
Ashland City Council

MINUTES FOR THE REGULAR SESSION OF COUNCIL

September 7, 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

August 3, 2004 and August 17, 2004 *Special sessions*

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

Ayes: Detrow, Wertz, Stewart, Valentine, Gorrell

COMMENTS OR QUESTIONS FROM THE AUDIENCE

(a) *Garmon Street traffic and skateboarding problems: Norm Fierbaugh and Richard Lilley*

Fierbaugh explained the problems with speeding traffic on Garmon Street, telling Council that something must be done. Lilley added that the skateboarders use the street also, often at dusk and in the morning, and it is a safety hazard for them and for drivers.

Police Chief Bill Miracle responded that the Police Department has computerized traffic counters that have speed indicators and will give information. They will be used to determine what hours of the day this is happening the most, and if there is a problem the department will try to take care of it.

Valentine asked about the department's efforts towards traffic control, and Miracle outlined what the officers do with this. It is one of their normal duties to run the radar, though it is not always the highest priority of jobs. Under normal circumstances, the radar is on all the time. Some side streets do not get the same attention as the main thoroughfares do; enforcement is focused where the problems are (Claremont Avenue for instance, and busy intersections). There is the radar trailer that they locate at different locations, school zones and problem areas, and this helps motorists more carefully monitor their speed and pay more attention. There are a variety of speed limits to be aware of around town.

Miracle noted that he is not minimizing the problems on Garmon Street; if there is a safety hazard with traffic problems, the department tries to take care of it. He will follow up.

(b) *Long term strategic planning: Dorothy Stratton*

Stratton told Council she is looking forward to seeing or reading about progress on the City's strategic planning. Gorrell told her she would see evidence of that as discussion and things continue to move forward.

LEGISLATION

Res. 16-04

Item (a) A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

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: Detrow, Wertz, Stewart, Valentine, Gorrell

Comments:

Finance Director Nancy Boyd explained that this is an annual request that certifies the money for the 2005 budget.

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

Ayes: Detrow, Wertz, Stewart, Valentine, Gorrell

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

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

Ayes: Detrow, Wertz, Stewart, Valentine, Gorrell

Motion carried.

Res. 17-04

Item (b) A RESOLUTION AUTHORIZING THE CITY OF ASHLAND, OHIO, FOR FILING OF AN APPLICATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR ASSISTANCE THROUGH THE CY 2005 OHIO COORDINATION PROGRAM AND EXECUTING A CONTRACT WITH ODOT UPON GRANT APPLICATION APPROVAL.

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: Detrow, Wertz, Stewart, Valentine, Gorrell

Comments:

Boyd explained that this legislation would permit the City to go after a grant to enhance the transit service out into the county in an effort to meet the unmet needs in the county at a reduced cost for the citizens. The application will be for \$50,400; there is no money coming out of the City, but rather matches are made up with pledges from the county, from United Way agencies and Job and Family Services.

The application is due by October 15th, and the response will come back early in 2005. This is separate from the services presently maintained.

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

Ayes: Detrow, Wertz, Stewart, Valentine, Gorrell

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

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

Ayes: Detrow, Wertz, Stewart, Valentine, Gorrell

Motion carried.

Ord. 62-04

Item (c) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT FOR THE PURCHASE OF EQUIPMENT FOR THE STREET 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: Detrow, Wertz, Stewart, Valentine, Gorrell

Comments:

Street Director Jerry Mack explained that this ordinance would allow the Street Department to purchase a new aerial bucket truck to replace the present 1976 model. The 1976 truck is still in operation but has lots of hours on it; however, items on it may give out at any time, and parts for it are non-existent anymore. It is not an unsafe unit, as it has to be certified every three years, but it lacks many improvements that have been made over the years. It is time to look into a new one.

This is a state bid item and is appropriated in the budget. The truck is used by several departments to put up banners, work on stoplights and a number of other uses, and he estimated it is used an average minimum of five to six hours a week. Sometimes it is out all day, and it is easy to get 400 to 600 hours a year on it.

Gorrell asked about the old unit, and Mack told him it would be kept for use by other departments and as a back-up unit until it becomes unserviceable. He emphasized that there are no longer parts for it as it is so old.

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

Ayes: Detrow, Wertz, Stewart, Valentine, Gorrell

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: Detrow, Wertz, Stewart, Valentine, Gorrell

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

Ayes: Detrow, Wertz, Stewart, Valentine, Gorrell

Motion carried.

Ord. 63-04

Item (d) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ENTER INTO A CONTRACT FOR CONSULTING ENGINEERING SERVICES WITH ARCADIS FPS FOR PROFESSIONAL SERVICES RELATED TO THE DESIGN OF THE WASTEWATER TREATMENT PLANT EQUALIZATION BASIN; 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: Detrow, Wertz, Stewart, Valentine, Gorrell

Comments:

City Engineer Jim Cooper explained that this would permit a contract with Arcadis to develop final plans for an equalization basin. They have done preliminary work, some preliminary boring, sited the best location, and this will complete the design in preparation for going out for bids. Construction will begin next year. This is additional to the preliminary plans, including construction details and design.

Detrow asked if this would reduce the pressure on the treatment plant, and Cooper responded it is exactly that; it is like a relief valve for when there is a lot of infiltration and inflow from a heavy storm. The basin will retain the flow and release it when the storm subsides and the capacity to handle it is adequate. She then asked if this would have any effect on the sewage backup in basements, and Cooper told her that would have to be addressed with new piping and new construction. This will not affect that at all.

Water Treatment Director Bruce Wisner added that this would keep the City out of trouble with the EPA. Cooper gave an example of the Orange Street project which will start in the next few weeks; they will be putting a new 12 inch sewer down the middle of the street, and this will eliminate a lot of sewage backup in a large area.

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

Ayes: Detrow, Wertz, Stewart, Valentine, Gorrell

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: Detrow, Wertz, Stewart, Valentine, Gorrell

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

Ayes: Detrow, Wertz, Stewart, Valentine, Gorrell

Motion carried.

Res. 18-04

Item (e) A RESOLUTION AUTHORIZING AND DIRECTING THAT THE CITY OF ASHLAND, OHIO, MAKE A GRANT REQUEST FROM THE OHIO DEPARTMENT OF DEVELOPMENT, 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: Detrow, Wertz, Stewart, Valentine, Gorrell

Comments:

Economic Director Martin Irvine explained that this resolution would allow them to apply to the Ohio Department of Development for moneys through their rural industrial park loan program to help in the development of the business park. This program is available to those communities that are designated as Situational Distress or Priority Investment areas that were discussed at the last meeting.

The moneys will come to the City in the form of \$500,000 as a grant, and the second up to \$500,000 would be a zero percent interest loan for the first five years. If the City would go beyond the five years for payback, it would be half of prime rate. The application must be approved within this calendar year, as the City has this label through the end of December.

Gorrell questioned if this gets in and approved by the end of the year, is the City obligated to spend it before the end of the year? Irvine responded that they would allow the starting of any developments next year; however, the City will have to designate what the moneys will be used for. He is in the process of looking at that right now. They can be used for water and sewer infrastructure improvements, road improvements, the construction of a speculative building. It is really up to the City to decide how they want to use it. The application is being put together at this time, and it takes 60 to 90 days for approval from the state. The state does want to know what the moneys will be used for.

Moved by Gorrell and seconded by Valentine that the Resolution be passed on the second reading.

Ayes: Detrow, Wertz, Stewart, Valentine, Gorrell

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

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

Ayes: Detrow, Wertz, Stewart, Valentine, Gorrell

Motion carried.

WARD REPORTS

Ward 1: Bob Valentine

(a) *Lack of a sidewalk on Crestview Drive:*

Valentine received complaints of a lack of sidewalk where the doctor's offices are located. Sidewalks exist on other areas of the street but not here. People walk to McDonalds in this area and feel it isn't safe where there is no sidewalk. The Law Director will be sending Valentine information, and he will look into this further.

Gorrell explained that there are different rules for different areas and years of development. A brand new developer has to have sidewalks put in once the development is 80% developed; otherwise, specific waivers must be applied for.

At-large: Glen Stewart

(a) *Sidewalk discussion continued:*

Stewart asked if any letters have gone out to those that fall into that 80% developed areas without sidewalks, and Cooper responded they have not gone out yet. He has discussed this with Building and Zoning Inspector Roger Gordon, and they will list the letters that went out a year or so ago, and follow this up. If they want to come back to Council to ask for another waiver, that will be up to them.

Stewart stated that some never asked for the first waiver, even after they were notified, and that is the problem. They were notified but ignored the notification.

OLD BUSINESS None

NEW BUSINESS

(a) *Alley vacation petitions:*

1. **Elm Street**, Lots 745 and 746, North Ashland: *Petitioner, Ashland Baptist Temple*

Moved by Detrow and seconded by Stewart to schedule a hearing.

Ayes: Detrow, Wertz, Stewart, Valentine, Gorrell

2. **Sandusky Street**, Lots 347-A to 351, North Ashland: *Petitioner, City of Ashland – Mayor, William E. Strine*

Moved by Stewart and seconded by Valentine to schedule a hearing.

Ayes: Detrow, Wertz, Stewart, Valentine, Gorrell

3. **Dorchester Street**, Lots 1570 to 1574, 1005 to 1008, 1564 and 4025, North Ashland: *Petitioner, Ron and Mildred Carter*

Moved by Detrow and seconded by Stewart to schedule a hearing.

Ayes: Detrow, Wertz, Stewart, Valentine, Gorrell

Gorrell noted that these hearings would be scheduled through resolutions to be presented to Council at the next regular session. At these hearings, there will be the opportunity for the public to comment for or against the vacating of the alleys. At that time proper documentation will have been gathered from utilities and City Directors. Prior to that time, interested people can contact their Council representatives. He encouraged everyone to go view any alley they have an interest in.

(b) Pleasant Street alley:

Wertz questioned how long the owner of a vacated alley (Pleasant Street) must wait before the alley can be posted as closed, and Wolfe told him it is closed once the ordinance is passed and approved by the Mayor. However, there is a referendum period of 30 days following the date of passage, so to be on the safe side, the owner should wait till those 30 days are concluded. All property owners involved must be in agreement to actually close it off, depending on ingress and egress needed by them.

(c) Work session reminder:

Gorrell noted that a work session is scheduled for Tuesday, September 14th at 7:00 p.m. It will be held in the Mayor's Conference Room and will involve two topics.

1. A baseball organization will give a presentation to City leadership regarding a proposal for City land near the golf course.
2. Historic Preservation District to present a proposal.

(d) Executive session scheduled:

Gorrell announced that an executive session would be held immediately following the close of the regular session. Discussion will relate to two topics:

1. Possible purchase of property.
2. Pending imminent litigation.

MAYOR'S COMMENTS

(a) Special letters received:

Mayor Strine read positive letters that he had received:

1. To Jerry Mack and his crew: Thanks for helping with on-street parking on College Avenue; willingness and wisdom greatly appreciated; thanks also for promptness in getting the changes done and helping; well-done, good job, thank you. From Jesse Raubenolt

2. To Tim Clingan from Paul Holden with the Eagles, regarding their weekend of softball: On behalf of participants of the FOE State Softball Tournament; extend huge thank you to Clingan and the Park grounds maintenance staff; there was nothing but praise from the 15 teams for the outstanding job the grounds people performed; also they were pleasant and very cooperative throughout; please forward these warm thanks to all involved.

(b) Emergency management and homeland security:

Mayor Strine noted he had passed out information on emergency management and homeland security meetings to be held. He suggested there may be information that Council may want to consider.

ADJOURNMENT

Gorrell asked for a motion to move into executive session after adjournment from the regular session. The executive session will consider matters of 1) the potential purchase of property in the Ashland area, and 2) pending or imminent court action or litigation. These items will be the only ones discussed, and there is no anticipation of any form of decision to be made. Upon conclusion of that executive session, Council will adjourn. No action will be taken as a result of the executive session on any of those items.

Moved by Wertz and seconded by Valentine to adjourn to executive session to discuss 1) the potential purchase of property, and 2) a matter of potential litigation.

Ayes: Detrow, Wertz, Stewart, Valentine, Gorrell

Council adjourned the regular session to executive session at 7:44 p.m.

Submitted by
Elaine C. Bucklew
Clerk of Council