

---

---

# Ashland City Council

---

## MINUTES FOR THE SPECIAL SESSION OF COUNCIL August 3, 2004

---

---

Council President Greg Gorrell called the special session 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 20, 2004 Regular session*

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

Ayes: Valentine, Gorrell, Detrow, Wertz, Stewart

### LEGISLATION

#### *Res. 12-04*

Item (a) A RESOLUTION AUTHORIZING THE MAYOR, DIRECTOR OF PUBLIC SAFETY OF THE CITY OF ASHLAND, OHIO, TO FILE AN APPLICATION AND ENTER INTO AGREEMENT WITH THE OFFICE OF THE ATTORNEY GENERAL, STATE OF OHIO, FOR THE PURPOSE OF ACQUIRING FUNDS THROUGH THE D.A.R.E. GRANT PROGRAM; 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 Resolution has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

Ayes: Valentine, Gorrell, Detrow, Wertz, Stewart

#### Comments:

Finance Director Nancy Boyd explained that this legislation is to renew the grant for the D.A.R.E. program, which has been a very successful program in the City of Ashland for many years with Jeff Shipper of the Police Department in charge.

Valentine asked how much the grant gives, and Boyd told him it is about \$15,000. He then asked what is the cost of running the program, and Boyd responded that it costs Mr. Shipper's salary and the various items he uses, a lot of which are obtained through financial donations. She affirmed for Valentine that the program costs more than the grant supplies; there is just one officer; the City has applied for the grant for a very long time; the amount stays pretty much the same.

Stewart emphasized that this is one of the finest programs he has ever witnessed. He's had the opportunity to attend numerous graduations in the last year and a half, and to see those kids gather and basically affirm their belief that they will not go forward with drugs, alcohol, tobacco, etc., and their parents are there at the graduation. It is not a cost; it is an investment. Wertz and Gorrell also added their affirmations of the D.A.R.E. program.

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

Ayes: Valentine, Gorrell, Detrow, Wertz, Stewart

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

Ayes: Valentine, Gorrell, Detrow, Wertz, Stewart

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

Ayes: Valentine, Gorrell, Detrow, Wertz, Stewart

Motion carried.

#### Res. 13-04

Item (b) A RESOLUTION AUTHORIZING AND DIRECTING THAT THE CITY OF ASHLAND MAKE APPLICATION FOR A GRANT FROM THE OHIO DEPARTMENT OF PUBLIC SAFETY TO PURCHASE MULTI-AGENCY RADIO COMMUNICATIONS SYSTEM (MARCS); 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: Valentine, Gorrell, Detrow, Wertz, Stewart

#### Comments:

Fire Chief Mark Burgess explained that there is a pool of half a million dollars available for the MARCS radio system which is used for intercommunication between agencies. The system also would boost the department's tactical frequency capability. They have been awarded \$62,000 to proceed with this, and Burgess asked for passage of the resolution. This is a separate grant from Home Land Security; it comes out of public safety; there are no matching fund requirements; the equipment can all be bought state contracts so there is no bidding or passing ordinances to buy the equipment. The money will go into the Fire Department grants account and back out; the Finance Department works along with Burgess on this.

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

Ayes: Valentine, Gorrell, Detrow, Wertz, Stewart

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: Valentine, Gorrell, Detrow, Wertz, Stewart

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

Ayes: Valentine, Gorrell, Detrow, Wertz, Stewart

Motion carried.

#### Ord. 58-04

Item (c) AN ORDINANCE AUTHORIZING THE ENTERING OF A MODIFIED CONSENT ORDER WITH THE OHIO ATTORNEY GENERAL ON BEHALF OF THE OHIO ENVIRONMENTAL PROTECTION AGENCY; 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: Valentine, Gorrell, Detrow, Wertz, Stewart

#### Comments:

Water Treatment Director Bruce Wisner explained that this is part of a long process the City has been going through for the settlement of some violations at the treatment plant regarding

storm flows, some of which date back twenty years. A satisfactory resolution has been reached. Compliance schedules have been put together and are in this one agreement that will satisfy the Ohio Attorney General's office that the City will be in compliance at each point.

Valentine had received a question from someone concerning daily fines being levied, and Law Director Rick Wolfe noted that is certainly a possibility. However, the City is doing everything it can to avoid that, working with them, presenting its case in good faith, demonstrating that some of the violations were extraordinary circumstances. The Attorney General's office has studied what the City has done on its own to remedy the conditions over the last several years through the various improvements to the wastewater treatment plant and in the proposal to redevelop the reservoir. In effect, they have waived those fines which they could have imposed. Theoretically the City could be looking at several million dollars worth of fines.

Wolfe emphasized that the City has worked very hard to try and negotiate this agreement that replaces the original agreement. The City is always required to meet certain standards of the EPA, but because of problems in the 1980's, the City was under the gun. It has taken a little while to get things corrected. A lot of work has been done and great strides have been made in recent years to bring everything up to the point that there is no fear of being in violation of the agreement in the future, other than in extraordinary circumstances.

Wolfe stated that the City is in good stead, and this is a reasonable resolution of this problem. The goal of the EPA is not to levy fines but to get communities in compliance with EPA standards. To do so does require some sanctions, but the City did get substantially lower fines.

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

Ayes: Valentine, Gorrell, Detrow, Wertz, Stewart

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: Valentine, Gorrell, Detrow, Wertz, Stewart

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

Ayes: Valentine, Gorrell, Detrow, Wertz, Stewart

Motion carried.

**Item (d)** AN ORDINANCE PROVIDING FOR SUBMISSION TO THE ELECTORATE OF THE QUESTION OF WHETHER THE CITY OF ASHLAND, OHIO, SHALL CONTINUE TO TAX AN S CORPORATION SHAREHOLDER'S DISTRIBUTIVE SHARE OF NET PROFITS OF THE S CORPORATION, AS PROVIDED BY OHIO REVISED CODE SECTION 718.01(f)9c; AND DECLARING AN EMERGENCY.

Moved by Detrow and seconded by Stewart to **table this ordinance**.

Ayes: Valentine, Gorrell, Detrow, Wertz, Stewart

Motion carried.

## NEW BUSINESS

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

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

Gorrell noted that this item had been tabled for more information at the last meeting, and this address and petitioner have been verified: the address is 1033 East Main Street, and the petitioner is Mr. Dan Wyand. Mr. Wyand verified that the drive thru liquor sales business proposed will be in addition to the car wash presently located at this address. The vacant land adjacent to the car wash will be the actual location of the drive thru. The zoning was checked and found to be correct for this location.

Gorrell affirmed that his questions concerning this request have been answered.

Wolfe asked about the traffic flow conditions at this area, and Mayor Strine told him that the Traffic Committee has discussed this. They felt there would be additional traffic at this area, and if necessary a right turn only requirement could be put on the exit from the area. How it will ultimately impact the intersection will depend on how much business there is, and as to location of the entrances/exits, he hasn't seen any plans yet.

Wyand explained that he and Building and Zoning Inspector Roger Gordon had looked at the location, and they planned the entrance to come in off East Main Street, then to exit at Lee Avenue. Wolfe indicated that his concern is how it will impact the intersection where the entrances/exits will be, and if that information were unknown, he would recommend that Council request a hearing. However, if Council is satisfied with the information given, then they may decide that a hearing is not necessary. That is a very relevant consideration otherwise.

Valentine expressed concern as to the entrance being very close to the light and intersection, with traffic coming from both streets. Wolfe responded that it would be no worse than a gas station or anything of that sort located at an intersection. He stated he just felt that was information that Council needed to know, and if there are traffic problems, then they can be regulated by traffic control.

Valentine asked if problems actually can be regulated by traffic control, and Wolfe told him he is sure they can be. Questions about ingress and egress are relevant, but if satisfaction of answers is reached, then there is probably no reason to object to the permit and to request a hearing.

Wyand added that exiting traffic has three options: to use the alley left to the next street; to go right to Lee Avenue; from Lee Avenue left or right.

Mayor Strine asked about the adjacent car wash and how its traffic will exit. Wyand told him he wanted that to exit the same way as the drive-thru, to the back. This was one of his main concerns, exiting to the front onto East Main Street; presently the cars can enter and exit the car wash from either direction. Wolfe stated he thinks it will be better making those entrances only one way or the other and not both ways, designating entrance from East Main Street only. Mayor Strine agreed.

Wolfe explained that this Council has a right to consider safety considerations; it is not a question only of wanting a liquor permit hearing or not, but of considering safety issues. This is a major intersection where safety issues and traffic patterns are a major concern; that is why this is being discussed.

Stewart questioned again the car wash exits, and Wyand responded that he is in the process of buying the car wash. His plan is to have entrances off East Main Street and exits behind off the alley to the streets; he does not plan to have exits onto East Main Street. Stewart stated his position that if the Traffic Committee considers this plan safe, they are the experts. He asked if committee members had all seen the intersection personally in their consideration, or if Roger Gordon had been the only person to evaluate the site. Mayor Strine responded that the committee had not visited the site but had discussed it.

Wolfe suggested that there isn't enough to justify asking for a hearing. Mayor Strine agreed, saying there are a lot of retail outlets on corners. Gorrell also felt there is no need for a hearing based on the information he's heard tonight and on the Traffic Committee decision.

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

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

(b) *Sidewalk information:*

Gorrell asked about the sidewalk installation on Fairview Drive (Lot #4261, Steve and Nancy Wallrabenstein) noted in the packet information sent, as to whether it has been installed or another extension requested or the property sold. This is the only one still unknown and due before September. Mayor Strine apologized for not looking into this. Wolfe stated he thinks it has been installed; City Engineer Jim Cooper will check to see.

(c) *Special session to be held:*

A special session will be held on August 17<sup>th</sup> to consider legislation.

(d) *Work session held:*

Gorrell stated Council would meet in work session on a number of items following adjournment from this special session, and they did so.

ADJOURNMENT

Moved by Gorrell and seconded by Stewart to adjourn the special session

Ayes: Valentine, Gorrell, Detrow, Wertz, Stewart

Council moved to the work session.

Submitted by  
Elaine C. Bucklew  
Clerk of Council