
Ashland City Council

MINUTES FOR THE REGULAR SESSION OF COUNCIL September 20, 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	Present
At-large:	Glen Stewart	Present

PLEDGE OF ALLEGIANCE

PRESENTATION OF MINUTES

September 6, 2005 Regular session
September 15, 2005 Special session

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

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None

LEGISLATION

Item (a) FISCAL OFFICER'S CERTIFICATE: \$2,450,000 NOTES

Anna Tomasek, Director of Accounting, certified in connection with the proposed issue of \$2,450,000 notes, to be issued in anticipation of the issuance of bonds for the purpose of improving the Municipal Water System, that the estimated life or period of usefulness of the improvement is at least five years; the estimated maximum maturity of the bonds is 40 years; and the maximum maturity of the notes is October 21, 2024.

Moved by Wertz and seconded by Detrow to accept the Fiscal Officer's Certificate.
Ayes: Sargent, Detrow, Wertz, Stewart, Valentine

Ord. 71-05

Item (b) AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$2,450,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF IMPROVING THE WATER SYSTEM BY ACQUIRING REAL PROPERTY AND INTERESTS THEREIN FOR MUNICIPAL WATER SYSTEM PURPOSES; 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: Sargent, Detrow, Wertz, Stewart, Valentine

Comments:

Mayor Strine reminded Council that this is a renewal of a note issued last year for this purpose.

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

Ayes: Sargent, Detrow, Wertz, Stewart, Valentine

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

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

Ayes: Sargent, Detrow, Wertz, Stewart, Valentine

Motion carried.

Item (c) 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.

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: Sargent, Detrow, Wertz, Stewart, Valentine

Comments:

Stewart opened the floor for comments on this ordinance.

1. Nevin Bowers 1466 Smith Road

- He knows that the administration wants to enhance and promote industrial and commercial development.
- The City is coming off a three-year water ban just a year and a half ago.
- He is not opposed to the sale of 200,000 gallons of water per day if the City develops adequate well sites adjacent to the existing water transmission lines that will provide equal amounts that the City wants to sell.
- The City must have the commodity if the desire is to sell it.

2. Phil Kocab, 580 S.R. 511

Kocab gave copies of information to Council and Mayor Strine, and he asked several questions.

- Why are “emergency” measures used to pass legislation? Have the township people had an adequate time to be informed and to respond to this? Is it all up to them to come to the work sessions?

Stewart responded as to adequate time, giving a specific timeline including two 2004 work sessions in which this topic was discussed (July and August); and a July 26, 2005 work session for which the only topic (sale of water to RLCWA) was announced in “Mayor’s Comments” at four previous regular sessions (June and July 2005). Stewart stated that the topic wasn’t new to the Council, whether or not the newspaper picked up on the discussion, something the Council has little control over.

Law Director Rick Wolfe explained as to “emergency” determination: the word emergency as used comes from the state statute and refers to essentially a procedural matter. It does not mean a life or death situation or dire emergency; it allows legislation to become effective immediately rather than spreading it out over a one or two month period, allowing the City to proceed promptly. It is used solely as the judgment of Council.

- Is there a requirement for public hearings on this?

Wolfe responded that there are specific circumstances calling for public hearings; however, there are no requirements at all on this. All meetings of City Council are public.

- With existing wells the City already has on private property, are there mineral rights or lease agreements necessary?

Wolfe told him there are lease agreements.

- If there is usage more than 200,000 per day, is the penalty just higher cost?
Mayor Strine stated that the contract must be re-negotiated if there is more usage than that.

- What about adding branch lines?

Mayor Strine said that is controlled by size of line (8”), tap size (1”) and a set line south of Nankin beyond which branches cannot be added to the main waterline.

- Will there be mixing with Lake Erie water?

The Mayor told him all this is to be used in Ashland County. Cooper added that all this water has to stay this side of the divide; that is in the agreement and in all discussions. There will be valves where lines meet.

- Was the cause of the water ban just the water table dropping to a certain level?

Mayor Strine said it was a combination/result of long-term issues with the City system also, such as 7 or 8 water “blow-offs” for rusty water, which involves water being run off onto the ground, and other problems which have been corrected since that time.

- Why not have the new reservoir in place before selling water?

The Mayor responded that for the next five to ten years, the City doesn’t need a reservoir; the City has sufficient water to supply the water being considered for selling. The reservoir is for long-term solutions, and there is no definite timeline set.

- Sprawl and unrestricted development will be increased by water being up there available to them. The County’s Comprehensive plan was to slow down development, to keep it around certain areas where there was infrastructure to support it. This seems to be ignored.

Mayor Strine indicated it was not ignored; the reason for this sale of water is to help RL-CWA provide water to people who need it. The sale of water should not be used to control development. That should be done through zoning.

- With water comes development and with development comes the need for more services. In a way, all these things are not the business of the City, though they are relating it to the water.

- It seems, however, that the comprehensive plan is not being considered at all. A lot of people worked on that plan for a long time; the areas with infrastructure around the towns are marked for development while the rest is to remain agriculture. But it isn’t working out that way. Some of the 83 people who worked on that were City residents.

- People who move to the country have to realize just what the country is like; they must accept the fact that usually they must live with wells and cisterns.

Valentine asked about the old reservoir being a dead issue? Wolfe responded that two directives have been given by two different parts of the EPA; until that clears up, the project is on hold. Mayor Strine added that the City has to make a decision as to where to invest money in water development. The longer the EPA conflict goes, the less likely the project will be done.

Valentine asked about costs with the reservoir. Cooper told him that there will be over \$100,000 in costs directed by the EPA, and \$260,000 has been spent already on research and a set of plans for if the project goes forward.

Valentine suggested then that the City has enough water without that, and Mayor Strine affirmed that. Stewart added that the City doesn't know where the EPA is going to go with this; the two directives from the EPA are in conflict with each other. The safest thing to do right now is not to do anything. The purchase of additional property which has potential well rights as well as a potential reservoir in the future has changed the thoughts about going ahead with the old reservoir. The decision is not in the City's hands right now.

According to the history of the reservoir situation, the Mayor explained that to reduce previous fines the City incurred from the EPA because of earlier overflows, the reservoir would have to be renovated. That was a requirement of one branch of the EPA, toward which the City began work on the reservoir project. However, another branch of the EPA intervened with complications due to wetlands destroyed and replaced, to the tune of about \$140,000. That leaves the City where it is now.

Stewart noted that there may be other well sites in the general area of the well sites the City has now; this is in the discussion stage.

Another contributing factor to the diminished use of water in the City is the industry that has been closed and no longer using water. There is the reworking and repair of water-lines as mentioned earlier by the Mayor, along with other preventive maintenance measures; the wells have been reworked, rebuilt to good condition. Thus, the capacity is back to a respectably maintained well field now; that is what they are basing their assumptions on that there is water there, the level of water is up, usage is down a bit, not as much is wasted which would be a significant part of the amount to be sold. From his viewpoint, the sale amount would not be much more than what was used to service industry now closed and what was wasted, now corrected. That is his research.

3. Matt Miller, County Commissioner, 414 Hillcrest Drive

Miller explained that the Commissioners and various township trustees have been a part of this discussion with the City from the beginning, working together to meet a common need in the county and in the townships. There is no other cost-effective way to meet the need for a quality, clean and safe water source. They have talked with those who have concerns that additional water lines will encourage growth; many farms have been sold and divided, but water wasn't even an issue. They still sold right away. Growth is going to happen one way or another unless it is addressed through zoning.

Adequate, safe and clean water is absolutely necessary to maintain the most basic quality of life; northern Ashland County residents have been living with water problems for years and have been pleading with the commissioners and Rural Lorain to do something about it. This is the first time it is truly financially possible to meet those peoples' needs. To not move forward when there is City water available would be a poor decision.

The Commissioners would support this decision to enter into this measure with Rural Lorain.

4. Sarah Kearns, 425½ Sandusky Street

Kearns opposes this because of the sprawl issue; just because zoning is the best way to address the issue of sprawl in development doesn't mean that government has to "sweeten the pot" for the developers for the growth. It will encourage people.

5. Mike Welch, County Commissioner, 464 TR 700, Polk

Welch has learned that this water would serve possibly up to 1,000 households, but right now there are only about 100 that are interested. However, the commissioners will do everything they can to make progress. There's ample water.

Detrow stated that she sees this not only as smart government, but rather it is important to give a chance for decent water to people who have been denied that water. She recounted growing up in Savannah with plentiful water, but it was so bad, causing costs and an unpleasant way to live. She feels the City has enough water to share and the obligation to do so; it would be comparatively easy for the City to share.

Valentine asked what would happen in a drought? The contract says they would have same stipulations as the City does.

The Mayor responded that in a drought situation, the waterline recipients would have the same stipulations as the City experiences. There are other safeguards also in the contract. In addition, the contract restricts usage; they cannot run over the 200,000 amount set, at all.

Matt Miller emphasized that in the contract, the ball is truly in the City's court; any time Rural Lorain missteps in any way, City Council and the Mayor have the authority, as outlined in the contract, to stop the whole program and go back to the way things are today. That is important to emphasize; the City is controlling how this water is governed.

As there were no other comments, Stewart asked for a vote.

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

Ayes: Sargent, Detrow, Wertz, Stewart, Valentine

Motion carried.

Stewart stated that this ordinance would be brought up for the second reading at the next regular meeting of Council. It could be read twice that evening or once; if read only once, it will go to a third reading at the next regular session of Council. This gives the opportunity to hear other views or share pro or con views with Council.

This is a long-term contract, 40 years.

Res. 16-05

Item (d) A RESOLUTION AUTHORIZING THE MAYOR, DIRECTOR OF PUBLIC SERVICE OF THE CITY OF ASHLAND, OHIO, TO FILE AN APPLICATION AND ENTER INTO AGREEMENTS WITH THE OHIO PUBLIC WORKS COMMISSION FOR THE PURPOSE OF ACQUIRING FUNDS THROUGH THE STATE CAPITAL IMPROVEMENTS FUND AND THE LOCAL TRANSPORTATION IMPROVEMENT PROGRAM PURSUANT TO SECTION 164 OF THE OHIO REVISED CODE FOR THE COMPLETION OF CONSTRUCTION PROJECTS IN THE CITY OF ASHLAND, OHIO; 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: Sargent, Detrow, Wertz, Stewart, Valentine

Comments:

Cooper explained that this is the Issue 2 project for infrastructure improvements for this year; the amount the City receives could be up to \$500,000.

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

Ayes: Sargent, Detrow, Wertz, Stewart, Valentine

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: Sargent, Detrow, Wertz, Stewart, Valentine

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

Ayes: Sargent, Detrow, Wertz, Stewart, Valentine

Motion carried.

Res. 17-05

Item (e) 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 2006 OHIO COORDINATION PROGRAM AND EXECUTING A CONTRACT WITH ODOT UPON GRANT APPLICATION APPROVAL.

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: Sargent, Detrow, Wertz, Stewart, Valentine

Comments:

Director of Accounting, Anna Tomasek explained that this is a coordination grant for which the money goes for Ashland Community Coordination Transit to hire a full-time coordinator. The Ashland County Commissioners have given their local share of \$15,000 towards this grant; also several United Way agencies. The grant is used to pay the full-time coordinator and to provide transportation into the county. The grant application is due October 3, 2005, and the City will know if they have been awarded the grant by the first of December.

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

Ayes: Sargent, Detrow, Wertz, Stewart, Valentine

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: Sargent, Detrow, Wertz, Stewart, Valentine

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

Ayes: Sargent, Detrow, Wertz, Stewart, Valentine

Motion carried.

WARD REPORTS

Ward 1: Bob Valentine

(a) Ward walks:

Valentine told Council he was at first apprehensive about the ward walks, fearing they would not get a good turn out for them. They did, however, and they got good questions from people and good answers from directors. He thinks it worked out very well and wanted to commend those who set this up.

Mayor Strine responded that it was the division directors who organized the walks, and he was a little apprehensive also. The directors led the way and laid out the plans, and the Mayor said he hopes it is an ongoing thing; it helps communicate with people out there.

OLD BUSINESS: None

NEW BUSINESS

(a) Work session reminder::

Wertz reminded Council of the work session to be held next Tuesday, the 27th concerning the keeping of animals in the City.

Stewart reported that there was a misunderstanding about the intent of the discussion, as he found through a call from a City resident. The discussion will be about keeping animals in a back yard in the City, not prohibiting hoofed animal from coming into the City (Amish horses).

MAYOR'S COMMENTS

(a) Update on City projects:

Mayor Strine asked City Engineer Jim Cooper to update the City as to the various projects taking place in the City, in order to forewarn residents who may have to make adjustments to street closings and such.

Cooper outlined the following:

- Just finished Edison Street, Issue 2 project; looks extraordinary.
- Sandusky Street has just been started; there will be lights there, which will move along as construction moves, about 200 feet; could be three or four weeks to complete.
- Arthur Street will be closed at the bridge next week; Simonson will reconstruct that bridge; to be done by November 30th.
- Race Street will be closed starting next week; Cooper Brothers will be doing this project; the street will be widened from 23 to 26 feet, new curb and gutter, new sidewalks, milling done and new storm sewer installed.
- Regular street repair program continues; Claremont Avenue to be milled and resurfaced from Mifflin Avenue to the City limits; curb there has already been replaced.
- Water treatment plant renovation is coming along ahead of schedule, very nicely.
- Wastewater treatment plant has four new ground water wells; they are pumping those to store in storm water vault.

There are a lot of projects, and they are coming along nicely.

Stewart asked about the US Rt. 250 bypass reconstruction, and Cooper responded that the date is November 20th for completion; it has moved back due to rain days. Also there is a lot of undercutting due to bad sub grade, more than they anticipated, and it adds to the time frame. He hasn't heard about additional cost to the City as of yet.

ADJOURNMENT

Moved by Wertz and seconded by Sargent to adjourn the meeting.

Ayes: Sargent, Detrow, Wertz, Stewart, Valentine

Council adjourned the regular session at 7:52 p.m.

Submitted by
Elaine C. Bucklew
Clerk of Council