on those in upcoming sessions.

## NEW BUSINESS

(a) *Community Development Block Grant, Distress Grant Clause, Investment Area 6*

City Engineer Jim Cooper

City Engineer Jim Cooper told Council that Director of Accounting Anna Tomasek and Finance Director Nancy Boyd did a nice job of communicating with people in this Area 6 and holding a meeting out at Brookside Park. There was a mailing of 800 with 140 to 150 replies, which Cooper felt was tremendous. Based on that, Cooper is recommending that, whether the City gets the Community Distress money, which is another \$300,000, or not, the City still wants to do Race Street: widen it from 23' now; it has a shattered deteriorated storm sewer system; the curbs need work. The proposal is to widen it, install sidewalks on both sides, do new curb and gutter, mill the street and give it a new surface, giving a brand new road there. There is a lot of traffic flow from Sandusky Street down Race Street to West Main Street, so from a safety standpoint, it will be a lot better. This seems to be a good project.

If the City could go for the extra \$300,000, which it is hoped the City will get and is applying for, the City is recommending to take Evergreen Street, Vesper Street, Dorchester Street and some alleys if they can be worked into the \$300,000, and do the same with them; upgrade

them, upgrade the storm sewers wherever it can be done to help with flooding and with water in the low areas, do new curbs and gutters. Some areas coming down Dorchester Street, the water jumps the curb, goes behind the houses, sometimes down into the basements, in the back yards; all difficult situations where if the City could get this distress grant, the whole area there could be upgraded.

Gorrell asked when the City would know if it qualifies for and receives the grant if it makes application, and Tomasek responded that it is usually in the fall, September or October.

Gorrell questioned that this is work the City would have to encumber this year but not do until next year? Cooper told him that with Community Distress the City has two years once the City is approved; if the City only gets Race Street plus the fair housing and the other commitments with the public transit, then it is a year and a half. In that year and a half, the City designs, bids and contracts.

Moved by Gorrell and seconded by Detrow that Council approves the Community Development Block Grant, Distress Grant Clause for Investment Area 6.

Ayes: Wertz, Stewart, Valentine, Gorrell, Detrow

Motion carried.

(b) *Application for advertising on private property:*

Ashland County-West Holmes Joint Vocational School, Levy campaign. Applicant, Robert Hill

Gorrell asked Mr. Hill to show Council the brochure to be used, and Hill did so. Gorrell stated that it is consistent with door hangers and is appropriate.

Moved by Wertz and seconded by Stewart to grant the permit.

Ayes: Wertz, Stewart, Valentine, Gorrell, Detrow

## MAYOR'S COMMENTS

(a) *Council on Aging letter:*

Mayor Strine read a letter from Becky Plank and the Council on Aging. Plank stated that, on behalf of the Board of Trustees, she thanked the City for allocating Block Grant funds to the replacement of their roof. Those funds will help greatly as there are several repair and maintenance items to get done.

The Mayor noted that the letter is appreciated.

(b) *Work session:*

Mayor Strine set up a work session for Council for the 13<sup>th</sup> of July. One item he would like to discuss is the possibility of increasing the benefit that the City gives to property owners for replacing curb and gutter. Right now the City gives \$2.50 per lineal foot curb, gutter and sidewalk all installed together, and \$4.50 per lineal foot for stand-alone curb. Those are the prices per foot that the City shares in the cost, and Mayor Strine indicated he'd like Council to consider increasing those. If the City shares more of the cost, hopefully more curb and gutter in the City will get done.

For the work session, Council asked the Mayor to provide some information on specific questions: 1. History of when this was last adjusted; 2. how much increase in costs; 3. How much curb has been replaced recently, a ballpark figure; 4. and the amount of money allocated into the fund.

Gorrell emphasized that it is a huge issue, because within the City different areas show deteriorated curbs or even in some places curbs are non-existent; in other places there are places where the curb has eroded to the point it is below the surface of the pavement. That creates other challenges, and it is a huge issue.

(c) *Root problems and sidewalk replacements:*

Detrow asked if the places where she sees sidewalks being put in by City crews, is that repairing what damage tree roots have done? The Mayor answered in the affirmative. She

further asked then when that is done, the people who have broken sidewalks not because of trees and roots will be required to put in their own replacements? The Mayor said yes, and it will take a long process, now set up for ten years.

She discussed a place near her that was badly damaged by a tree root running clear across the sidewalk and as high as the sidewalk. Will they kill the tree or just let the sidewalk trip people; what else can be done? Mayor Strine told her that more than likely, the tree will have to go, and another planted by the City to take its place.

## 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. (*Pleasant Street*)

Gorrell opened the hearing and explained the location of this alley, which is directly across from Pleasant Street School and runs from Pleasant Street through to Vine Street. The portion to be vacated does not go that far however; it runs from Pleasant Street to an intermediate alley that runs behind the houses off Pleasant Street.

The hearing is for the purpose of gaining input as to the vacation of the alley. Gorrell opened the floor for comments.

### *Proponents:*

Tim Maust, 320 Pleasant Street, the petitioner:

Maust explained that he has owned this property for seven years and has filed the petition to vacate the alley. His reasons are for public safety as well as protecting his property. He showed photos of traffic in the alley; from the edge of the asphalt to his house it is approximately 33 ½ inches, and he feels this is a little close for a public right-of-way to a dwelling. He also showed damage to his neighbor's property in the photos.

### *Opponents:*

Robert Summerton, 401 Vine Street, by letter:

Wertz noted that Council members had all received a copy of a letter from Summerton who is requesting that the alley remain open due to access to his house. He wanted Council to know that there is one person opposed to the closing of the alley.

Maust explained that approximately 150' down from that alley is another complete throughway from Pleasant Street to Vine Street, and he didn't think the vacation would have much impact on the traffic flow through there. Wertz added that the alley Maust referred to runs all the way down to Cottage Street, too.

There were no further comments or discussion from the audience or from Council members. Gorrell requested legislation for the July 20<sup>th</sup> Council meeting. The hearing was closed.

## ADJOURNMENT

Moved by Valentine and seconded by Gorrell to adjourn.

Ayes: Wertz, Stewart, Valentine, Gorrell, Detrow

Council *adjourned* the regular session at 8:05 p.m.

Submitted by  
Elaine L. Hootman  
Clerk of Council