
Ashland City Council

MINUTES FOR THE REGULAR SESSION OF COUNCIL September 19, 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	Present
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.

PLEDGE OF ALLEGIANCE

PRESENTATION OF MINUTES

Regular session: *September 5, 2006*

Moved by Valentine W1 and seconded by Detrow to accept the minutes.

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

COMMENTS OR QUESTIONS FROM THE AUDIENCE

(a) *Kathleen Below, Ashland University student:*

Below told Council she is an Ashland University student in Dr. Willis' Advanced Reporting class, and attendance at the Council session is part of her reporting assignment.

(b) *Norm Fierbaugh, 740 Garmon Avenue:*

Fierbaugh reported safety problems on Katherine Avenue after a football game: it is dark and the traffic is heavy; a near accident occurred. He discussed needed light, but it was never clear whether he meant traffic light or street lighting. Stewart will check this out.

(c) *Richard Lilley, Garmon Street:*

Lilley reported a fire lane sign that is faded and unreadable. Mayor Strine responded he would see to that.

Lilley also noted the stop sign at Bruce Street is not used and asked why the City doesn't just put up a yield sign: no one actually stops there.

Stewart told Lilley his comments have been duly noted.

EXECUTIVE SESSION

Moved by Detrow and seconded by Wertz to move into executive session to discuss the potential sale of property.

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

Council moved to executive session at 7:10 p.m. and returned at 7:25 p.m.

Moved by Valentine W1 and seconded by Valentine W2 to return to regular session.

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

LEGISLATION

Ord. 78-06

Item (a) AN ORDINANCE PERTAINING TO THE ANNEXATION OF CERTAIN TERRITORY TO 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: Wertz, Stewart, Valentine W1, Valentine W2, Detrow

Comments:

Attorney Bill VanTilburg, representing the property owners, explained briefly the unusual shape of the property: north side will be the shopping center area of the property; the base of the area is the street Amberwood Parkway; and the last part is Dr. Bernhard's property. The unusual configuration is a result of annexing the northern part of Dr. Bernhard's property (formerly not annexed), and using the property of the street, with the permission of the Montgomery Township Trustees, in order to have a part of the annexation contiguous to City property. It is unusual to consider the street as contiguous property, but here that is the case. In addition, the City will be responsible for maintenance of the whole street.

Law Director Rick Wolfe added that this was done at the City's wishes also, as without this, there would be an island of township property surrounded by City.

VanTilburg introduced Lorne Miller, Chief Operating Officer of Amberwood Ltd., the Center that is being developed in this area. Miller gave each Councilperson a conceptual site plan of the development. There will be two buildings, 3,400 square feet of retail space, and work will begin within the next couple of weeks with Mowry Construction as the builder. About 65% of all the total square footage is in lease negotiations currently, and most are national retail chains. They are new stores to the area, and the hope is they will keep Ashland people from running to nearby towns to shop. The idea is to keep Ashland's money in Ashland, and that is the goal of the owner Marty Myers and Miller, both of whom are local people. They want to see Ashland prosper.

In the future they may locate a couple of professional buildings to the north of the Center, to bring offices or doctors' offices to add more things to the Center.

Valentine W1 asked about the number of tenants, and Miller responded there could be 12 to 15 tenants in the two buildings, depending on the sizes and what the tenants need.

Detrow asked about an anchor store, and Miller said there would be one announced within a very short time.

Stewart clarified this new area is in addition to what is being built near there now, and Miller verified that the north/south building being built at the base of the Wal-Mart parking lot is a Horne Development project. Miller's buildings will be on the north Wal-Mart Drive directly across from Bookmasters, and they will be situated east/west.

Moved by Wertz and seconded by Valentine W2 that the Ordinance be passed on the first reading.

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

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

Moved by Valentine W1 and seconded by Valentine W2 that the Ordinance be passed.

Ayes: Detrow, Wertz, Stewart, Valentine W1

Motion carried.

Ord. 79-06

Item (b) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN INCOME TAX REVENUE SHARING AGREEMENT WITH THE ASHLAND CITY SCHOOLS AS RE-

REQUIRED BY OHIO REVISED CODE SECTION 5709.82; 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: Wertz, Stewart, Valentine W1, Valentine W2, Detrow

Comments:

Economic Development Director Evan Scurti told Council this is a state law stating that if a municipality with an income tax is going to offer a tax abatement to a company, and that tax abatement has the opportunity to create jobs resulting in a million dollar or more payroll at any time during that time of abatement, the law says the municipality has to work with the local school district and negotiate some kind of sharing of their income tax. The theory is that these major projects bring in a lot of payroll but are a drain with a lot of families coming into the schools, and that is being done at the same time they are abating the property taxes that the schools depend on. That is the theory behind the law.

Instead of the complicated sharing of income taxes, the schools and the company negotiate a conservative abatement proposal, which the schools are happy with. That will come before Council at the next meeting.

Valentine W1 asked about the amounts of abatement, and Scurti told him the maximum is 100%, the minimum 0%; general practice is usually between 50% and 75% for ten years. The company is then monitored for compliance to the requirements.

Law Director Rick Wolfe added that the schools know what the abatement is and are happy with it, which is part of the consideration as to their position with this legislation.

Valentine W1 questioned if this goes with both boards, the vocational school and the City schools, and Scurti emphasized this agreement is with the local, affected City schools only.

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

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

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

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

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

Motion carried.

Res. 13-06

Item (c) A RESOLUTION AMENDING THE COMMUNITY HOUSING IMPROVEMENT STRATEGY (CHIS) AND HOUSING POLICIES AND PROCEDURES MANUAL AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO SUBMIT SAID REVISION TO THE OHIO DEPARTMENT OF DEVELOPMENT OFFICE OF HOUSING AND COMMUNITY PARTNERSHIPS.

Moved by Wertz and seconded by Valentine W2 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: Wertz, Stewart, Valentine W1, Valentine W2, Detrow

Comments:

Finance Director Anna Tomasek explained this is required by the State of Ohio to be in compliance with the CHIP Housing Grant. The change in this is that it gives the City an obligation to fine a contractor if they do not complete a housing rehab job. The City of Ashland has had a CHIP grant since 1999, and it has happened only once that a contractor has not completed a job. The fine is \$150 per day, and it is a state stipulation.

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

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

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

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

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

Motion carried.

WARD REPORTS

Ward 1: Bob Valentine

(a) Avalon Drive:

Valentine noted a call about a problem on Avalon Drive about a crushed curb? The Mayor responded they had been out to look at that, and it will be taken care of.

(b) Water problem, Foxmoor Drive:

Valentine asked the City Engineer if he had been out to look at this, and Cooper said he had talked to the woman for some time. He explained the mounding and the dyke built to restrain the water between her residence and the new development behind her. She didn't like his answer, but Cooper thinks when it does rain hard, she'll see that there won't be nearly as much water running through her property.

(c) Student parking, Katherine Avenue:

Valentine asked Cooper if he'd checked on this, the students parking and consequently obstructing the sight when residents want to get out onto the street. Cooper is going to take this to the traffic committee.

Ward 2: Bob Valentine

(a) High grass:

Valentine W2 reported a call about high grass. He checked with the resident and was told their mower was broken. They had a talk, and when Valentine W2 returned in about a week, the grass was mowed. This was a large lot up to the new apartments.

(b) Parking problem, Edison Street:

Valentine W2 received a call from a lady whose husband is parked in at the time he is to leave for work by all the vehicles due to the construction of the apartments. Valentine called Lt. Rush who checked the situation and immediately took steps to correct it. He hasn't heard from the lady since. He mentioned that he appreciated Lt. Rush's quick help.

OLD BUSINESS

(a) Downtown parking:

Valentine W1 referred to a letter from Jane Sponsler, saying he was of the understanding that there were not enough parking spaces downtown, whereas the letter talks about eight-hour and two-hour spaces. They have conflicting feelings downtown?

Stewart said yes, there are conflicting feelings: the retail group feel that the two-hour parking is being abused by people who may not be retailers but are involved in businesses located in storefronts; those people in storefronts feel that they are business owners also and deserve a reasonable place to park. That is the general idea as he perceives it. That is why Council toured the parking lots, those closer to and those farther away from Main Street. They put this information into the traffic committee to come back with a proposal of what might be changed and what might be appropriate to the business community.

The business that takes place in downtown Ashland is different today than it was when the two-hour parking signs were put up a good number of years ago.

Mayor Strine wanted to be clear that Council wants more eight hour parking spaces in lots north of Main Street, because that is what the committee will be discussing: more eight hour parking spaces. Stewart affirmed that is what he sees as at least a partial resolution to the dilemma.

(b) Approval for Conference:

Both Valentines, Wards 1 and 2, are attending an Ohio Municipal League Conference this Thursday and wanted to know if Council approval is necessary.

Moved by Stewart and seconded by Wertz that both Mr. Valentines are going to the Conference with the consent of Council.

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

(c) Corridor improvement:

Valentine W1 noted that earlier Council had talked about putting money from the sale of land into a special fund to then use for corridor improvement. Mayor Strine said he thinks it is a good idea, but it should be done before appropriations. Valentine W1 said he just wanted to put that in front of Council for discussion.

(d) Parking restrictions on uncurbed streets and alleys:

Valentine W2 asked to discuss the parking ordinance recently passed by Council restricting parking on uncurbed streets. He stated that the intent was to create enough space for fire trucks, emergency vehicles etc. to go through these streets. He's driven the streets, and some of them are so narrow that it is difficult to even get a car through, and then there is the Jay Street complaint where actually there is plenty of room.

Mayor Strine reported that the Fire Chief has talked to him, noting that area is a problem, and there should be no parking there. There are bushes in the right-of-way there, which could be removed making the area as the rest of the street, consequently allowing parking. Stewart clarified this is the west side of Jay Street across from the apartments there.

The Mayor emphasized that this is a neighbor issue, and Valentine W2 agreed that it is one woman complaining; she wants the parking space right by the stop sign, even though she has a covered garage in the back that she does not use.

Stewart asked what is the solution.

Police Chief Bill Miracle explained that they do not try to pass ordinances or deal with parking issues to satisfy one person. This brought itself to a head because of the issue up on Jay Street. Miracle emphasized he didn't know what all the politics are there on Jay Street, but the fact remains that the police department tries to keep streets open, not only for emergency vehicles but for regular vehicular traffic. Most residents make themselves a pull-off to park their vehicles off the paved portion of the street.

Now, the whole north end of Ashland is uncurbed streets, and it is a problem in some places, but 99% of those people have made a situation where they can get off the paved portion of the street so the street can be maintained for regular traffic flow.

An uncurbed street used for parking impedes the traffic flow, and that is why that ordinance was passed and is the intent of that ordinance, not to personally take care of one issue on Jay Street. That may have facilitated it, but it works the same way throughout the City. The ordinance gave a tool for enforcement.

Valentine W2 said he understood why the ordinance was needed, but he argued that with as many uncurbed streets in town, he doesn't see how they can blanket enforce it; it's almost like selective enforcement. If the department gets a call, or an officer happens on it, then it can be taken care of.

Miracle explained that a street with a whole line of vehicles all over the pavement impeding traffic would be investigated to find the problem; they are not writing hundreds of tickets for this particular ordinance violation. This is a guide to the people of the community to say they have to find themselves a place to park that is not on the pavement.

Valentine W2 then asked if the bushes are removed from the right of way on Jay Street and stones are put down by the man being complained about, then he can park there? Miracle responded it appears to him to be, and Mayor Strine added that anyone could park there then.

Valentine W2 questioned that the condo association across the street has put stones there, but anyone can park there because it is right-of-way clear up to the sidewalk; it's OK for anyone to park there if another spot is taken across the street. That is what he wanted to know, and he said he appreciated the information.

NEW BUSINESS

(a) *Baldrige initiative:*

Stewart told Council that John Gray, the Baldrige Initiative facilitator for the City, asked Stewart if Council would like to have a session with him for him to give a strategy review of what he is doing here in Ashland. A discussion of dates and times resulted in a tentative time of the second Tuesday in November. Stewart will check with Mr. Gray about the time and will also request that he keep his review at a limit of 45 minutes.

(b) *Parking situation at the Post Office, West Liberty Street:*

Stewart would like to have the Traffic Committee discuss the parking congestion at the Post Office on West Liberty Street. His suggestion is to make the parallel parking there now a system of diagonal/angle parking such as is used in the Post Office parking lot just across the sidewalk. It would double the parking space and possibly alleviate the back up on Claremont Avenue of people turning in there trying to get a place to park. He would like to ask the traffic committee to look at that from a congestion and feasibility standpoint. Stewart admitted that no one called him about this; it is his idea.

Mayor Strine said the committee would talk about it and look at the pros and cons. Detrow suggested selling the street to the U.S. Post Office, and they could make it all into parking. Mayor Strine squelched that idea by the fact that the Post Office leases that building, and they are not at all interested in talking about a new post office. They pretty much told the Mayor to go fly a kite when he wanted to talk about it. They made it clear that the local politicians have nothing to do with where the post office is or how it is run. Wertz concurred with that result when he asked about it.

(c) *Special session and work session reminder:*

Stewart reminded Council of a special session and a work session scheduled for Thursday, September 28th at 7:00 p.m.

MAYOR'S COMMENTS

(a) *Director's presentation:*

City Engineer Jim Cooper gave a short discussion of the Engineering Department, emphasizing two projects of a high interest level: the Reservoir Feasibility Study and the U.S. Rt. 250 Sanitary Sewer Study. Mayor Strine asked him to give some information on the paving of Center Street, Cottage Street and East Main Street by ODOT, which he did. The Mayor further explained that since now the City has to participate in state route paving by a 20% financing, that amount will be close to the amount used in the Street Paving Program. So that will be the Street Paving Program for next year. Cooper fielded questions after his explanations.

ADJOURNMENT

Moved by Valentine W1 and seconded by Valentine W2 to adjourn.

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

Council adjourned the regular session at 8:21 p.m.

Submitted by
Elaine C. Hootman
Clerk of Council