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# Ashland City Council

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## MINUTES FOR THE REGULAR SESSION OF COUNCIL September 6, 2005

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Mayor Strine called the meeting to order at 7:00 p.m.

### ROLL CALL

Ward 1:	Bob Valentine	Present
Ward 2:	Position unfilled	
Ward 3:	Ruth Detrow	Present
Ward 4:	Paul Wertz	Present
At-large:	Glen Stewart	Present

### PLEDGE OF ALLEGIANCE

### APPOINTMENT

#### (a) *Appointment to Ward 2 unexpired term*

Note: Ward 2 Councilman and Council President Greg Gorrell stepped down from the position for the remainder of his term, as he moved out of the ward. He resigned as of August 10, 2005.

Moved by Detrow and seconded by Wertz to appoint Bernard Sargent to the Ward 2 unexpired term.

Ayes: Valentine, Detrow, Wertz, Stewart

Mayor Strine explained that there were two executive sessions held to discuss how this appointment would be handled. Due to the nature of the short time remaining in this term, Council felt it best to appoint someone so the second ward would be represented immediately, rather than going through the extensive process normally followed, leaving the ward without representation for a longer time.

#### (b) *Oath of Office: Bernard R. Sargent, Councilman, Ward 2*

Mayor Strine administered the Oath of Office to Mr. Sargent as Ward 2 Councilman for the City of Ashland. Each member of Council welcomed and congratulated Mr. Sargent.

#### (c) *Election of Council President*

Moved by Wertz and seconded by Valentine to elect Glen Stewart as Council President for the remainder of the year.

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

### PRESENTATION OF MINUTES

July 19, 2005 *Regular session*  
August 18 and August 19, 2005 *Special sessions*

Moved by Wertz and seconded by Detrow to accept the minutes as written.

Ayes: Valentine, Sargent, Detrow, Wertz, Stewart

## COMMENTS OR QUESTIONS FROM THE AUDIENCE

### (a) *Flooding, related problems: East 11<sup>th</sup> Street, Jacobson Avenue*

Several residents of the East 11<sup>th</sup> Street and Jacobson Avenue areas expressed their concerns to Council about some wooded lots near their homes where logging had been done, and the resultant problems they were having due to that logging. In a related issue, flooding due to damaged City culverts was also discussed. Each resident who spoke emphasized the severity of the problems; the extreme impact on their lives, their properties, their homes; their frustration with their inability to get the situation corrected either through the property owner, the logging contractor, or City representatives, officials and departments.

The conditions as discussed include the following:

(Saundra Briggs, 350 E. 11<sup>th</sup> Street)

- Mess/eyesore ongoing since second week of July.
- Bad smell, standing water, water backing up in backyards when it rains, excessive mosquitoes.
- Residents apprehensive about carpenter ants, termites, rats.
- Questioned why the owner (Mrs. Barnhill) has not been required to clean up the area after the logging.
- Five City trees were taken down in the logging process.
- Questioned if the owner had been billed for the trees belonging to the City, the labor of City workers, the mosquito tablets and spray used, the culvert installed on 11<sup>th</sup> Street by City workers.
- Other trees downed that are also problems for residents, restricting drainage and causing backup of water.
- Trespassing signs needed for safety; kids making bike ramps there have been hurt; kids shooting paintballs; kids doing damage to sewer drains.
- The residents have contacted the property owner to see if problems can be corrected.
- City allowed a Butler couple to take logs out by way of Jacobson Avenue also about a year ago; brush still piled up, dried and a possible fire hazard.
- Their property values lowered due to the mess and problems.

Ms. Briggs asked for help from the City in cleaning this up; she gave pictures depicting the damage to Council.

(Debra Fitzgerald, 1214 Jacobson Avenue)

- Emphasized safety issues: told of injury to a youngster from missing a bike ramp and falling into a five-foot hole, injuring himself.
- Garbage/trash from people being in the woods.
- Flooding/drainage problems due to collapsed culvert.
- Blockage of stream in wooded lots by logging leaves water no place to drain.

Mayor Strine responded that the flooding and drainage would be looked into by the City to see what could be done. Stewart added that he and Wertz checked the area about six weeks ago, and there were huge ruts cut into the ground by big equipment, causing the water to pond and disrupting the flow of water.

(Janet Blair, 338 E 11<sup>th</sup> Street)

- Resident there for 41 years; noted the creek that had formerly run through the wooded area.
- Logging company dragged logs through, obliterating the creek and causing ponding of the water; backup of water over the street.
- Mosquitoes extreme this year.
- Questioned the maintenance of the property; removal of brush; who is responsible.

- Asking City to help force clean up and repair of the stream; to do something about the problems.

City Engineer Jim Cooper explained he had talked to the property owner about the situation, and she is to call the logger, who had told her previously he would return to rework the area where the ruts were. He had talked to her about the stream, that it had to be reconstructed to carry water. She's still trying to find people to cut the wood up, and Cooper stated he would be talking to her later in the week.

Stewart summed up the discussion by saying the Mayor and Council will see what can be done within the law and within their power about the situation.

Detrow added she had looked at the area this afternoon, noting she thinks the City doesn't have the ordinances about property maintenance that it needs. Enforcement is a problem however. Stewart responded that Council is working on collecting other ordinances relative to areas of property maintenance; they are researching the issues and trying to resolve problems.

### LEGISLATION

Ord. 62-05

Item (a) AN ORDINANCE APPROVING THE RECOMMENDATION OF THE COMMUNITY REINVESTMENT AREA NEGOTIATING COMMITTEE WITH REGARD TO THE COMMUNITY REINVESTMENT AREA TAX INCENTIVE APPLICATION FOR FARR AUTOMATION, INC. AND FARR PROPERTIES, LLC.

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, Sargent, Detrow, Wertz, Stewart

Comments:

Economic Development Director Martin Irvine told Council that they have been working for two years to recruit this company to Ashland County. The company has applied for a tax incentive through the Community Reinvestment Area and is planning to purchase 5.217 acres in the new business park, build a 23,000 square foot building, and invest at least 1.7 million dollars in the park. They asked for a 100% tax abatement, and a 25% compensation agreement was negotiated for other tax entities in the county such as the schools and MRDD facilities.

The company is growing and has added more employees recently; by the end of 2006, they will have added another seven full-time employees, consequently adding about \$305,000 in salaries from higher paying jobs; and they are hoping to bring about twenty new jobs into the county.

Irvine recommended that Council approve the tax incentive and the compensation agreements with the schools.

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

Ayes: Valentine, Sargent, 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, Sargent, Detrow, Wertz, Stewart

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

Ayes: Valentine, Sargent, Detrow, Wertz, Stewart

Motion carried.

Ord. 63-05

Item (b) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ADVERTISE FOR BIDS AND TO ENTER INTO A CONTRACT FOR THE PURCHASE OF EQUIPMENT FOR THE STREET DIVISION OF THE CITY OF ASHLAND, OHIO; 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 Ordinance has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

Ayes: Valentine, Sargent, Detrow, Wertz, Stewart

Comments:

Street Director Jerry Mack explained the need for this tractor, which is to be used for retention area and other mowing. This is a smaller, compact tractor with 4WD, a cab for safety and other features to make mowing of retention ponds and other noxious areas easier. It would be a definite asset to the department. This purchase has been budgeted.

Mayor Strine added that this is a direct result of the City taking on the responsibility for the creation and care of the water detention areas, and this equipment is needed to do the job.

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

Ayes: Valentine, Sargent, 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, Sargent, Detrow, Wertz, Stewart

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

Ayes: Valentine, Sargent, Detrow, Wertz, Stewart

Motion carried.

Ord. 64-05

Item (c) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ADVERTISE FOR BIDS AND TO ENTER INTO A CONTRACT FOR THE PURCHASE OF EQUIPMENT FOR THE STREET DIVISION OF 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 Ordinance has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

Ayes: Valentine, Sargent, Detrow, Wertz, Stewart

Comments:

Mack explained that this is plowing and salting equipment for the truck approved earlier in July. It has been budgeted and is part of their replacement plan for trucks. Stewart added that the revenue for the account from which these purchases will be made is there for the purchases.

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

Ayes: Valentine, Sargent, 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, Sargent, Detrow, Wertz, Stewart

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

Ayes: Valentine, Sargent, Detrow, Wertz, Stewart

Motion carried.

Ord. 65-05

Item (d) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ADVERTISE FOR BIDS AND TO ENTER INTO A CONTRACT FOR THE BANEY ROAD/CLAREMONT AVENUE TRAFFIC SIGNALS REPLACEMENT PROJECT WITHIN 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 Ordinance has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

Ayes: Valentine, Sargent, Detrow, Wertz, Stewart

Comments:

City Engineer Jim Cooper explained that this is requesting bids for construction of new signals at the Claremont Avenue and Baney Road intersection. The present signals are 20 years old and the technology is older. One of the present poles is stressed and has some movement in it, and it is recommended that this be replaced at this time. Money is in the budget for this project, which is estimated at \$80,000.

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

Ayes: Valentine, Sargent, Detrow, Wertz, Stewart

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: Valentine, Sargent, Detrow, Wertz, Stewart

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

Ayes: Valentine, Sargent, Detrow, Wertz, Stewart

Motion carried.

Ord. 66-05

Item (e) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ADVERTISE FOR BIDS AND TO ENTER INTO A CONTRACT FOR THE CLIFTON AVENUE STORM WATER REPLACEMENT PROJECT IN THE CITY OF ASHLAND, OHIO; 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 Ordinance has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

Ayes: Valentine, Sargent, Detrow, Wertz, Stewart

Comments:

Cooper explained that this is bidding for the Clifton Avenue storm water replacement project. Currently the size of the pipe in that area is 12"; the work done with Issue 2 on Scott Street installed a 22" pipe; where that project was ended, an open ditch will be put in as an upgrade with an additional 500 feet of 24" pipe. The water then flows to the railroad tracks and under through a 24" pipe.

The increase in pipe size will make this all work better; however, in the future another 24" pipe will have to be installed under the railroad tracks. Should the present casing under the tracks fail, the water back up would badly flood the neighborhood nearby. That replacement project is planned possibly for early next year.

However, the requested replacement will increase the size of the storm system.

Council questioned the timing of replacement of the railroad track culvert and the cost to do so. The cost would be about \$30,000 to \$40,000, and Stewart asked if this should be spent to replace that culvert before the Clifton Avenue waterline is replaced and more water is carried down to the railroad track. Cooper stated that is an option to look at.

Cooper hopes to bid out the Clifton water line to get it done yet this year.

Detrow asked if there is money to do both projects, and Cooper told her money has been put aside for storm water projects, giving some options. The storm water replacements are on-going projects, and he is trying to package the two projects together, hoping to get better bid prices. But he does recommend that the second project be done at some time. It has been there long enough that it is something he feels the City needs to do.

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

Ayes: Valentine, Sargent, 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, Sargent, Detrow, Wertz, Stewart

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

Ayes: Valentine, Sargent, Detrow, Wertz, Stewart

Motion carried.

Ord. 67-05

Item (f) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ADVERTISE FOR BIDS AND TO ENTER INTO A CONTRACT FOR THE DAVIS ROAD/EAGLEWAY 10" WATERLINE LOOP PROJECT 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 Ordinance has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

Ayes: Valentine, Sargent, Detrow, Wertz, Stewart

Comments:

Cooper explained that this waterline loop will go from Davis Road, under U.S. Rt. 42 bypass and connect into the Pataskala housing project, about 600 to 700 feet. The City has a major 16" line coming out U.S. Rt. 250 that will feed all the development out there, and that line comes up George Road. If something would happen to that line, this loop could be used to feed water a second way. Also, looping waterlines keeps the flow of water better, prevents rusty water, gives more options; the City is trying to loop as many waterlines as possible.

One thing they found is that a lot of the area under the road is shale, which will be a little more expensive than originally predicted. The estimate was raised from \$50,000 to \$60,000 in anticipation of that.

Stewart noted the water usage of the City is down due to several issues and the revenue as a result is down also; there is currently not a problem money-wise, but it is something to be aware of. Water Distribution Director Curt Young explained that the increase in water rates is beginning to offset some of that.

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

Ayes: Valentine, Sargent, 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, Sargent, Detrow, Wertz, Stewart

Moved by Detrow and seconded by Valentine that the Ordinance be passed.  
Ayes: Valentine, Sargent, Detrow, Wertz, Stewart

Motion carried.

Ord. 68-05

Item (g) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ADVERTISE FOR BIDS AND TO ENTER INTO A CONTRACT FOR THE ASHLAND BUSINESS PARK RETENTION POND PROJECT 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 Ordinance has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

Ayes: Valentine, Sargent, Detrow, Wertz, Stewart

Comments:

Cooper explained that this is requesting bids for building a dam and creating a retention pond for the Ashland Business Park, needed from the standpoint of storm water management, which the EPA requires in order not to create flooding downstream. This pond will take care of the needs for the whole park.

Boyd added that this is part of the ODOD grant that the City received for infrastructure at the park. The City will be reimbursed.

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

Ayes: Valentine, Sargent, Detrow, Wertz, Stewart

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: Valentine, Sargent, Detrow, Wertz, Stewart

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

Ayes: Valentine, Sargent, Detrow, Wertz, Stewart

Motion carried.

Ord. 69-05

Item (h) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ENTER INTO A CONTRACT FOR TWO MONITORING WELLS AND A TEST WELL AT THE RILEY FARM; 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, Sargent, Detrow, Wertz, Stewart

Comments:

Cooper explained that this is the first phase of determining the extent of water at the Riley property. All indications from the past two years' studies by geologists and water experts show that there is a tremendous amount of sand and gravel in this area, but for its long-term water needs, the City must begin to analyze how much water is there on a sustainable basis. It is necessary to know just how much so that planning can be done.

The other thing this ordinance permits is to have options, because there is enough gravel out there to develop a reservoir along with wells. In the springtime, water can be caught and clarified and sent down to the water treatment plant so to utilize it. It is important to have enough water in the future for economic development and City growth.

This will have to be done in a construction/consultant approach with expertise by well drillers and geologists.

Valentine asked if this is a different direction from restoring the old reservoir, and Cooper responded that EPA requirements got in the way of the reservoir project, in addition to the fact that the reservoir would never have been able to take care of long-term water needs with the 120 million gallons that would provide. It might be well to spend that money at Riley's property and develop eight to ten times the amount of water. The reservoir plans are on hold, but may be pursued with grants at a later time.

Mayor Strine explained that the City didn't change its plans so much, but rather the EPA did.

Valentine stated, after much discussion on the reservoir project, that he just didn't want to see that project die. Law Director Rick Wolfe reiterated that the project is on hold until someone else gives the City guidance as to whether it can go ahead or not. The City is not in any consent or jeopardy there. Stewart added that two different divisions of the EPA are giving the City opposite directions: same agency, two different arms of it. This option of the Riley farm is a long-range "see what's there".

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

Ayes: Valentine, Sargent, 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, Sargent, Detrow, Wertz, Stewart

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

Ayes: Valentine, Sargent, Detrow, Wertz, Stewart

Motion carried.

Ord. 70-05

Item (i) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO CONVEY A 15 FOOT STRIP OF LAND TO THE OWNERS OF THE PARCEL FROM WHICH SAID 15 FOOT STRIP WAS ORIGINALLY CONVEYED; AND DECLARING AN EMERGENCY.

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

Comments:

Law Director Rick Wolfe explained that this would ordinarily be just an ordinance to vacate an alley but for the fact that back in the fifties when it was done, for some reason it was put on record as an actual conveyance to the City of the strip of land. This was in deed form, and the strip was given a lot number, which was unusual. It was given to be used as an alley or street but has never been used for that; the City doesn't want to use it for that now. If it had been simply a right-of-way in the normal sense, it would just be vacated.

But in order to clear the record, the strip must be actually conveyed as a deed, a different form for which is, in essence, the vacating of an alley.

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

Ayes: Valentine, Sargent, Detrow, Wertz, Stewart

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: Valentine, Sargent, Detrow, Wertz, Stewart

Moved by Stewart and seconded by Detrow that the Ordinance be passed.  
Ayes: Valentine, Sargent, Detrow, Wertz, Stewart

Motion carried.

Res. 15-05

Item (j) 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 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, Sargent, Detrow, Wertz, Stewart

Comments:

Finance Director Nancy Boyd told Council that this legislation is done each year in September, and it accepts the tax rates to move forward with the 2006 appropriations. It is filed with the County Auditor.

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

Ayes: Valentine, Sargent, 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, Sargent, Detrow, Wertz, Stewart

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

Ayes: Valentine, Sargent, Detrow, Wertz, Stewart

Motion carried.

## WARD REPORTS

Ward 3: Ruth Detrow

*(a) Grass overgrown, Lee Avenue:*

Detrow asked about how long a time is it from the time of complaint until resolution of problem of high grass complaints, and Ellie Grubb responded it can be anywhere from two weeks to a month. It often depends on finding out who is responsible for the property.

Detrow noted that the people who registered the complaint went ahead and mowed the other owner's property; it can be a long process, and the property owner has his own rights too.

*(b) Basement, sewage backup, 178 Sherman Avenue:*

Detrow was contacted by the property owner at the above address, who was the recipient of a basement full of raw sewage backup at the time of the last rain. He outlined how much he lost through this, from washer and dryer to valuable collections, a great deal of money. He felt the City should be responsible, but actually the City is not responsible for this kind of happening.

Detrow asked the law director about a city's sovereign immunity. Wolfe noted that the City might not be responsible for that problem because the City did not cause the problem; it's not a question of sovereign immunity but whether it's a problem the City caused or created. If it is something the City did, then it may have some responsibility for it; but in this particular instance, he didn't think that is the case. If the City is responsible for a particular matter, the owner's insurance must be looked to first before any liability to the City is assessed (tort law). Wolfe clarified that it is not a question of sovereign immunity, which means that the City is not

liable; it is a question of whether it is a situation that the City has created. The City is not the insurer of things such as acts of God, nature, those kinds of things.

Detrow responded that in this case the people were told by City employees that a critical area needing cleaned hadn't been cleaned out, and therefore the back up occurred. Wolfe told Detrow he had discussed this particular situation with the Mayor, and neither felt it was a problem the City created, and therefore not the City's responsibility. If the owners think otherwise, it is up to them to pursue whatever action they think appropriate. The City will raise appropriate defenses at that time.

Detrow stated that she is not saying the City should take on everyone's problems. But it is a horrible shame that these people have lost a tremendous amount, and they feel that it is the City's fault.

Ward 4: Paul Wertz

*(a) High grass, areas of Fourth Street and Miller Street:*

Wertz reported unmowed areas here at an earlier meeting, and the owners mowed the front yards but not the back yards, which now are about 4-feet high. He asked if Wolfe would attend to this again.

Wards 1 and At-Large:

Both Councilmen of these wards took problems to the particular administration responsible, and both were worked out satisfactorily.

OLD BUSINESS: None

NEW BUSINESS

*(a) Co-location of antennas:*

Petitioner, Nextel Communications; tower location, 515 East 7<sup>th</sup> Street

On behalf of Nextel Communications, Pete Colosimo explained that he would answer any questions about the setback variance that was approved by the City Planning Commission on August 1<sup>st</sup> for an equipment shelter that will be located at the site of the Sprint communications tower, 515 East 7<sup>th</sup> Street. He briefly explained the construction details of the shelter, noting that it would be located within the fenced area already existing at the site. The enclosure will not be changed.

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

Ayes: Valentine, Sargent, Detrow, Wertz, Stewart

*(b) Sidewalk waiver request:*

Lot No. 4226, S.A., Red Oak Drive; Petitioner, SMW, Inc. *(Stanley B. Hunt)*

Cooper told Council he has viewed the site and did not have a problem with extending this waiver for one year. Stewart commented on this, in that the lot beside this one is under construction with a sidewalk to be installed. That construction is nearing completion, which would mean that all the sidewalks will be in on that south side of the street down to this particular lot, Lot #4426. The next request on tonight's agenda for petition is Lot 4427 next to this: those two lots are not completed in that particular area.

There are four additional lots off Red Oak Drive in the two cul-de-sacs that are not built out with sidewalks yet. The comment he chose to make is this: Council spent an awful lot of time addressing the problems of sidewalks in new subdivisions developed since 1988, the reason being that people have invested significantly in their homes and lots in these areas with an expectation that they will be able to walk in the areas and not walk in the streets. This Council has the opportunity to accept or reject these petitions for a delay of installing the sidewalks. Most of them coming before Council had a desire to build within the year. In this case, the buyer does not have plans to build right away. It is Council's choice as to what to do with this request. There are two lots side-by-side here.

One question is whether Council will have any teeth in a sidewalk ordinance that was already defined from 1988 forward for developing housing areas, that stated that a sidewalk would be part of that process. Council has not enforced that fully, but nonetheless, there is an ordinance that says they will have sidewalks. This has been tuned up to say that if 80% of the subdivision is build out, all sidewalks would go in. Stewart indicated he did not know if this subdivision has that percentage, or even what a "subdivision" is considered; a plat, a street and cul-de-sacs?

Wolfe stated that along with that ordinance is the part of the process put in the provision for waivers; for exceptional circumstances, geographical circumstances, topographical or others. Part of the reason is also that if someone puts in a sidewalk before the house is constructed, the sidewalk winds up getting ripped up when the house is finally built. If there are plans for the foreseeable future, that made it easier for Council to grant a waiver; if there are no plans, then that is another story.

Wolfe went on to say that each of these requests should be voted on separately, but if there are two adjacent lots, they probably should be considered together to be consistent. Another thing to look at is whether this is a first request for a waiver.

Stewart clarified and further discussed with Council members the issues and details of the situation between the two lots, 4226 and 4227 after questions raised confusion as to remarks on the two separate petitions. The realtor involved with one of the lots added more explanation.

Moved by Detrow and seconded by Wertz to grant a one-year sidewalk waiver on Lot No. 4226, S.A.

Ayes: Valentine, Sargent, Detrow, Wertz, Stewart

(c) *Sidewalk waiver request:*

Lot No. 4227, S.A., Red Oak Drive; Petitioner, Regie D. Lloyd, realtor

Moved by Wertz and seconded by Detrow that the waiver be granted for the period of one year.

Ayes: Valentine, Sargent, Detrow, Wertz, Stewart

(d) *Sidewalk waiver request:*

Lot Nos. 4122 and 4123, S.A., Twin Leaf Court; Petitioner, DeLuca Enterprise, Ltd.

Property owner Linda Cuzzolini explained the sale and building details with these lots; they have owned them for four or five years and are attempting to sell them. They know the requirements for sidewalks and are making prospective buyers aware of those requirements also. They do not want to install sidewalks until building schedules are in place, due to the damage from construction to installed sidewalks.

Stewart reminded her that those two lots are the only ones in that major part of the subdivision without sidewalks; they do fall within the 80% build out; and it is exactly the reason the ordinance was revised. He told Council he has an interest in this and would abstain from voting.

Moved by Detrow and seconded by Valentine that the waiver be granted for the period of one year.

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

(e) *Work session scheduled:*

Wertz requested a Council work session to discuss possible regulations for the keeping of hooped and other farm animals within the City. This was scheduled for Tuesday, September 27<sup>th</sup> at 7:00 p.m. in the Mayor's Conference Room. The Mayor will be out of town and unable to attend this session.

MAYOR'S COMMENTS

(a) *Business Appreciation Month:*

Mayor Strine read a proclamation designating September “Business Appreciation Month” in the City of Ashland.

(b) *Ordinance to sell water to Rural Lorain County Water Authority:*

Mayor Strine told Council he will be sending out a copy of an ordinance and agreement for selling water to the Rural Lorain County Water Authority, a project on which Council has held work sessions. He will ask for Council’s consideration for this ordinance at the next regular session of Council.

ADJOURNMENT

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

Ayes: Valentine, Sargent, Detrow, Wertz, Stewart

Council adjourned the regular session at 8:47 p.m.

Submitted by  
Elaine C. Bucklew  
Clerk of Council