
Ashland City Council

MINUTES FOR THE REGULAR SESSION OF COUNCIL January 3, 2006

Former Council President Glen Stewart called the meeting to order at 7:00 p.m. He noted that the Oath of Office for re-elected Council members as scheduled on the agenda has been done. They were sworn in after the special session held last Friday.

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

PLEDGE OF ALLEGIANCE

ELECTION OF COUNCIL PRESIDENT

Stewart stated that it is the year to elect a new Council President to serve for the next two years.

Moved by Wertz and seconded by Detrow to nominate Glen Stewart as Council President for the next two years.

Ayes: Valentine W1, Valentine W2, Detrow, Wertz

Abstain: Stewart

Stewart thanked the Council members for their confidence in him and told them he'd do his best to have the meetings in an orderly manner. To the groups who come to Council, he indicated he would do his best to have orderly meetings and asked them to work with him and use their time on Council floor in an efficient and proper manner.

PRESENTATION OF MINUTES

December 20, 2005 *Regular session*

December 30, 2005 *Special session*

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

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

COMMENTS OR QUESTIONS FROM THE AUDIENCE

(a) *Possible closing of King Road: Concerns of residents*

A number of residents expressed their concerns and their opposition to the announcement of the possible closing of King Road between Samaritan Avenue and the College Avenue/Claremont Avenue intersection.

- Think it is a "done deal" and are upset by the reasons given: safety issues.
- Safety concerns do not enter into it.
- Ashland University seems to be pushing the City; residents are not happy about that.
- Eventual closing of College and Samaritan Avenues will land-lock residents.

- Why now? Streets have been there forever.
- University is in residents' neighborhood, which was there first; it's a community, and the residents of the community feel they are estranged in this situation.
- If traffic and safety is the reason, then Claremont ought to be closed, too: the college students dart across moving traffic there.
- Accidents haven't happened on King Road.

Stewart responded that King Road is not closed: there is a proposal and a traffic study for this Council to review. From his position, Stewart stated it is not a done deal; there will be work sessions to go through, and those will be announced through the newspaper. The Council will want input from the community at large. A lot of investigation will be done before any actions are taken one way or another.

Other comments:

- Suggestion of overpass bridge extension to one over Claremont Avenue.
- It appears that the City requested and paid for the traffic study on behalf of the university, which wants the street closed; City would pay for the changes: when does the City quit giving to the university?
- A possible extension street is estimated at \$300,000 cost to the City; shouldn't the university pay for the changes they want?

Mayor Strine responded that the City did pay for the traffic study. He feels this is a safety issue that needs to be addressed. If this Council decides it is not a safety issue, he still feels he has done his job. Historically, there was a decision made back in 1960 that they were going to close King Road. He agreed with the comment that the university could help pay for the cost involved.

- Cost could be better used to bring firemen and police officers back to work.
- There would be traffic problems with the proposed extension access to Claremont Avenue.
- Traffic problems would be caused to nearby involved streets.

LEGISLATION

Ord. 1-06

Item (a) AN ORDINANCE REZONING A CERTAIN AREA OF THE CITY OF ASHLAND, OHIO, FROM "M-3" INDUSTRIAL PARK DISTRICT TO "M-1" LIGHT INDUSTRIAL DISTRICT.

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 W1, Valentine W2, Detrow, Wertz, Stewart

Comments:

Stewart opened the floor for comments on this legislation.

Valentine W1 told Council he had gone out to this area after the last meeting and public hearing. He talked to Martin Design, a business close to the property to be rezoned; they had no problem with the rezoning. He also looked over the property with someone from the company requesting the change (RPG Inc.) to see how the property would be used, what the layout and the situation would be.

He asked what was the basic difference between the two zoning classifications, and Mayor Strine responded that open storage was one difference, perhaps the main difference. City Engineer Jim Cooper added that the requested zoning is less restrictive and would help accommodate what RPG Inc. wants to do.

Valentine W2 stated the area looks a little “not tidy” with the materials needing to be ground down and reused. He questioned using some sort of screen to block the view; he didn’t find any smell about the place and said he would be OK with the situation with some screen added.

Mayor Strine told him they have talked to the company about that, and they are agreeable to something along that line.

Detrow stated she also had gone to the site and back to the Store-n-Lockit business; the property will come clear to the back corner of that business property. She didn’t notice any smell and didn’t think there was a problem with the smell with any of the other nearby businesses. What really concerns her is that it is unsightly; she wants to be assured that something will be done to block that view, whether mounding dirt or planting something between that and US Rt. 250 North. There is an empty field between, and industrial parks aren’t expected to be gorgeous; however, she would like to be absolutely assured of something to block the view.

Bill Hutira of RPG, Inc. responded and gave some background information:

- Their company recycles vinyl products, such as siding.
- Scrap is worth money; it is the product and is made and costs the same as that product.
- With the price of gasoline and other things that go into the making of the product, companies now want their scrap redone and returned to them; that is what RPG does.
- Of the materials in those boxes, they ship out about a million and a half pounds each week; there are about four million pounds stored outside.
- During last summer the storage area was completely bare; it builds up and is like a contractor’s yard; to put a building over it would cost four or five million dollars; they wouldn’t be in business.
- The people on the other side of their property lines and nearby are already zoned M-1; they keep their things outside.
- RPG, Inc. is willing to put a tree line or a mound of dirt or some kind of screen and have talked to many already about doing that; to completely block the view from US Rt. 250 would take a 70-foot high tree line; other than that they are not sure; but they are willing to work with the City to put up some kind of acceptable barrier.
- They are willing to do things to make their property more acceptable.
- They do not do anything that should make the material smell; all they do is grind it up and return it to their customers.
- They have a payroll of about three million dollars; the City receives taxes from them. That doesn’t include the temporary workers they go through to bring their employees in; they have ten or twelve temporaries now who will soon be their employees also.
- They just purchased more equipment; they are finishing up a new building, the third since they have been here.
- They do work around the clock seven days a week; this gives opportunity to accommodate couples with children; when the company came here, the people wanted to work that way; they tailored their business to doing this.
- The company has tax abatements on buildings #1 and #3; they feel as they go to another level they shouldn’t take another tax abatement.
- Taxes do come to the City, and also another fifty or a hundred thousand dollars that come to the City due to buildings and property taxes.

Hutira again emphasized they are willing to work with the City to make what they do more acceptable.

Valentine W1 stated that anytime the City rezones, they want to know how it benefits the citizens of the community. Hutira responded that the City went through that when it

initially rezoned the property to sell it to them when they came here in 1998. At that time, that property was not M-1.

How does it benefit the residents of the community? Hutira pointed out:

- More than half of their people are from the Ashland area.
- The income tax dollars, property taxes and equipment taxes are substantial amounts of money that go to the City.
- They plan on expanding and getting bigger if they can; the demand for what they do seems like it is growing throughout and outside the country.
- They picked the Midwest because they can ship, as they do now, to Nevada, Florida, the eastern coast and down into Texas; they also ship into Mexico and Australia; they are getting to be a multi-national kind of company.
- Many of their ideas and things came from the steel industry; Hutira is a refugee from the steel industry.
- A lot of their ideas come from Europe: how to recycle materials and what they do when they have the responsibility of recycling everything they make.
- Hutira stated he thinks they can benefit the City with more tax dollars, more residents working; and it seems as though as they hire more people, the community of which they are on the edge can benefit financially and with residents working, if they so choose.

Detrow explained that she has toured this business, which seems to be well run; there is some little smell from the grinding process (there is no heat used). If there can be at least a hiding of some of this, she noted she would be happy to vote for this legislation.

Dale Hershey, owner of Hershey Store-n-Lockit located adjacent to the property being rezoned, stated he can live with the smell out there, but he can't live with the sight of this property. He also doesn't want to benefit from the rats and mice that live in the stored materials there; that will hurt his business more than the smell or anything else, having his storage buildings with rodents running around. His understanding of zoning is that it is there to protect the neighbors, and if Council votes for this, they are not protecting him. He emphasized he is very strongly against rezoning this property.

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

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

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

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

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

Motion carried.

Item (b) AN ORDINANCE ENACTING CHAPTER 933 OF THE CODIFIED ORDINANCES OF THE CITY OF ASHLAND, OHIO, ESTABLISHING A STORMWATER UTILITY IN THE CITY OF ASHLAND, OHIO; AND DECLARING AN EMERGENCY. (*Second reading*)

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 W1, Valentine W2, Detrow, Wertz, Stewart

Comments:

Valentine W1 asked Cooper to explain this again for those in the audience who may not have heard about it before. Cooper explained that Assistant Engineer Kurt Brzyszc has been working on this for a long time. Basically engineering has developed a rate of \$3.50 per residential unit (ERU – Equivalent Residential Unit), and the costs are based on that figure. The ERU is 3052 square feet of impervious area developed by doing an average from 800 randomly selected single-family units. This was done to find a number that was fair to all, in spite of individual differences.

That average residential unit of \$3.50 per month is the basis then for industrial and commercial unit costs figured by how much impervious area they have. However, Council is setting a maximum for industrial and commercial units of \$80 per month; schools, churches and hospitals have a maximum of \$60.00 per month per entity, not per number of buildings (school buildings, for example).

The reason for the stormwater utility is to gather money into a special storm water utility fund. From that the money can be used only to solve flooding types of problems in the City, adding perhaps curb and gutter in some areas. The City will do whatever is needed to help minimize storm water related damage in the City.

The other thing important about this is that the EPA wants the City to improve its system so storm water doesn't get into the sanitary sewer system, which then goes down to the wastewater treatment plant where it is treated as though it was sewage. This the City doesn't have a lot of choice in, as the EPA is requiring cities all over to eliminate storm water from sanitary sewer systems. If not done, there will be penalties. The City is trying to get started on this ahead of the EPA, and this storm water utility fund will give the City money to finance their storm water projects. This will go on for years and years.

Stewart commented that he has had several calls concerning this, and indicated he wanted to pass on the information he has received in the calls. One caller was very opposed to additionally taxing low to moderate-income people. However, in billing it is very difficult sorting that information out, unless the onus is put on the individual to come in with his proof of status and update that on a yearly basis. He wondered how many people would want to take the time to do that.

Other calls indicate they think this is another "tax" and ask where will the taxes stop; Stewart asks then, where will the services stop and when will the federal government quit telling the City what must be done? Another caller felt that \$3.50 was too high but didn't know what would be right.

This plan will generate about \$540,000 per year, and that is not a lot of money for the major projects storm water system improvement will take. Council members and City employees have been out to areas and homes when the storm water was waist or chest deep, and is that going to go away tomorrow? No. Some of it has been tackled, but the City wants to resolve this and also quit flooding the sewage treatment plant.

Jane Baker from the audience wanted to know if the money that came in would really be spent for that purpose, and Finance Director Nancy Boyd told her that this legislation establishes the utility. By law she is required to put the money in a fund strictly for storm water; that is what it will be used for.

Another man, Richard Lilly of Garmon Street, asked about those who were assessed in earlier years for street tile projects; will they still have to pay the fee? When told they would, he stated he didn't think it was right.

Mike Meyer asked about fixing the storm sewers and the sanitary sewers at the same time; with fixing the storm sewers, it still wouldn't fix the sanitary sewer leaks. What can be expected?

Cooper responded that storm water money would have to be spent for storm water projects; sanitary sewer will be corrected, too, but on a different pot of money. Both will have to be done together. But if storm sewers are corrected and replaced and it doesn't drip and seep into the sanitary sewers, it will help downstream.

When this storm water utility money is going, engineering will begin work on eliminating downspouts from dumping water into the sanitary sewer. It is forbidden by City code, though it's still done; but before that there was no place else to put it.

The five-year URS study found that most of the City's problems were not from the stream or the main systems the City owns; it was from private property. The project will be a twenty-year plan to work with people to eliminate that problem. The EPA will not let the City get away from this. The City will work with people to get rid of the storm water somehow, but they must also get the storm water out of the sanitary sewer system.

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

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

Motion carried.

Stewart noted this legislation would be brought back for a third reading at the next regular meeting of Council.

WARD REPORTS

Ward 1: Robert L. Valentine

(a) *Calls about King Road closing:*

Valentine reported calls on the topic of closing King Road; not positive calls.

Ward 2: Robert M. Valentine

(a) *Ice downtown:*

Valentine thanked Jerry Mack for taking care of an ice problem downtown; he called Mack about it, and the problem was corrected by the next day. He appreciated, too, that leaf pick up is still being worked on.

OLD BUSINESS: None

NEW BUSINESS

(a) *Presentation: L. W. Associates, Inc., Ashville, Ohio*

Proposed "Ashland Senior Apartments", Troy Road/US Rt. 250 Bypass

Stewart opened the floor for the representatives from L. W. Associates, Inc., Todd Valentine and David Skomorowski, and their presentation.

Todd Valentine began an explanation by stating that they are a general contractor and developer out of Ashville, Ohio, and for the last fifteen years they have done some 2000 units of tax credit funded housing. The tax credit program has been set up by the state of Ohio to help fund projects in the state. It includes formal housing projects but not HUD Section 8 housing; it is set up different from Section 8. Tax credits just help fund the construction of the projects; once the project is built, there are some restrictions, such as the 55 and older age restriction on this particular project. Also range of income is a restriction on this project, with a range of income required of from \$18,000 to roughly \$26,000 for a couple; people can't make too much or too little.

Their company has to turn in an application to the state to receive this type of funding, and Council must provide a resolution of support for the project, knowing what the plans are and being OK with the need, property, zoning and such details. The company has done a market study of the area. This project is a good way to get quality, affordable housing for those individuals who qualify.

Sue Schad, manager of the Martin House in Ashland began asking questions about Metro vouchers and housing, and a long discussion of Metro requirements and restriction details ensued between her and David Skomorowski, of L. W. Associates.

Valentine and Skomorowski described the specific project planned for Ashland, also responding to questions as they did so:

- 48 to 50 ranch style units with attached garages.
- Utilization of construction elements of stone, stucco, brick, vinyl, dimensional shingles.
- Floor plans will be the same, depending on the non-profit organization input as to needs.
- Geared to 55 and older people; ranch style makes them applicable to their needs.
- Handicap accessible.
- Community space: a 2,800 square foot community building designated for the tenants' use can be used by the tenants at any time.
- These are not condos; they are an apartment complex and will be run by a non-profit partner.
- Apartments are 900 square feet; attached single car garage is 310 square feet.
- Range of rent will be further determined as the market study is done and the application turned in to the state in March; all is very preliminary as of now; rents in their other projects fall between the \$450 and \$500 range.
- Interiors and exteriors are all taken care of by the apartment complex management.
- Community building uses will be for residents only, not the public; management may set up art or computer classes, for example, but it is not a public facility; resident families may use it for gatherings, etc.
- Typically gas and electric are not included in the rent; sometimes water is included; it depends on the financials to make sure the project works.
- By the time they turn in their application, the lenders and the non-profits are set up; they will know by then what the projects are going to run for and how they will work; if they didn't, they wouldn't be able to secure state funds.
- The goal is to be affordable housing, and they will take pains to factor in the fluctuating costs of fuel and still keep it affordable.
- These units will be made very energy efficient in order to keep utility costs down.

A question was asked about these being a program where the complex is sold after 15 years, and the answer was no: there is a program like that for single families, but the senior market people take care of their things better and have a sense of ownership and pride. They will be happy to take any interested people to view some of their earlier developments to see just what they are like now.

Skomorowski explained that receiving tax credits is very competitive; they have a good reputation for their work and have a very good chance at receiving the tax credits. However, everything is based on whether there is a need for affordable senior housing in the proposed community and location. They provide ranch style, attached garages and quality that is affordable; they are not asking for anything tonight other than to provide information and answer questions.

A lengthy discussion on the questions of the market in Ashland began:

- There is current availability of Section 8 housing; many vacancies exist; tax credit housing now, Essex House, has vacancies at rents of \$300 per month.
- Market study area included; how far intending to draw people from to fill their apartments? Response: market study looks at the community and asks how many families of seniors 55 or older would qualify to live here.

- People noted that there are many vacant rentals in area now. Response: how much is old housing stock, or in undesirable areas, or not what is needed? People like advantages of new, convenient, energy efficient, affordable apartments.
- What if the market study shows no need? Response: then the project will not go forward; if the study shows the need, then they will come back to Council for a resolution of support; if support is not provided, then also the project will not go forward.
- Does market study address the type of vacancies that are out there, so the quality of the unit itself is identified? Response: The answer is yes; the study is comprehensive; that is why they hire professionals to do the study; the study will determine need and availability of renters; the study will determine feasibility of the project success.

Chester Millheim, a member of the board for Essex House, discussed the vacancy of that housing and expressed his feeling that the proposed housing project is not needed in the community. He asked that Adrian Bauer, a former member of the Council on Aging, address the issue of rentals in the community.

Adrian Bauer, Bauer Realty and Apartment Association, outlined the following information:

- Angry landlords in Ashland are hurting: many vacant apartments are available, far more than are listed in newspaper ads.
- Availability of Martin House (Section 8): used to have a year's wait to get in, but now can get in today; no waiting.
- He started rentals 25 years ago and had about a 99.5% occupancy in Ashland; things, even junk, rented immediately because there were people, jobs and a good economy.
- The economy started to slide about 10 years ago; now rental is down to about 85% occupancy, and that hurts; there is no money for upgrading apartments in spite of the fact they have to upgrade in order to get tenants.
- To get an edge on renting, landlords have to provide amenities (new siding, new windows, appliances, carpets, roofs, anything and everything).
- Bauer emphasized the inability for anyone in the business to rent apartments; most never advertised, the Essex House or Martin House never had to, but now they advertise all the time; the same is true for landlords all over town: it is the economy.
- Tax credit projects are not free economy; free economy cannot compete with those; the people will leave the apartments now and go to the newer, nicer ones to be built; tax credit projects have a big edge on the private sector landlords.

Skomorowski again emphasized he wasn't going to come into a community where there was no shown need for his project, and he suggested that there be an informal meeting to discuss this whole situation between the community and himself. He's interested in an open discussion about this, not just the numbers but why the numbers are where they are; it does get back to quality issues and things like that. Once that happens, he'll come back and address it, or he won't because he will have seen the light. At this point, he understands that the professional people have said there is a market here for what he does.

Stewart recommended that they do get together to reach a thorough understanding of who has what, what's the quality, what are the numbers; then if it merits from a business standpoint to come back and present to Council again, that can be scheduled. If it doesn't, that's the end of the story.

Mayor Strine questioned Bauer's remark about the senior citizens leaving to go to these new apartments if they're built. He stated that idea concerns him a little bit. He asked why the community citizens should not have that opportunity? Bauer responded that if they could get something brand new for the same cost as a decent apartment in town, why wouldn't they take the brand new that has been basically subsidized? The City has been discussing the

deteriorating conditions of property; keep building new ones and people keep moving out of the City, guess what's going to keep happening.

Bauer and others in the audience argued about the hardship now in the rental business becoming worse with projects such as this one.

Someone in the audience asked if local contractors would be used to build these units, or would someone be brought in from the outside? Skomorowski responded that their company is a general contractor, and he suggested people talk to mayors in other cities where they have worked. They do typically use local HVAC competent contractors to build their projects.

Bob Studeny asked who takes the hit if these new apartments aren't all rented? Skomorowski responded that he does; he is the guarantor. Along with that, his company also puts aside appreciable reserves, cash reserves, for operating deficits, replacement reserves. Part of the reason they aren't experiencing this problem is that they continually reinvest moneys in keeping things as good as new even after many years, and they also start out with good quality. This has proven and has met the test over time; they do reinvest, maintain and update the units.

He reiterated his wish to have the company who does the market study sit down with everyone and discuss this. He doesn't want to come into an area where it will create big problems for that area or for himself. He wants to hear for himself the reasons for the hardship market here. The initial study was very positive, and it was done by a conservative company. He will put them to task, as he's paid them good money. So it's important to talk this out, if there's a willingness to talk about it. Let the facts stand, and either he decides to not do the project or returns to address this again.

Stewart asked if he could have a commitment from these interested parties that a meeting will be initiated. Skomorowski indicated this should be within a few weeks, if he could have a list.

Millheim emphasized the importance of being sure it is what the City really needs.

Stewart requested that Adrian Bauer work to set up a meeting with the company, regardless of what results come back to Council.

MAYOR'S COMMENTS

(a) *Work session scheduled for discussion of King Road situation:*

A work session was set for Thursday, January 26th at 7:00 p.m. in Council Chambers to discuss the King Road project. Mayor Strine explained that the traffic study is available for review should anyone want to do so.

ADJOURNMENT

Moved by Valentine W1 and seconded by Valentine W2 to adjourn the regular session.

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

Council adjourned the regular session at 8:35 p.m.

Submitted by
Elaine C. Hootman
Clerk of Council

