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# Ashland City Council

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## MINUTES FOR THE REGULAR SESSION OF COUNCIL October 3, 2006

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In the absence of Council President Glen Stewart, Council member Ruth Detrow 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	Absent

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

Moved by Wertz and seconded by Valentine W1 to excuse Glen Stewart.

Ayes: Valentine W2, Detrow, Wertz, Valentine W1

Moved by Wertz and seconded by Valentine W1 that Ruth Detrow be Acting President for the evening.

Ayes: Valentine W2, Detrow, Wertz, Valentine W1

### PLEDGE OF ALLEGIANCE

### PRESENTATION OF MINUTES

Regular session: *September 19, 2006*

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

Ayes: Valentine W2, Detrow, Wertz, Valentine W1

### COMMENTS OR QUESTIONS FROM THE AUDIENCE

(a) *David Strub, 59 Samaritan Avenue:*

Strub questioned Council on the speed bumps that were installed on King Road at Ashland University; why did the Mayor give Ashland University the right to install speed bumps on King Road?

Mayor Strine invited Mr. Strub to come to his office to talk and see the documentation of things for the reasons that led to his decision.

Strub asked if the Mayor could give him an overview of the documentation, please?

Mayor Strine responded that he could. 1) There are many more students crossing that street now than there were in the past; 2) He has personally been out there watching traffic and has seen traffic speed; 3) He feels there is some liability; the City has to make that as safe as it possibly can be; 4) The speed bumps do not prevent anybody from going the speed limit.

Strub asked if there have been accidents with students, noting that in the past the Mayor has said there have been no accidents. Mayor Strine responded OK.

Strub asked if there have been police reports as to speeding on that two block period, and the Mayor told him he did not ask the police to do a study on that. Strub asked if he

would do that, and the Mayor said he'd be happy to talk to Strub in his office. Strub said he would call.

## LEGISLATION

Res. 14-06

Item (a) A RESOLUTION PETITIONING THE BOARD OF COUNTY COMMISSIONERS OF ASHLAND COUNTY, OHIO, FOR A CHANGE OF TOWNSHIP LINES IN ORDER TO MAKE THEM IDENTICAL WITH THE LIMITS OF THE MUNICIPAL CORPORATION; AND DECLARING AN EMERGENCY.

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: Valentine W2, Detrow, Wertz, Valentine W1

Comments:

Law Director Rick Wolfe explained that this is a procedural and housekeeping matter that was requested of the City by the County Auditor. Without this there is a technical overlapping of boundaries for the City and the township where an annexation has occurred. This is playing a little catch-up ball in terms of past annexations, but there was an attorney general's opinion within the last year that focused on this. The County Auditor brought this to the Mayor's attention, and so this will comply with his request to bring this up to date so that the boundaries conform to the annexations that have occurred. There also has been one detachment, and this goes both ways.

Wolfe further explained that this brings the lines into conformity with what has actually happened in terms of the annexations; there are the old township lines and then the annexations, so in order to make the boundaries coincide with each other, this legislation is necessary so the County Auditor can correct his records.

Moved by Valentine W2 and seconded by Valentine W1 that the Resolution be passed on the first reading.

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

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

Ayes: Valentine W2, Detrow, Wertz, Valentine W1

Motion carried.

## WARD REPORTS

Ward 1: Bob Valentine

(a) *Speed bumps, King Road:*

Valentine W1 noted calls about the speed bumps. He did not know about the installation, as he did not receive e-mail from the Mayor with the information. He checked the street and felt the speed bumps were way too high which was a concern; then the street was closed and the drivers ignored the signs.

He commented that he understands that the bumps have been lowered from what they were originally so drivers can go about 20 to 25 mph, but he stated his concerns in detail about parking, changing routes, safety, an agreement with the university about closing King Road, that King Road is a heavily used main thoroughfare. These speed bumps are about adults and safety, and he has concerns about why they are there.

The residents who talked to him have the perception that this is a step toward closing King Road.

(b) *Sidewalk program:*

Valentine W1 received calls about the sidewalk program, and those can be discussed when the appeals are done later.

Ward 2: Bob Valentine

(a) *Speed bumps, King Road:*

Valentine W2 reported a couple of calls about the speed bumps on King Road on the day it was reported in the newspaper. He knew nothing about them and couldn't tell the callers anything. He stated he didn't like being put in that spot and in the future he would appreciate knowing ahead of time.

Mayor Strine responded that he sent e-mails, but Valentine W2 said he did not receive it. The Mayor also sent another specifically to him answering his concerns and apologizing that he didn't know about it sooner.

Valentine W2 did talk to Stewart and took time to check the situation and drive over the bumps, which were too high. Mayor Strine told him there had been a mistake made in the installation of the bumps.

Valentine W2 stated he thought Council approved things like that, and he wanted to be sure everyone knew this was not a Council decision. Mayor Strine affirmed that this was a Mayor's decision; as the Safety Services Director it is his duty to address things like that.

(b) *Sidewalk program:*

Valentine W2 also said he'd had calls about the Sidewalk Program from residents whose areas will be addressed in the future. When he checked with Kurt Brzyszc, he was told that there was nothing to say, as those areas will be inspected and addressed when their area comes up, and even so there will be places that will never have to put sidewalks in due to physical impossibilities. So Valentine W2 told the residents not to worry at this time.

Ward 3: Ruth Detrow

(a) *Speed bumps, King Road:*

Detrow affirmed that she did indeed received two e-mails from Mayor Strine; of course it was too bad that the street had to be closed, but at the point when the bumps had to be lowered, it was for the safety of the people of Ashland. There was a mistake in making them quite so high, so they lowered them. In the meantime they couldn't let people drive over them since they were too high. It's just a logical thing that the street had to be closed for the protection of the people driving.

(b) *Sidewalk program:*

Detrow too received calls on the sidewalk program, and those will be dealt with during the sidewalk appeal process.

Ward 4: Paul Wertz

(a) *Sidewalk program:*

Wertz also received calls from businesses about the sidewalks, and the City has sidewalks in the area, too. He wants to know that the Engineer will be fixing sidewalks just as those who have been ordered in the same area.

Cooper affirmed that those sidewalks were written down just as every other, both citizens and businesses; those will be corrected the same as the others and in the same time frame.

## OLD BUSINESS

(a) *Conference report:*

Valentine W1 reported on attending the Ohio Municipal League conference with Bob Valentine W2. They were able to hear the two candidates running for Governor, Blackwell and Strickland; they had a number of conversations with other councilmen. The good thing about these conferences is meeting up with other people who also have problems and plusses in their cities; ideas come from both and are discussed. Valentine W1 noted they went to a number of

sessions, one on the heavier trucks being built now, which may eventually become federal legislation, but the concerns were about how it would affect the cities.

Valentine W1 also has information from the OML concerning what legislation and focus they will be working on during the next year coming up. It was a worthwhile conference, and he expressed his appreciation for giving them permission to go there.

## NEW BUSINESS

### (a) *Permit for Advertising on Private Property:*

Ashland County Democrats; Petitioner, George Bringman, 1371 US Rt. 42

Moved by Valentine W1 and seconded by Valentine W2 to approve the request.

Ayes: Valentine W2, Detrow, Wertz, Valentine W1

### (b) *Sidewalk appeals:*

#### 1. Scott and Lea Bowling, 326 West Walnut Street:

Reason: Time frame length inadequate; financial hardship; weather uncertainty; and would prefer time to save the money to do the work rather than pay the penalty of having the cost put on their tax duplicate. Requested a six-month span to collect money and get it done.

Moved by Valentine W1 and seconded by Valentine W2 to extend the time frame for repairing the sidewalk until May 15, 2007.

Ayes: Valentine W2, Detrow, Wertz, Valentine W1

Detrow asked about the 5% cost for the payment plan, and Mayor Strine said this is because the City has to borrow the money for the sidewalks they install.

Cooper explained that construction could go through the middle of November and could resume in the spring about the middle of April and continuing through the summer.

Law Director Rick Wolfe told Council to take each circumstance on its own merits; make individual decisions as each circumstance varies; consider valid issues; the idea is to move forward; be reasonable; can adjust timetable.

#### 2. Sharon Staley, 308 Union Street:

Area: 312 Cleveland Avenue, detailing shop.

Reason: Time frame hardship; contractor cannot do the work until at least November, weather permitting.

Moved by Valentine W2 and seconded by Valentine W1 that the sidewalk be repaired by November, weather permitting.

Ayes: Valentine W2, Detrow, Wertz, Valentine W1

Amended motion:

Moved by Wertz and seconded by Valentine W1 to amend the previous motion to make the time extension to May 15, 2007.

Ayes: Valentine W2, Detrow, Wertz, Valentine W1

#### 3. Britt Miller, 121 East Washington Street:

Reason: time frame; City requests just one section; in addition, he intends to replace all sidewalk in the spring; rather do all at the same in the spring; the job is in the plans for the house.

Moved by Valentine W1 and seconded by Valentine W2 to have his sidewalk all in by May 15, 2007.

Ayes: Valentine W2, Detrow, Wertz, Valentine W1

Wolfe suggested that this whole area be granted until May to do their repair instead of just the 30 days; all the work will be done just the same, only the time frame will change. Trade late winter for early spring. The project will still get started.

Mayor Strine suggested all the ones be made May 15<sup>th</sup>.

4. Keith and Kevin Kobilack, 408 East Walnut Street, corner of Eastern Avenue:

Reason: No problem with section on East Walnut Street; tree problem there that City arborist said the City would fix but hasn't. Problem with putting in sidewalk along the side of Eastern Avenue all the way to the business on East Main Street at a cost of \$6,090; never has been a sidewalk there; that amount of money is a financial hardship for them.

Moved by Valentine W1 and seconded by Valentine W2 to make the time extension to May 15, 2007.

Ayes: Valentine W2, Detrow, Wertz, Valentine W1

Wolfe explained that part of the idea of the sidewalk program is to get sidewalks put in where there are none at all. Cooper added that this area of no sidewalks along Eastern Avenue between East Walnut Street and East Main Street involves four properties, which he named, and which have the same basic situation.

Detrow asked if granting extensions of time would mess up the whole project, and Cooper told her it would not. If this is the best way to get a good product and ultimately have sidewalks installed for safety, he would be very happy about it, and the City would be in better shape for it.

Wolfe pointed out that the City is under the same constraints that the residents are: having the sidewalks in at a reasonable time. This is an adjustment to be made when it is time for the second section to begin.

Cooper told Kobilack that the City would work with him as to repairing the broken piece of sidewalk in the front of their house, either by the City or by them, and then something will be worked out.

5. John Kochenderfer, 26 East Third Street:

Wertz explained that Kochenderfer had called him to explain that he couldn't be here. His sidewalk butts up against one that belongs to the City; he's afraid the grade won't match. He will work with the City Engineer's office to do his own as the City does theirs.

Detrow asked Wolfe to correct her if she is wrong, but she wanted to be clear that anyone who did not come tonight to appeal, still has an opportunity; but if someone does not appeal, they are saying in effect, yes I can get this sidewalk in within thirty days? Wolfe responded that if they are not appealing, they are accepting the order.

Mayor Strine added that somehow people have to advise the City if they are not going to put the sidewalk in and choose to have the City put them in. Brzyszc explained that after the time frame expires, if the property owners haven't had them done themselves and the City doesn't hear from them within the thirty days, they assume the owner just wants that included with the City's projects. People can call the department either way, whether they will do it or want to be put on the City's list.

Detrow summed it by saying that if the City doesn't hear from someone and it isn't done in the thirty day period, the conclusion will be that they want it put on their taxes; then the City will go ahead and include that with what the City puts out for bid. Brzyszc said that is correct.

Wolfe clarified that he didn't know if the City is concluding what the property owner wants, but the City is concluding what they need to do. The owner may not want it at all, but that's not the issue.

Valentine W1 asked about the requirements in the area of newer developments; does the ordinance say if 70% of the street has sidewalk, the rest must put in sidewalk? Wertz responded that it depends on the year the plat was put in: if it was put in after 1988, then yes; before 1988, it doesn't say that.

MAYOR'S COMMENTS

(a) *Appointments to Historical Preservation Board:*

Mayor Strine announced two appointments to fill the total number needed for the Historical Preservation Board.

1. Ron Baker, retired fire chief and Historical Society volunteer: appointment for a term ending September 1, 2010.

2. Alan Steiner, Vice President of Planning and Construction for Samaritan Regional Health System: appointment for a term ending September 1, 2009.

Moved by Wertz and seconded by Valentine W2 to accept these appointments.

Ayes: Valentine W2, Detrow, Wertz, Valentine W1

(b) *Director's presentation:*

Fire Chief Mark Burgess gave a thorough and very clear review of what the Fire Department does for the citizens of the community, beginning with a statement that there is a very important difference between "standards" and "laws". He answered questions at the end of the review, one of which had to do with the insurance rating that the department has earned for the City. At present the City's rating is "4"; the department's goal would be to move that up to a "2". Mayor Strine stated one thing that is important concerning this rating, and that is that the City's rating is within the top 3% to 4% in the nation. Burgess added that most surrounding cities such as Medina or Mansfield or others have a rating of "5", lower than Ashland's.

Detrow asked what would it take to improve that, to get Ashland to a "2" rating, and Burgess outlined: increase in staffing; response time changes; training. Those are important, but also having night drills and multi-company training sessions can be done without adding facilities, and better record keeping would add.

Detrow questioned who was filling in inspection duties since the Fire Inspector retired, and Burgess mentioned the Prevention Captain, Assistance Chiefs and the Chief: he outlined target areas and priorities of inspections and noted the state also comes in and does hospitals, nursing homes and hotels, although they do those also. Factories are important to keep compliant, so those are a priority. A lot of commercial establishments, smaller businesses and the downtown area inspections are falling behind and need inspections.

ADJOURNMENT

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

Ayes: Valentine W2, Detrow, Wertz, Valentine W1

Council adjourned the regular session at 8:40 p.m.

Submitted by  
Elaine C. Hootman  
Clerk of Council