

---

---

# Ashland City Council

---

## MINUTES FOR THE REGULAR SESSION OF COUNCIL September 5, 2006

---

---

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

### ROLL CALL

|           |                     |         |
|-----------|---------------------|---------|
| Ward 1:   | Robert L. Valentine | Present |
| Ward 2:   | Robert M. Valentine | Absent  |
| Ward 3:   | Ruth Detrow         | Present |
| Ward 4:   | Paul Wertz          | Present |
| At-large: | Glen Stewart        | Present |

Note: Throughout the minutes, Robert L. Valentine and Robert M. Valentine are designated as to their ward representation, W1 and W2.

Moved by Stewart and seconded by Valentine W1 to excuse Valentine W2 from the meeting.

Ayes: Detrow, Wertz, Stewart, Valentine W1

### PLEDGE OF ALLEGIANCE

### PRESENTATION OF MINUTES

July 18, 2006: Regular session

August 1, 2006 and August 22, 2006: Special sessions

Moved by Wertz and seconded by Detrow to approve the minutes.

Ayes: Detrow, Wertz, Stewart, Valentine W1

### COMMENTS OR QUESTIONS FROM THE AUDIENCE

#### (a) *Boy Scout Troop 555:*

Members of Boy Scout Troop 555 introduced themselves and explained that they are working on their Citizenship and Community badges. Attending a City Council session is one of the requirements for attaining this level of badge.

Stewart spent time explaining the manner of presenting and voting upon legislation, as well as the fact that the legislation has been in Council's hands for several days for their study. In fact, the legislation is sent to Council members with a pre-agenda a week ahead of the final agenda. This allows them to research the items and ask questions of the Mayor and other Division Directors as they feel the need.

The Scout Master also asked about the usage of the word "emergency" in the legislation and just what it means. Law Director Rick Wolfe explained that this is a procedural matter that enables the legislation to become effective immediately. Otherwise it would have a thirty-day waiting period. The word emergency does not imply dire urgency of some sort and something bad will happen; it means that it becomes effective immediately upon passage by Council and approval by the Mayor. For most routine legislation that has been already previewed by Council, there is no reason for delay.

Stewart further explained that there are occasions when Council will not pass the legislation in three readings in one night. Sometimes if there is need for more information from the community, they may choose to pass it on one reading, one meeting; second reading, second meeting; and third reading, third meeting, generally two weeks between meetings. Usually however, they pass it all in one evening.

To complete the explanation, Wolfe discussed the rule under state statute and also adopted by Ashland's Charter that says legislation must be passed three times, three separate readings on three separate days. But there is also a provision that allows suspension of that rule by a three-fourths vote of Council to do it all in one evening. Though there are times when the readings should be spread out, there are other times there is no good reason to do so. When Council votes to pass on first reading, that is a procedural issue; when they move to suspend the rule requiring three separate readings three separate nights, again this is a procedural issue; and then when the motion is made to pass it, that completes it in one evening.

Legislation could drag on for six weeks plus thirty days from beginning to end. Sometimes there is reason to do that, but most times there isn't, thus leading to ways to accelerate those procedures.

## LEGISLATION

Res. 10-06

Item (a) 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: Detrow, Wertz, Stewart, Valentine W1

Comments:

Finance Director Anna Tomasek explained that is the 2007 tax rates that were determined by the County Tax Budget Commission; it is a housekeeping item and establishes City rates. There is no change in them.

Moved by Detrow and seconded by Valentine W1 that the Resolution be passed on the first reading.

Ayes: Detrow, Wertz, Stewart, Valentine W1

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: Detrow, Wertz, Stewart, Valentine W1

Moved by Wertz and seconded by Valentine W1 that the Resolution be passed.

Ayes: Valentine W2, Detrow, Wertz, Stewart, Valentine W1

Motion carried.

Res. 11-06

Item (b) A RESOLUTION AUTHORIZING AND DIRECTING THAT THE CITY OF ASHLAND MAKE APPLICATION FOR A GRANT FROM THE ASHLAND COUNTY COMMUNITY FOUNDATION FOR THE PURPOSE OF FUNDING THE BALDRIGE QUALITY INITIATIVE 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: Detrow, Wertz, Stewart, Valentine W1

Comments:

Valentine W1 asked if at first this was funded entirely by the Foundation, and Human Resources Director Cheri Helterbridle responded that the City has always split the cost. In addition, the City had an initial investment before the splitting of costs; the City has always invested in the process.

Valentine W1 asked if the \$70,000 comes from the City's budget; Helterbridle responded that right now the City has \$70,200 budgeted for 2006, and the same amount will be needed for 2007. The City is asking for matching funds on that amount. Valentine W1 stated then that the total program costs \$140,000, and Helterbridle affirmed that.

Valentine W1 asked what is the City doing for \$140,000. Helterbridle explained that by the time all that \$140,000 is invested, the City will have trained every employee in all of the divisions under the Mayor and will have a quality initiative program. Ashland will be the first municipality in the state of Ohio to put this in place.

Helterbridle added that the City employees would have measurable standards to know that the City has improved the quality of its services for the community. The employees are doing surveys and a myriad of things. She told Council she should put together a presentation for them similar to what they have done for divisions to show what is being accomplished. In every division there are measurable standards that will be tracked, and this has never before been done; this will be bringing the process of doing business for the City into the 21<sup>st</sup> Century.

When this training is finished, the City won't stop at that point: the State has a program Ohio Partners for Excellence, the Ohio quality initiative. With that the City will be taking part in having on-site people evaluate the City programs. However, that program is all free through the state. The City will know how to put the programs together, to work for greater levels of achievement; it is an ongoing program of excellence.

Valentine W1 asked what would happen if the Foundation didn't fund this, and Mayor Strine told him it is in the appropriations for next year, which Council would be asked to approve. The Mayor stated that one of the biggest efforts being made through this quality initiative is to find ways to better serve the public, and to ask them to be involved in that process.

Mayor Strine explained that the City funded the first year entirely. Helterbridle added that the City is two full years into the program and has one year to go. Training will be completed by 2007.

Moved by Detrow and seconded by Valentine W1 that the Resolution be passed on the first reading.

Ayes: Detrow, Wertz, Stewart, Valentine W1

Moved by Wertz and seconded by Valentine W1 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, Stewart, Valentine W1

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

Ayes: Detrow, Wertz, Stewart, Valentine W1

Motion carried.

Res. 12-06

Item (c) A RESOLUTION DECLARING THE NECESSITY OF CONSTRUCTING OR REPAIRING SIDEWALKS IN THE CITY OF ASHLAND, OHIO.

Moved by Wertz and seconded by Valentine W1 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, Stewart, Valentine W1

Comments:

City Engineer Jim Cooper told Council that for the last several years they have been working towards a plan to repair the sidewalks in the City of Ashland, and information he handed out to Council contains the culmination of that work. Phil Diehm and Kurt Brzyszc

worked together to do the inspections; Jerry Mack and his crews have done the repair work as far as tree related problems in this area, Area 1. In the packets given out is the basic City sidewalk program outline that covers the procedural matters. There is a sample of a sidewalk inspection form; a sidewalk standards form that will go to each person contacted; a list of owner's square footage involved and estimated costs for repairs for everywhere in Area 1. Area 1 includes everything from Walnut Street to the railroad tracks, and Cottage and Claremont Streets over to Miller Street.

He is asking Council to pass this, and if it is passed, the procedure is to have certified letters sent to the owners, who hopefully will have their sidewalks repaired. If not, then the City will take that responsibility of repair; the costs will be charged to the owners. If they choose not to pay those, the charges will go to the county auditor to be put on the owner's tax duplicate to be paid off in up to ten years, depending on the price of the project. Ten years is the maximum allowed by ordinance.

Detrow asked about streamlining and simplifying this process, but Cooper told her that cannot be done due to the legalities. Information from the program goes to Council and its clerk; then between Engineering and Council, certified letters will be sent out to owners with the information needed to repair their sidewalks.

Wertz asked about vacant houses and non-responses. Cooper explained that the list is published in the newspaper, which is sufficient to give them notice that costs will go onto the tax books. If that property is ever sold or transferred, those costs have to be paid to the City with interest before there is a clean deed to the property.

Wertz asked if the City has to pay for these then, and Wolfe assured him that would happen: the City is fronting the money. There may be exceptions to the rule where the City may end up not collecting the money at all, ever. That is a risk in being involved in this kind of program on a Citywide basis, but the whole intent is that the people themselves do the project themselves; second, if they don't, the City does it and assesses costs through the taxes. There may be situations where the City is unable to recoup those taxes, but he thinks that is the exception to the rule.

Valentine W1 asked how much is allocated in the budget for this, and Cooper told him it is \$100,000.

Valentine W1 commented that this is only the beginning of the plan, and Cooper told him this is only Step 1 of a ten-year plan. Wolfe corrected the statement that this is the beginning by saying that several steps have already proceeded this; this is more into the plan and a lot of work has already gone into this before. This is into the plan; this is not the beginning, but several steps down the road.

Cooper repeated that a lot of work has already been done in Area 1 by the Street Department repairing tree-related damaged sidewalks in the last couple of years. Others have already put sidewalks in after seeing the survey work being done, which is exactly what they'd like to see happen.

Stewart stated he is a major proponent of upgrading the sidewalks in this community; the mandate after service of this letter that they have seven days to ask for appeal, but they have thirty days to get the sidewalk in. He asked if there are enough contractors in Ashland to do that in thirty days, and Cooper responded probably not.

Mayor Strine explained that flexibility would be needed in this. People who want to have their own constructed and if it will take 60 days for the contractor to get there, the City can give them 60 days. Stewart added that is part of the appeal process. Cooper commented that the weather would be good for pouring concrete through late October, early November.

Detrow questioned the next step as being sending the letters, and Wolfe told her that is what is authorized by this legislation. This is the process.

Moved by Stewart and seconded by Valentine W1 that the Resolution be passed on the first reading.

Ayes: Detrow, Wertz, Stewart, Valentine W1

Moved by Wertz and seconded by Valentine W1 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, Stewart, Valentine W1

Moved by Detrow and seconded by Valentine W1 that the Resolution be passed.

Ayes: Detrow, Wertz, Stewart, Valentine W1

Motion carried.

Ord. 76-06

Item (d) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ENTER INTO A MODIFICATION OF THE 2006 STREET RESURFACING PROGRAM CONTRACT AUTHORIZED BY ORDINANCE NO. 22-06; 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: Detrow, Wertz, Stewart, Valentine W1

Comments:

Cooper noted this is a large change order request. It was a surprise to Engineering, as this has never been done before. In Engineering bidding specifications it is written that the City will follow the Ohio Department of Transportation (ODOT) specification book. There hasn't been a situation where oil prices have gone up as fast as they did early this year. In 401.20 Asphalt Binder Price Adjustment, there is a formula ODOT comes up with every month, a binder index and a placing index per month. There is a formula used to figure out that if the project is 5% above or 5% below (105% or 95%), there would be adjustments. If it is above 105%, then the adjustment is positive to the contractor; if it goes below 95% then the City gets money back.

Primarily due to this price adjustment, which came to about \$36,000, the City ran over the contract bid price. To try to help, Lee Avenue was eliminated from the program this year to help contain overruns. As it turns out, there also were major problems with Foxmoor Lane with the sub grade, which took major work to correct.

When all the plusses and minuses were considered, the change order was the result.

Valentine W1 said that the point is, when ODOT sets the limitations and standards, the City abides by their standards, is that correct? Cooper responded that the City would not anymore: that aspect was eliminated. ODOT's specs will still be followed but that section is being eliminated.

Wolfe explained further that the provision was in there before, but there was never this much of a variation and adverse effect. Now that it has hit in this fashion, it will be eliminated from the specifications in future contracts, so there won't be this kind of issue. But the City is bound by this contract just as the contractors are.

Cooper stated this is the way ODOT operates all the time, and their spec book is far superior to anything the City has, so this is not to get rid of the spec book. It is that the City doesn't want any more surprises like this.

Stewart summed up the situation by saying this is a significant change order, \$46,189.30, but the City has funds to pay for it.

Moved by Valentine W1 and seconded by Detrow that the Ordinance be passed on the first reading.

Ayes: Detrow, Wertz, Stewart, Valentine W1

Moved by Wertz and seconded by Stewart 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, Stewart, Valentine W1

Moved by Wertz and seconded by Valentine W1 that the Ordinance be passed.  
Ayes: Detrow, Wertz, Stewart, Valentine W1

Motion carried.

Ord. 77-06

Item (e) AN ORDINANCE AUTHORIZING THE MAKING OF THE ANNEXATION OF CONTIGUOUS TERRITORY AND DIRECTING THE DIRECTOR OF LAW OF THE CITY OF ASHLAND TO PROSECUTE THE PROCEEDINGS NECESSARY TO EFFECT IT; 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, Stewart, Valentine W1

Comments:

Mayor Strine noted this is the property the City just purchased (Sandusky Street).

Stewart added this still leaves 2 lots west of the property and 10 lots east of the property that are still not in the City. Even though that is so, this new property ties into the golf course, which makes it contiguous to City land.

Moved by Wertz and seconded by Valentine W1 that the Ordinance be passed on the first reading.

Ayes: Detrow, Wertz, Stewart, Valentine W1

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, Stewart, Valentine W1

Moved by Detrow and seconded by Valentine W1 that the Ordinance be passed.

Ayes: Detrow, Wertz, Stewart, Valentine W1

Motion carried.

## WARD REPORTS

Ward 1: Bob Valentine

(a) *Katherine Avenue parking:*

Valentine W1 reported calls about the high school students parking cars along the street by the condos there. Student cars block vision to exiting vehicles.

(b) *College Avenue/Grant Street stop signs:*

Valentine reported a repeated complaint about the need for a three-way stop at the intersection of College Avenue and Grant Street; the complainant does not see a reason for a stop sign on College Avenue. Wolfe explained there is a lot of pedestrian traffic in the area, and it helps to slow down traffic for safety.

At-large: Glen Stewart

(a) *Unsigned correspondence:*

Stewart noted he receives a lot of Council-oriented mail. However, anytime someone takes the time to write to him but fails to identify himself or herself, he does not respond to it. He feels he needs to have two-way communication with someone who has a thought to share with him. He feels so strongly about this that it would be very rare that he would bring their topic up for discussion. People in this community should never feel threatened about talking to their councilman or anyone else in the community. He would be pleased to respond if the communication is signed.

## OLD BUSINESS

### (a) *Final Report on City Sidewalk Program, Area 1:*

Stewart noted this had been adequately discussed during the consideration of legislation relating to it earlier in the meeting.

### (b) *Downtown parking:*

Stewart outlined the history of the issue of merchants/employees/office workers parking in the Main Street area, with the problem being that many of them park for the two hour limit, after which they move their vehicle a space ahead or to another spot in the area, thus tying up parking areas that could be used by shoppers. As a result a change in fines for violations has been instituted.

Still, Council members do not feel the work is done yet. They have gone out to review the various parking lots, the varying hours available in the parking lots, numbers of spaces there. Times vary from 15 minutes, 30 minutes, one, two, three and eight hours and 24 hours in the various spots throughout the City. Main, South and Second Streets are basically two-hours.

The question has come to Council about those people who are working downtown and do not have a convenient place to park close in downtown. So Council has looked at these areas. He opened the topic to discussion.

Wertz suggested making a couple rows in Lot J (Center and Orange Streets) eight hour parking. Detrow added leaving the row next to Second Street two hour parking and the rest of the lot eight-hour spots should help. This morning when she looked at this area, the eight-hour spots were all full.

Valentine W1 stated that Lot B across from the Municipal Building is never even a third full. Actually, he stated he doesn't see a big problem with parking.

Mayor Strine asked for clarification from Council as to whether their idea is to provide parking for downtown shoppers or for business.

Stewart's observation is that the downtown is far different than it was a few years ago; the major change is that the various storefronts vacated by retailers have been filled by various service/professional type businesses who don't have a lot of in and out traffic. Even though this problem came to Council by a retailer, and he doesn't want to drive retailers away, Stewart is very pleased that most storefronts have been filled. So where is the middle of the road to satisfy the needs? The City has bought buildings and tore them down to expand the parking for retailers: that was the purpose. But retail isn't what it was earlier, and he's trying to look at this from different viewpoints.

Detrow stated there is a need to establish a balance; she can see why people do not want to walk all the way up from Parking Lot B. At any rate, she feels more eight or 10-hour spaces need to be added; the balance has shifted and parking needs to shift with it. It looks as though nothing can be done about the people who park and move every couple of hours.

Mayor Strine stated that today he found out that progress is being made with these parkers; the meter person has no problem keeping track of this. That is being done. He said he prefers to leave it alone for a while and see how it works.

Stewart related his experience seeing a retail proprietor come out of his establishment, check his vehicle which had no tire chalk marks, and return to his store, assured of two more hours of parking. This was a retailer, not a service business person. Detrow commented that person should be ashamed; the retailers are the ones complaining, and not only they but also their employees should not be abusing the parking.

Stewart suggested taking all the parking signs down and letting people park wherever they want, however they want, as long as they want, except perhaps for Main Street. He said he is serious.

Mayor Strine responded that would be simple to try that, to put bags over the signs.

Stewart summed it up saying this problem has all been opened up and conclusions will have to be made, some recommendations suggested.

Mayor Strine said he would present this again to the Traffic Committee and see what they think about increasing the eight-hour spots.

Detrow said they should try that, but if the problem continues, it will have to be revisited.

#### NEW BUSINESS

(a) *Advertising on Private Property Permit Application:*

Campaign for Ashland County Commissioner; Petitioner, John Leininger

Moved by Wertz and seconded by Detrow to approve the application.

Ayes: Detrow, Wertz, Stewart, Valentine W1

#### MAYOR'S COMMENTS

(a) *Work session scheduled:*

Mayor Strine requested a work session to discuss two topics: 1) Sign regulations for the City of Ashland; Chapter 1184 of the Codified Ordinances; and 2) Changes to the Historical District Ordinance No. 51-05, Chapter 1191 of the Codified Ordinances.

The work session will be held on Thursday, September 28<sup>th</sup> at 7:00 p.m. in the Mayor's Conference Room.

(b) *Director's presentation:*

Water Treatment Director Bruce Wisner gave a PowerPoint presentation as to the workings, plans and projects of the Water Treatment Plant, the Sewer Maintenance Division and the Wastewater Treatment Plant.

Wisner answered several questions that came to him during and after the formal presentation.

#### ADJOURNMENT

Moved by Valentine W1 and seconded by Detrow to adjourn.

Ayes: Detrow, Wertz, Stewart, Valentine W1

Council adjourned the regular session at 8:34 p.m.

Submitted by  
Elaine C. Hootman  
Clerk of Council