
Ashland City Council

MINUTES FOR THE REGULAR SESSION OF COUNCIL October 18, 2005

Council President Glen Stewart called the meeting to order at 7:00 p.m.

ROLL CALL

Ward 1:	Bob Valentine	Present
Ward 2:	Bernard Sargent	Present
Ward 3:	Ruth Detrow	Present
Ward 4:	Paul Wertz	Absent
At-large:	Glen Stewart	Present

Moved by Detrow and seconded by Sargent to excuse Paul Wertz.
Ayes: Stewart, Valentine, Sargent, Detrow

PLEDGE OF ALLEGIANCE

PRESENTATION OF MINUTES

October 4, 2005 *Regular session*

Moved by Detrow and seconded by Valentine to accept the minutes.
Ayes: Stewart, Valentine, Sargent, Detrow

COMMENTS OR QUESTIONS FROM THE AUDIENCE

(a) *Howard Scanlan, Cottage Street:*

Scanlan had two items to bring before Council, one being about weeds along the Ashland Railway line. He noted he'd put his feelings in writing and present it to them personally. He presented the second item by reading a letter suggesting that as a service to the low-income residents of Ashland, the City forgive part of their water/sewer charges to give them extra money to help pay the increased heating costs expected this winter. This could be structured along with such existing public assistance program as HEAP and would be a great service to citizens, showing them that their elected officials care about them. With the sale of water to RLCWA, the profit could offset this program to a degree. He asked that Council entertain this idea.

LEGISLATION

Ord. 74-05

Item (a) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT FOR THE SALE OF WATER TO RURAL LORAIN COUNTY WATER AUTHORITY; AND DECLARING AN EMERGENCY. *Third reading*

Moved by Detrow and seconded by Sargent 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, Sargent, Detrow

Comments:

Stewart asked if there were comments on this legislation, and Valentine responded he had talked with a former Judge of Common Pleas Court, Paul Chorpening. Valentine presented his ideas to Council.

First is that this sale of water would bring irreparable damage to the City of Ashland should it want to ever expand, the point being that if the City gives water without annexation, the City then can't expand. It seems to present a problem for the future. Valentine checked similar situations in other cities, specifically Mansfield and the General Motors Plant. General Motors wanted water; Mansfield requested annexation to get it; GM refused to annex, but Mansfield gave them water anyway. The end of this is that Ontario wound up with the factory, including all taxes and benefits and money.

Valentine felt this to be a valid concern, and noted that east of Ashland on US Rt. 250, there are factories located there that receive City water. However, they are not part of the City. Mansfield has also given water without annexation in earlier years (200% is the charge); they do not now do so. For water, annexation is required.

Mayor Strine pointed out that this agreement is strictly for residential; the size of the waterline will not support business. Part of the agreement is that this water will not be sold to businesses unless the City approves it. However, the tap size is really what regulates it, as a large business couldn't get by with the permitted tap size.

Mayor Strine also noted that the City has an agreement with the township trustees as to annexing the land on this side of I-71. For businesses to go in there, the trustees will not oppose the annexation.

1. Phil Kocab:

Kocab asked what stops the agreement from being changed later; could that be renegotiated next week or next month? Mayor Strine said that certainly Council could change that anytime, both parties agreeing.

2. Judy Kocab:

Kocab stated she is very concerned with development in Ashland County; the comp plan is the victim with everyone who worked on that. Another question for her was who will monitor the water use; what if it goes over the daily limits? Who will know, or care, or be watching? Who will enforce the limits? If the limits are exceeded, then the agreement can just be changed. That is one of her concerns.

Mayor Strine told her it would be metered and the meter read just like all others, and Water Treatment Director Bruce Wisner added that the water department will be in charge. Mayor Strine explained that the City would enforce the limits, because that is the agreement, and if they need to go over continuously, that is a reason to stop the contract.

Law Director Rick Wolfe responded to an earlier question presented by Valentine, saying that it has always been City policy that if someone wishes to have public services, they would have to annex. There have been some exceptions on the US Rt. 250 corridor because of some federal grant involvement many years ago. He doesn't think this agreement would violate that policy; this is a special circumstance, and the City has been trying to address this water problem for many years. The City policy is still that water is provided only with annexation. In this particular instance, he does not see this as an impediment to the contiguous areas annexing if they wish to.

Stewart commented that he questioned what happens in ten, twenty years, much as Judge Chorpening has asked Mr. Valentine, if the City chooses or needs to annex, but that area is already being served by a private water company? Council has a letter from the water company that basically states that who serves water out there will be determined when the City establishes the ordinance for services to annex. Whenever the City annexes, it identifies the services that it will provide upon annexation, such as water, sewer, sanitation, etc.

If and when annexation would come, Stewart feels that, based on Law Director Wolfe's interpretation, the City will serve those people at the same rate structure as anyone in the City receives; they would not be compelled to buy water from a private supplier if the City puts the line down and it is accessible to them. That was his question, and it was answered; he feels OK with that.

Stewart went on to say that, as to the control of the 200,000 gallon limit, an approved rate-of-control valve, a mechanical device that does the job, would control this peak rate. Wisner

affirmed that the flow will be monitored and controlled as to Council's wishes of not more than 200,000; that is what they will do.

Scanlan asked if the valve would shut off at 200,000 gallons, or will there be a surcharge if it runs over, and the Mayor and Stewart both said that there would be a surcharge.

Valentine emphasized then that he had questions, but those have been cleared up.

Moved by Detrow and seconded by Sargent that the Ordinance be passed on the third reading.

Ayes: Stewart, Valentine, Sargent, Detrow

Motion carried.

Res. 18-05

Item (b) A RESOLUTION AUTHORIZING AND DIRECTING THAT THE CITY OF ASHLAND, OHIO, MAKE A GRANT REQUEST FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY; AND DECLARING AN EMERGENCY. (*Brownfields*)

Moved by Sargent 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: Stewart, Valentine, Sargent, Detrow

Comments:

Evan Scurti of the Economic Development Department explained that there are two resolutions here, both planning grants that the US EPA offers, and a maximum of \$200,000 can and will be requested by the City. The first application request is to do planning for site assessment and redevelopment of brownfields, former industrial sites affected by hazardous substance contamination. It isn't known that the sites are affected, and the purpose of the grant money is to hire a consultant and do some up-front planning, working with the local officials/task force of engineering, fire department, the private sector environmental engineer and himself. They hope to plan for the sites and eventually to attract private investment. Examples would be the Dalton Foundry and General Latex sites.

As to the second and separate \$200,000 grant for petroleum sites, the main example would be gas stations to turn around and be put into service.

Valentine asked if there is any liability or cost factor to the owners of the companies that left, and Scurti responded that the liability stays with them. The way the grant works is that the City cannot do the underground testing until there is an interested buyer for the property, and the agreement is usually written up so that they will buy the site from the potentially responsible party, the company who was occupying the land. He explained further that the buyer buys the site, the testing is done, and money found to remediate the site. The company sitting on the land is taking a risk, but if they are interested in selling the land, they will work with the interested buyer.

Mayor Strine added that the basic objective of this is to allow the City to get some of these properties ready to move when someone wants to buy them.

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

Ayes: Stewart, Valentine, Sargent, Detrow

Moved by Detrow 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: Stewart, Valentine, Sargent, Detrow

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

Ayes: Stewart, Valentine, Sargent, Detrow

Motion carried.

Res. 19-05

Item (c) A RESOLUTION AUTHORIZING AND DIRECTING THAT THE CITY OF ASHLAND, OHIO, MAKE A GRANT REQUEST FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY; AND DECLARING AN EMERGENCY. (*Petroleum contamination*)

Moved by Detrow and seconded by Valentine 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: Stewart, Valentine, Sargent, Detrow

Comments:

Scurti further explained with respect to these grants, that they are really looking for citizen input in this planning process. There will be a public meeting November 28th at 6:00 p.m. in the Economic Development Conference Room, and he will be discussing the applications to the US EPA. The applications will also be placed in the public libraries throughout the month of November, so he is hoping to get some input to finish off the applications.

Scurti noted that in his application, it isn't necessary for him to list all the gas stations; the purpose for the money is to hire a consultant to work with them and come up with an inventory of sites. There is no cost to the City; this is all "free money" that goes to pay a consultant to do the work for the City and work with the City.

Detrow asked if the previous owners of the abandoned gas stations have to agree to this preliminary survey, and Scurti responded no. They do not have to get anyone's permission to do library research, check court records, etc. However, if a deal comes together with an interested buyer within the two year grant period, they can work with the owner to do some on-the-ground testing to move it towards redevelopment.

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

Ayes: Stewart, Valentine, Sargent, Detrow

Moved by Detrow 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: Stewart, Valentine, Sargent, Detrow

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

Ayes: Stewart, Valentine, Sargent, Detrow

Motion carried.

WARD REPORTS

At-Large: Glen Stewart

(a) Visit/research for housing maintenance ordinance:

Stewart commented on a trip that several Council members made to Solon, Ohio, to talk with the director of their planning department, who was the main instigator in putting together an ordinance for housing/building maintenance. Council gets a lot of requests as to why can't a property owner be made to do something with his house or property, and it is a very complex issue.

Solon's planning director had written this ordinance for another community before he came to Solon, having a great deal of success with it. He has rewritten the ordinance for Solon to reflect his past experience, and Solon Council passed the ordinance recently. It doesn't have a lot of history, but the director does have a considerable history and worked very diligently with various Solon department heads, their law department and their Council, which includes three attorneys who also provided legal advisement.

That Solon ordinance addresses many of the issues that have come before Ashland's Council members, who feel their hands may be tied to a greater degree with how the ordinances are written today. Along with that, ordinances passed are only as good as the talent and time

to enforce them. Nonetheless, the Solon director has provided a complete document that this Council and others are now studying. Council has received lots of questions about these issues, and now Ashland's people are working on that ordinance to develop one of its own.

(b) Sanitation research:

Stewart noted that he and Water Distribution Director Curt Young also made a visit to Norwalk to review their sanitation operation. When he and Curt get their reports together as to what they found out, they will give Council more detail on that. Norwalk's people are doing things a little differently from Ashland, but the real crux is that he and Curt are looking around rather than trying to reinvent the wheel here.

OLD BUSINESS: None

NEW BUSINESS

(a) Employees commended:

Finance Director Nancy Boyd commended two Finance Department employees, Income Tax Director Larry Rose and Director of Accounting Anna Tomasek, for this year obtaining their certification of Public Finance Administrator. This is a three-year process of courses and education to receive a certain point level, and both have attained it. Boyd recognized them for achieving and becoming Certified Public Finance Administrator of the Public Treasurers Association of the United States and Canada. She thanked them both for jobs well done.

(b) Application for advertising on private property:

Campaign to elect Samuel Rodriguez, Council Ward 2; Petitioner, John Bouquet

Moved by Sargent and seconded by Detrow that the request be approved.

Ayes: Stewart, Valentine, Sargent, Detrow

(c) Application for advertising on private property:

Advertisement of business; Petitioner, Ashley Strayer, 413 Edgehill Avenue

Strayer explained they would be placing flyers at different residences, but they are not intending to approach anyone. It is just a way to generate business and get their name out in the public. They are doing business as the Foundation Doctor, and they do foundation replacement, repair and basement waterproofing.

Moved by Detrow and seconded by Valentine that the request be approved.

Ayes: Stewart, Valentine, Sargent, Detrow

MAYOR'S COMMENTS: None

ADJOURNMENT

Moved by Valentine and seconded by Stewart to adjourn the meeting.

Ayes: Stewart, Valentine, Sargent, Detrow

Council adjourned the regular session at 7:36 p.m.

Submitted by
Elaine C. Bucklew
Clerk of Council