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## Ashland City Council

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### MINUTES FOR THE REGULAR SESSION OF COUNCIL

June 21, 2005

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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	Absent

Moved by Wertz and seconded by Detrow to excuse Glen Stewart.

Ayes: Detrow, Wertz, Valentine, Gorrell

#### PLEDGE OF ALLEGIANCE

#### PRESENTATION OF MINUTES

Gorrell stated that the minutes for the regular session June 7, 2005, would be available at the July 5<sup>th</sup> Council meeting. They are not completed, given the volume of discussion at the meeting.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE

##### *(a) Skateboarding: Mayor Strine*

Mayor Strine updated the Council on the skateboarding situation discussed at the last meeting of Council. He has met with some of the mothers involved with the skateboarders, talking with them about the problem, which they do understand. They will all be working together to formulate some kind of education for these kids, getting them together and reasoning with them. The Mayor said he has also talked with the Police Chief and the Law Director about this. At this point, all he could say is that they are working on the problem.

##### *Audience comments:*

##### 1. Ken Hammontree: Co-owner, Jenny Wade B & B

Hammontree indicated he is glad to see that City Council will take steps. One skateboarder nearly hit a customer who said she would never return; another threatened Dianne, who called the police on him; many are very belligerent and have no respect for personal property; they swear at us, they are mouthy and they cuss. Hammontree stated he's tried to be polite and reason with them. He has nothing against skateboarders, but they must be kept off their property and allow customers to come into their bed and breakfast. He doesn't want this to get out of hand, and will work with Council to hopefully get this resolved.

Mayor Strine indicated he agrees with Hammontree; he realizes it is a problem, and the City is doing the best it can. With police involvement, officers must see the incident in order to make an arrest if it is a misdemeanor charge. He is trying to work through the situation, checking with other cities to see how they are handling the problem.

Valentine asked for clarification as to police arrests, and Law Director Wolfe responded that it is a proof issue; officers have to know who is responsible; the people must be identified.

If the standards are all met, it can be taken from there, arrests can be made, the law followed. Also, there are different court systems for juveniles and adults, and these are not all juveniles.

2. Howard Scanlan:

Scanlan has ideas for this problem in both the city and county, and he would like to talk with the Mayor and others.

3. Jim Driskill: Board of Trustees, Christ United Methodist Church

The church has problems with skateboarders as well. He emphasized that material damages can be repaired/replaced; a skateboard has already crashed through a window at the church. But what if the skateboarder went through the window – tragedy. He sees the need to act quickly before an incident happens. In his profession as a Safety Engineer, he investigates accidents and nearly always hears someone say they have “been telling them for months.” He emphasized that it is time to stop arguing and start doing now.

Mayor Strine responded that people are not arguing, but seeking solutions, and it takes time. Somebody at home needs to know what their kids are doing.

Correll asked if people know these kids by name? Identify them, and there is a remedy in the judicial system. But also parents must take action with their own children. But if officials don’t know who is involved, ways to identify them must be found; if destruction of property is involved, prosecute.

4. Roger Primm: Denbow, Primm, Kemery Funeral Home

Primm gave Council pictures of damage to his building, stating he has spent \$5,000 repairing damages and he is sick of it. The downtown business area is prohibited for skateboards, bicycles, skates, and he asked why this is not enforced. Downtown businesses are having terrible problems with it, and he cited the Home Hardware as an example.

Primm said he hates what they are doing to his property, which he has fixed and wants to keep nice. They congregate at night in his parking lot with their cars and equipment, and when asked to leave, the language is unbelievable. They run in packs of fifteen to twenty; 18 will show up in his lot. He calls the police, and they come 35 minutes later. One of their favorite times is on their way home from school.

Hammontree added that Friday nights are key nights at 7:00 p.m. when movie opens up and at 9:00 p.m. with the second movie beginning; they will be found in the alley beside the theater.

Primm stated they skate on the down grade in the middle of Maple Street, across Union Street without stopping, and they keep going; it’s a wonder no one has gotten hit. He has put up four signs on his property, and they have stolen two of them; they carry screwdrivers. Now when they do it, they are on camera.

Driskill told of a skateboard web site which discusses Ashland, Ohio, giving names of churches and other locations good for skating.

Correll noted that he has seen the web site and read the details. He and the Mayor, the police chief and law director will review solutions. He understands the critical nature of the problem, though it is not a new problem; it has gone from roller skates to roller blades to skateboards over the years. However, the level of aggression and the lack of respect are different than they were in earlier years. He’s not sure parents are involved enough.

Detrow told of how the city of Mansfield is handling some problems, where parents are being held accountable and are fined for things their kids are doing out on that “miracle mile”. Is something like that possible here?

Wolfe responded that it is curfew violations for which parents can be held liable by a law provision there; some of Ashland’s skateboarders aren’t even kids, and curfew isn’t even applicable.

Primm asked about the ordinance Wolfe wrote about skateboarding and such in the downtown area. Wolfe indicated it prohibits riding bicycles, skateboarding, and any of that in

the downtown area. Primm asked Wolfe then why isn't it enforced when they are on Main Street or in front of Home Hardware or downtown anywhere? Kids don't obey because nothing is enforced.

Gorrell emphasized that Council will follow up on this and will review what's on the books. They will meet and consider other things to be discussed. Part of this is identifying who the people are and following up. Gorrell told the people attending that they will schedule a meeting with the Mayor and will get back to the people.

5. Dale Wells: First Christian Church, Fourth and Cottage

The First Christian Church, Fourth and Cottage Streets, has experienced much of this skating on their property, down steps across sidewalks to the street. He emphasized the danger; they have spoken with them with the same reaction as others, the same verbiage. After having spoken with them, they retaliate, egging the church, breaking windows, throwing bricks thrown through the windows, things of that nature. The church is planning to place signs and security cameras on their property; it seems too bad to have to go to this to protect their properties, particularly churches.

*(b) Traffic study on Mifflin Avenue: Ken Wright (Woodview Court)*

Wright asked about the status of a study being done on Mifflin Avenue, and City Engineer Jim Cooper responded that he has a call in to McCartney and Associates to see if he can get an estimate on that. He is waiting for a call back.

LEGISLATION

Res. 13-05

Item (a) A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR FY 2006 TRANSPORTATION GRANTS. THESE GRANTS MAY INCLUDE THE OHIO ELDERLY AND DISABLED TRANSIT FARE ASSISTANCE PROGRAM, THE OHIO PUBLIC TRANSPORTATION GRANT PROGRAM, AND THE DISCRETIONARY URBAN CAPITAL PROGRAM.

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: Detrow, Wertz, Valentine, Gorrell

Comments:

Director of Accounting Anna Tomasek explained that this resolution will allow the City to apply for grant money for Ashland Public Transit. The City has a separate application for the elderly and disabled which will allow the City to offer them reduced half-price fares. The amount of that portion of the grant will be \$31,456.00, and that application is due July 1<sup>st</sup>.

The rural transportation grant will be due September 1<sup>st</sup>, and is from which the City receives the federal and state operation grants. Last year the City received \$142,715.00 from the federal government and \$69,515.00 from the state.

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

Ayes: Detrow, Wertz, Valentine, Gorrell

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: Detrow, Wertz, Valentine, Gorrell

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

Ayes: Detrow, Wertz, Valentine, Gorrell

Motion carried.

Ord. 53-05

Item (b) AN ORDINANCE ESTABLISHING A SPECIAL REVENUE FUND TO DEPOSIT AND EXPEND MONEYS FOR THE PURPOSE OF THE FEMA GRANT FUND; 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, Valentine, Gorrell

Comments:

Tomasek explained that the City received FEMA dollars due to the ice storm - \$88,801.00 plus \$2,664.03 for administration. This creation of a special revenue fund for the grant money is a requirement of FEMA and the State of Ohio.

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

Ayes: Detrow, Wertz, Valentine, Gorrell

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: Detrow, Wertz, Valentine, Gorrell

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

Ayes: Detrow, Wertz, Valentine, Gorrell

Motion carried.

Ord. 54-05

Item (c) AN ORDINANCE ESTABLISHING THE APPROPRIATE ZONING DISTRICT OF A CERTAIN AREA OF THE CITY OF ASHLAND, OHIO.

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, Valentine, Gorrell

Comments:

City Engineer Jim Cooper stated that M-1 is what is being asked as a zoning for this area; it seems appropriate.

Valentine asked why M-1 was chosen rather than M-4, and Doug Carnathan of Horne Properties, developer of those properties, answered that question. That decision to go M-1 was made a long time ago. The whole shopping center is designed to the strictest of either M-1 or M-4 zoning districts, with the exception of parking. Parking was the one determination pushing them to M-1. As they worked with Mr. Cooper on the civil design, they met the strictest of either ordinance, except in the case of parking.

Since this is an industrial district, it has some parking regulations that are typical of retail establish. That is why they went with the M-1 instead of the M-4. For the record, he thinks their ratios are typically five parking spots per thousand square feet of building, which is what is typically found in any shopping center anywhere. Carnathan stated they had exceeded that to put five parking spots per thousand square feet and 150 employees' spots plus 20 truck spots. That far exceeds parking because they are in that industrial district. That is the reason they went to M-1.

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

Ayes: Detrow, Wertz, 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, Valentine, Gorrell

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

Ayes: Detrow, Wertz, Valentine, Gorrell

Motion carried.

## WARD REPORTS

Ward 1: Bob Valentine

*(a) Ashland Reservoir project:*

Valentine noticed the status of the reservoir project on the project sheet sent out with the packets, and he asked what is the problem with this project. Cooper told him that the EPA is the problem. They felt the project needs to be explored more by a biologist as to the two areas that are wetlands. Cooper stated that a wetland delineation report was done; it is in the process of being sent to the EPA, the Corp of Engineers and the Department of Natural Resources. It will probably require some mitigation, inasmuch as the City will have to do something in another area to mitigate using these wetlands up. He is hoping to be able to work with the Park Department and Sandusky Hollow. That is in the process, but there is another meeting coming up July 11<sup>th</sup> with the biologist, and it is hoped that the project can be moved along a little faster, since now is a good construction time. Not to put a bad light on the EPA, but it's a bit of a stumbling block right now, as it is time to get construction going. The plans are all designed and ready to go.

Ward 3: Ruth Detrow

*(a) Sidewalks out to Buehler's Market:*

Detrow received a call from a person in her ward as to whether sidewalks will be put in from East Main Street out to Buehler's Market. The caller doesn't drive but would like to go out there to shop.

Cooper replied that ODOT has the right-of-way out along there, and from the standpoint of safety with higher speed traffic, it wouldn't be safe for pedestrians. He would not recommend sidewalks from a safety aspect, and ODOT most likely wouldn't allow sidewalks along there anyway.

Ward 4: Paul Wertz

*(a) High grass and trash, 352 Sandusky Street:*

Wertz reported calls about high grass, trash, old tires and an old gas storage tank in the backyard here; neighbors are worried about mosquitoes and such. He asked if this could be checked out.

*(b) Visibility, Goodman Court:*

The stop sign at the alley here can't be seen, as bushes that line the whole alley here cover it up. The bushes scrape the sides of cars using the alley, and they need trimmed. Wertz indicated he had talked to Street Department Director Jerry Mack, who said he'd bring this up at a traffic safety meeting.

OLD BUSINESS: None

## NEW BUSINESS

*(a) Presentation, Barbara Wesley:*

Fair Housing component of the Community Development Block Grant funding, Fiscal Year 2004

Gorrell introduced Barbara Wesley who gave a required presentation on the Fair Housing component of the Community Development Block Grant funding, Fiscal Year 2004.

Wesley explained that she is with the Ohio Regional Development Corporation (ORDC) with whom the City of Ashland contracts to provide fair housing to all those who receive CDBG Formula funding or have fair housing questions.

The Fair Housing Act is an act that provides that a person cannot be discriminated against in any type of housing due to race, color, national origin, sex, handicap/disability or familial status. When applying to rent housing, a person cannot be told they will not be rented to just because the owner doesn't want to rent to a woman with children, for example, and the owners says simply that they do not want children there. It also plays into getting an appraisal on a home; a fair appraisal must be given no matter what race, religion, color, national origin, disabilities are involved. All of this plays into Fair housing.

What ORDC does: they are not lawyers and cannot help Council people, but they are here for an educational purpose, to let it be known what Fair Housing rights are. They take calls with questions from people who may feel they have been discriminated against; they give Program forms so the people can file a complaint with HUD.

The local contact for them is the City Engineer's office; they provide the 1-800 number so if Ashland people have questions, they can call their office to have answers. If the questions are of a legal nature, they try to send people to a legal service provider.

Wesley asked if there were any questions, and when there were none, she told Council that they are now compliant.

#### MAYOR'S COMMENTS

##### *(a) Work sessions/Ward Walk:*

*June 28<sup>th</sup>:*

Mayor Strine reminded Council of the work session to be held Tuesday, June 28th in the Mayor's Conference Room at 7:00 p.m. The EPA will present information.

*July 12<sup>th</sup>:*

Ward Walk, Third Ward.

*July 26<sup>th</sup>:*

Work session dealing with the City of Ashland selling water to the Rural Lorain system.

#### PUBLIC HEARINGS

7:10 p.m. Three public hearings:

1. Establishment of zoning
2. City of Ashland budget, Fiscal Year 2006
3. Community Development Block Grant Program (CDBG), Fiscal Year 2005, Hearing #2

Moved by Valentine and seconded by Detrow to move to public hearing.

Ayes: Detrow, Wertz, Valentine, Gorrell

##### *(a) Establishment of zoning:*

A public hearing on the proposed "M-1" Light Industrial District zoning classification for the recently annexed portion of land located on U.S. Rt. 250 East.

Gorrell stated that this is the time for the public to speak concerning the proposed zoning for this recently annexed portion of land. He opened the floor for comments.

There were none, and he closed the hearing.

##### *(b) City of Ashland budget, Fiscal Year 2006:*

A public hearing for the purpose of receiving input on the budget prepared by the City of Ashland for the next fiscal year ending December 31, 2006.

Gorrell opened the hearing and explained the purpose, noting that the preliminary budget book has been in the Finance Office for review for anyone who wants to do so. This preliminary budget must be filed with the auditor's office, a requirement of law. The actual appropria-

tions will not take place until late this year or early in the next when the Division Directors actually finalize their proposed spending levels with the information of how much revenue will be coming in.

A question from Howard Scanlan as to having another public hearing after reviewing this budget was answered by Gorrell, who told him this has already been in the Finance Office for review for two weeks. This is the only public hearing to be held as to that budget.

Gorrell opened the floor for comments. There were none, and he closed the hearing.

*(c) Community Development Block Grant Program (CDBG), Fiscal Year 2005, Hearing #2*

Gorrell opened the public hearing scheduled to announce the Council selection for FY 2005 projects and the dollar amounts awarded, and he asked Director of Accounting Anna Tomasek to proceed.

Tomasek stated that for 2005 the awards would be the following:

- \$1,500 for Fair Housing.
- \$5,000 for Administration; this is for the Engineering and Finance Departments for administering the grants, and that money will go to the general fund.
- \$14,700 for Ashland Public Transit.
- \$376,800 for Investment Area 5 Improvement Project.

There were three public hearings for Investment Area 5, including:

- \$240,000 for Traffic Signal Replacements.
- \$30,000 for Center Street Storm Sewer Project.
- \$106,800 for Town Creek Beautification Park.

The City of Ashland is applying for \$98,000 Formula Allocation and \$300,000 for Community Distress. These funds are to benefit low-and-moderate-income individuals.

The application will be sent to the Ohio Department of Development on July 15<sup>th</sup>.

Gorrell opened the floor for public input. There was none.

Moved by Detrow and seconded by Valentine to close the public hearing.

Ayes: Detrow, Wertz, Valentine, Gorrell

ADJOURNMENT

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

Ayes: Detrow, Wertz, Valentine, Gorrell

Council adjourned the regular session at 7:46 p.m.

Submitted by  
Elaine C. Bucklew  
Clerk of Council