
Ashland City Council

MINUTES FOR THE REGULAR SESSION OF COUNCIL October 17, 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	Absent
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 Detrow and seconded by Valentine W1 to excuse Paul Wertz.
Ayes: Detrow, Stewart, Valentine W1, Valentine W2
Motion carried.

PLEDGE OF ALLEGIANCE

Stewart asked that the visiting Scout Troop #214 lead the assembly in the Pledge of Allegiance, which they did.

PRESENTATION OF MINUTES

September 28, 2006 *Special session*

October 3, 2006 *Regular session*

Moved by Valentine W1 and seconded by Valentine W2 to accept the minutes as received.

Ayes: Detrow, Stewart, Valentine W1, Valentine W2
Motion carried.

COMMENTS OR QUESTIONS FROM THE AUDIENCE

(a) *Boy Scout Troop #214:*

Stewart welcomed the Scout Troop #214 to the meeting and took time to explain some of the workings of City Council and the City. City officials introduced themselves, and Stewart told the group they were welcome to ask questions during the meeting. Several times during the meeting, Stewart made a special effort to give the troop background on items being attended to.

(b) *Change in agenda:*

With Council's approval, Stewart changed the order of business on the agenda for this evening, moving the Old Business and sidewalk discussion and entertaining those items previous to the legislation. He explained that the discussion outlined in Old Business may alleviate some concerns that many attendees here this evening have.

*Editorial note: The format, however, will remain as usual in the minutes.

LEGISLATION

Ord. 83-06

Item (a) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE DEMOLITION OF CERTAIN STRUCTURES AND TO CAUSE THE COST THEREOF TO BE CHARGED AGAINST THE PROPERTIES; AND DECLARING AN EMERGENCY.

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

Motion carried.

Comments:

Valentine W1 had some clarification issues as to this ordinance for demolition of fourteen properties on Fourth and Union Streets: is there a time period; is it placed on the tax duplicate; how does this work? Mayor Strine said there was no time limit that he knew of. As soon as it is done and the costs are known, then it will be placed on the tax duplicate.

Wolfe explained that it would be paid from the tax duplicate over a period of time. Finance Director Anna Tomasek said ten years is as far as it can go.

Valentine W2 asked if there would be any fire training on these, and Mayor Strine said there would be. Right now they are in the process of doing all the planning; the Fire Department will burn the ones that they can, but there are some that they don't want to because of safety issues. Burning for fire training depends on weather conditions also.

Mike Meyer asked if this ordinance applied only to the fourteen houses on Fourth Street, or could it apply to other properties in the future, and Wolfe explained that this is property specific.

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

Ayes: Detrow, Stewart, Valentine W1, Valentine W2

Moved by Detrow 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, Stewart, Valentine W1, Valentine W2

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

Ayes: Detrow, Stewart, Valentine W1, Valentine W2

Motion carried.

Item (b) AN ORDINANCE AMENDING CHAPTER 1191 OF THE CODIFIED ORDINANCES OF THE CITY OF ASHLAND, OHIO, PERTAINING TO THE HISTORIC PRESERVATION BOARD; AND DECLARING AN EMERGENCY.

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

Motion carried.

Comments:

Mayor Strine requested that this ordinance be tabled this evening due to some typographical errors that need to be corrected. Wolfe added that it is just some small clerical errors so it is not precisely correct as far as what is being deleted and what is being done.

The Mayor emphasized that he thinks they should discuss it tonight but just table the ordinance. This discussion was a long list of points made and opinions voiced as to several

items and changes: Board membership, clarification of wording, control issues and the demolition clause.

A. Clarification of wording:

- “Ashland area”: Change the wording “Ashland area” to “Ashland City/County” to delineate and clarify.
- The words “architect” and “preservation related professional”: the idea was to give flexibility in finding board members if those specific professionals could not be found in the area or if they were unwilling to serve on the board. The definitions of those individuals were expanded to include persons who have knowledge and expertise in construction, engineering, architecture, preservation fields, history etc., or other persons who have general knowledge in the related fields.

B. Board membership:

- There was contention as to the wording in the appointment and make up of the board membership: (five members) “no more than two of which may reside in an area designated as an historic district”. The basic argument centered on whether or not to allow three board members from the historical district(s), thus giving the possibility of a majority control of the board to those people who live there. It was pointed out that those who live there are most affected by decisions of the board.
- The other side of the argument was that the board is a City entity and not a Center Street board. It is already known that other areas of the City may apply and become designated as historic preservation areas. That potential means that a Center Street majority board would control other parts of the City also.
- Another way of presenting that was in not making a majority mandatory, but allowing it, should that happen. The sticking point was restricting the make up of the board to only two members from the districts(s).
- Another argument put forth was that 3/5ths of that board could be made up of people who have no interest specifically in Center Street or any historical district(s); it is limiting, and what is the point in making that limitation.
- Saying that all who live on Center Street or in an historical district(s) will all agree and be a majority all the time is not true; there are already differences of opinion among Center Street residents as to guidelines, etc. Representation however is very important to those who are affected. Qualifications are necessary also.
- It was pointed out that the original ordinance that was passed designated “two from the historic district”, not “a maximum of two”.
- Basic argument became: not saying it has to be three; just don’t limit it to two members from the district to be on the board.
- Another viewpoint: there should be something that assures the City as a whole a membership on the board. The City created this board at a request; Council created this board with all the powers written in the document. The City needs and has a responsibility to retain on the board assured membership of individuals outside the district(s). A minimum of two of the five members need to be from outside the district(s).

C. Term limits:

- The original document stated four year terms, but with initial appointments at staggered years: one for one year, one for two years, one for three years, and two for four year terms. This was taken out but not changed or replaced.
- The initial terms at varied years is passed by this time, but the board needs a stated time for terms.
- The request was made to leave the initial term appointments in for history purposes, but regular term limits should be designated: four years per term.

D. Demolition clause:

- Two new just appointed board members requested that the demolition portion be delayed until they have a chance to study it further and research other ordinances to see how they are written. They are not comfortable with this part the way it is.
- Two months was the requested delay.
- The ordinance will not be passed for at least two months nor will it be filed with the state before that time: it should go to the state in its final draft, the way it is supposed to be.
- The preservation board will be responsible for coming back to Council to review the final changes in the document, and if they are ready, then request that the ordinance be placed again on the agenda.

E. Back to wording of board membership section:

- Wording was suggested that “no more than two” members be from the historical district(s) be changed to “at least two” from the district(s).
- Importance also was placed on wording to be sure that the community as a whole has representation on the board, not leaving it open ended for all five members to be from the district. That would be a distinct possibility with the wording “at least two” with no checks or balances on that.
- Agreement seems close with inclusion of wording “at least two and no more than three” from historic district(s); assures at least two from community as a whole.
- This wording will be put in while everyone has plenty of time to think about it; then if someone decides they don’t like it, everyone will have to go from there.

Moved by Detrow and seconded by Valentine W2 to table the ordinance.

Ayes: Detrow, Stewart, Valentine W1, Valentine W2

Motion carried.

WARD REPORTS

Ward 1: Robert L. Valentine

(a) *Katherine Avenue parking problem:*

Valentine W1 noted another call asking if there had been any progress about the yellow lines at the drive entrances on Katherine Avenue (student vehicles blocking sight when residents try to enter the street). He emphasized he needed to get back to the residents with some answer.

Street Director Jerry Mack said he did go out and look at that, and there is adequate room to get in and out of the drive. Now he will go back to the Traffic Committee with a finding of what they saw to decide what needs to be done.

Valentine described where the parking was and where the yellow lines prohibited parking, which differed from Mack’s evaluation. Mack repeated that it would go back to the committee; the situation is still in process, and Valentine can at least tell the residents that.

At-large: Glen Stewart

(a) *Downtown parking situation:*

Stewart asked Mayor Strine about any work on downtown parking from the Traffic Committee. Mayor Strine responded that the Traffic Committee has met regarding parking in City lots in the downtown area. Having taken comments of Council into consideration, it is his intention to remove all parking restrictions as to time in all the City lots in the downtown area on a trial basis through January 2007. This will be monitored in order to determine any trends and patterns in parking area preferences and any problems that may result there from.

Detrow stated in parking lots, not on the streets, and Mayor Strine affirmed that. He said this is to see where people want to park.

Stewart noted that all street parking will remain as marked and will be enforced, with the response from the Mayor, as it always is. Wolfe added that the Mayor is suggesting that the lots all be opened to long-term parking to then see how the lots are used.

Mack indicated the Street Department would cover the signs on this temporary basis rather than doing all the work necessary to taking down all the signs right away. The signs can be covered starting the next day.

Stewart commented that the parking on Second and South Streets will be left as marked, so that doesn't alleviate any of the complaints for business people wanting to park, but the Mayor told him hopefully they will find out they can park in the lots all day. Wolfe added that a three month trial should show what kind of issues still exist, and then go from there. Going through the holiday season should show some patterns.

OLD BUSINESS

(a) Sidewalk Program discussion:

1. Installation time frame:

Stewart explained that many of the appeals tonight are based on the original time frame of 30 days. At the last meeting, there were several that appealed this time frame and were afforded the opportunity to not complete the sidewalk as described until May 15th of next year. This Council will consider all of those who received a certified letter requesting that something be done with their sidewalk.

Stewart explained that none of the people will have to comply with the 30 days but will have to comply with the completion of the direction in the certified letter by the fifteenth of May next year. There were several appeals based on this time frame.

Detrow noted that Roger Primm wrote to her with the information that he had several houses as well as the addition of the funeral home, and he has asked for an extension until mid June of 2007. He may be able to make it if the City makes the extension, and she just wanted to note that. Valentine W1 added that there was a concern about the 30 days, and he sees this as an equitable solution to the problem by making them all the date of May 15th.

Stewart added that the sidewalks can be started anytime and those changes made anytime they choose, but if they are appealing, they still have 30 days from today. Those who are appealing for a reason relative to time, Council will support going out for a completion time of May 15th next spring.

Moved by Detrow and seconded by Valentine W1 that Council extend the deadline to May 15, 2007, for this first section in the Sidewalk Repair Program.

Ayes: Detrow, Stewart, Valentine W1, Valentine W2

Motion carried.

(b) Sidewalk appeals considered:

So, Stewart continued, those who are here tonight based on a time frame appeal may leave, or may stay if that alleviates concern.

Amvets Post 96 (Union Street) trustee Paul Holden asked if forms had to be returned to the Engineer's Department, and Cooper stated it is necessary in order to keep records straight. Holden asked about a change in the markings made to his sidewalk; he was told he'd get another letter shortly, but Cooper responded he'd have to check with Assistant Engineer Kurt Brzyszc.

Stewart asked if anyone else wanted to speak relative to the time frame appeal.

1. Kevin Smith, owner of 202 West Washington Street:

- Is a school teacher and wants to do his own work after school is out.
- Asked for an extension into June.
- A huge tree is on the corner of his lot; wants to remove tree so that it does not destroy the new concrete.
- Has a tree issue as well as time frame issue.

Stewart asked if the tree is affecting the sidewalk now, and Smith told him no; it's a brick sidewalk. The roots are swelling but not breaking concrete.

Stewart is not inclined to go beyond the May 15th time frame; he suggested Smith might be able to remove roots and then install sidewalk.

2. Tom Lavinder, Business Manager of Ashland City Schools:

- Certainly the May 15th deadline gives the schools more flexibility.
- Is specifically looking at the project around the Middle School, and they want to take on that project while school is not in session, specifically for the safety of students.
- By going to the 15th, it will give the potential to schedule that during spring break; if that is not possible, they will have a similar situation.
- Goal is to get it done during spring break time, and will make every attempt to do so.

Law Director Rick Wolfe suggested that an extension beyond May 15th at this point is perhaps premature. However, if someone can show early in the spring that they will be unable to meet that deadline, then it would be timely for them to come in and request an additional extension beyond that time. Council is giving a blanket extension for the entire area, and he suggests that perhaps everybody try to operate within this extension. If then, they can show for good cause they haven't been able to meet that extension, they could ask for additional time in the springtime. It is premature to go beyond that at this time.

Council agreed with Wolfe.

3. Gary Johnson, Johnson's Body Shop, Fourth and Union Streets:

- Three properties are his; other issues involved.
- Downspout drains are blocked by street asphalt; must do something about that before pouring concrete.
- Also has a problem with cutting up the asphalt across his parking lot to put sidewalk in when there is nothing wrong with the asphalt.

Wolfe had another suggestion which was brought up by Mr. Johnson's comments: there may be certain reasons where the City might agree that additional time might be necessary. So if there are some situations that the Engineering Department should look at, they can do so and then come back and make a recommendation to Council. There is plenty of time through the winter to receive that recommendation and act on it.

Valid points have been made and additional time may be necessary for specific reasons. Wolfe suggested noting these specific requests and then asking Engineering to make recommendations on them; some of the issues are concerns to the City as well as to the property owners.

Valentine W1 added that it makes sense for the Engineering Department to check into situations with extenuating circumstances.

Stewart reiterated Wolfe's' ideas about other circumstances, emphasizing the fact they should be valid reasons. Wolfe added that Council is trying to be reasonable and flexible with these situations. Stewart told Johnson the Engineering Department would contact him to come out and look at his situation.

As to the asphalt across the entrance to his parking lot on Fourth and Union Streets, it does not meet code and must have concrete sidewalk put in.

4. Lou Shepard, 147 Maple Street:

- Has had two people look at putting sidewalk through her asphalt driveway; both said the whole driveway would have to be done.
- Her son is in a wheelchair; this is the only access out of her home with her son.
- Also a tree and roots may be a problem.

Stewart explained he looked at her sidewalk after Shepard called him; his thought was that the sidewalk could be put in with an elevation commensurate with the asphalt that is there in the driveway. He told her that they would not give her a deviation; that she will be included in the May 15th deadline. The Engineering Department will take a look at it, make a recommendation and give that recommendation to Council for consideration.

5. Jim Taylor, representing the First Church of the Brethren, 122 East Third Street:

- Time frame and financial hardship;

Taylor asked if the church decides to let the City do the work, how would the payments be arranged, as they are a tax-exempt organization. Mayor Strine responded that has not been totally determined yet, as it depends on the total number of people who want to finance it through the City. It is hoped it won't be a large number so that the City will not have to issue debt to do it. He told Taylor that the City would keep the record and allow the church to make payments over a ten-year period. This charge is not a tax but an assessment for the sidewalk, and though assessments are done through the auditor's office and taxes, the City is hopeful that this situation could be done differently.

A decision will be made publicly and the church should be aware to watch for that decision. They will be informed.

6. Emmanuel United Methodist Church:

No one attended to represent the church, but their desire is for the City to do the work. They also want to make payments on the assessment.

7. Carlton Emmons, representing four property owners: 202 to 214 Miller Street and 385 Cleveland Avenue:

- Time frame, winter impossible to do the work.
- 5' width sidewalk requirement; Miller Street has only 30' right-of-way, so sidewalks are used as highway, too.
- Curbs are recommended in this area; cannot be done at rates quoted; will cost more; cost sharing by City?
- No specs added in information sent concerning constructing curb and gutter; the owners want to do the installation properly.
- Also request 4' sidewalks instead of the regulation 5' due to narrow area and street.

Stewart stated that the Engineering Department is working to update a very old ordinance that addresses cost sharing by the City for installation of combination of sidewalk and curb. Mayor Strine added that ordinance was never intended to cover the full cost but only to help the property owners and possibly get more curbs improved that way. The Mayor will be asking Council to increase that amount.

Stewart asked Cooper the costs: \$50 per lineal foot for curb and gutter; 5' sidewalk costs about \$25 to \$30 per lineal foot. Council will have recommendations presented to them concerning cost sharing measures for curbs and gutters. Once that has been done, Cooper can provide directions and specs for curb and gutter installation. As to a 4' sidewalk, that recommendation will also come from Cooper.

Wolfe explained that there would be unique situations where circumstances prevent meeting the standards somehow; however, on a case-by-case basis, the Engineering Department will allow variances as necessary.

8. Jim Patterson (Adrian Bauer), 237 Union Street:

- Time issue.
- Asphalt parking lot; feels it is safe; asks if there is a need to put a concrete sidewalk where the asphalt is perfectly legitimate.

Stewart stated that asphalt is functional, and this has challenged them on several occasions. Wolfe pointed out that the City has standards that have been set, and to change them the ordinance would have to be changed. Still, issues are coming up that Council needs to look at further just to be sure that things are as they want them. The Engineering Department will have to suggest some areas that may need adjustment.

Valentine W2 recommended following the standards; if they say concrete, then this sidewalk should be concrete.

Stewart told Mr. Patterson that his appeal is declined.

Jack Zercher brought up the fact that the City-installed sidewalk on Hillcrest Drive is not a 5' sidewalk, and Cooper told him there will be some sidewalks on narrow streets that will have to be 4'. Engineering can make recommendations to Council where field conditions require narrower sidewalks.

Zercher asked who paid for those Hillcrest Drive sidewalks, and Cooper told him that was an Issue 2 grant that included the street resurfacing and the sidewalks.

9. Connie Moss, 215 East Main Street (Ethel Peterson, owner, is recently deceased):

- Owner is deceased and property is in estate process.
- Never a sidewalk there at all.
- Asked if it can be asphalt as it is parking and delivery area; adjacent to Gary Johnson's building, which also is asphalt and a parking area.

Cooper told Stewart that a sidewalk must be installed, and Stewart told Moss that they have till next May for the work to be done.

10. Jack Zercher:

- Time frame and doing his own work.
- Zercher told Stewart that the May time frame is fine.

11. Tim Merkel, 328 Walnut Street:

Merkel had noted a request for time extension. He was at the meeting but left just minutes before his name came up, due to a previous program involving his children.

12. Huntington Bank, Eastern Avenue:

Requested appeal but unconfirmed as to attendance; no one attended.

13. Mike Meyer, Arthur Street:

Meyer told Council he had talked to Cooper about this situation that involves the bridge reconstruction with the house just next to it. The owner would like to do all the work involved as the construction of the bridge is finished.

Cooper responded that the May 15th deadline should solve this situation.

(c) *Deadline for appeals:*

Stewart explained that the deadline previously set for appeals has passed, and he asked if anyone had a need for extending the time to appeal. He added that over the past month approximately 20 appeals have been filed and considered.

Detrow suggested extending the time for appeals until the next Council meeting, giving people just a little more time. Wolfe felt since that was Election Day, going to the second meeting in November might be better.

Moved by Detrow and seconded by Valentine W1 that the absolute deadline for appeals be November 21st.

Ayes: Detrow, Stewart, Valentine W1, Valentine W2

Motion carried.

(d) *Fund for money received from sale of industrial park land:*

Valentine W1 asked about his idea of putting money from the sale of industrial park land into a special fund from which the City could draw to use on corridors. What is the procedure?

Mayor Strine suggested a work session to discuss ideas on this. A work session is scheduled for November 14th at 7:00 p.m. in the Mayor's Conference Room.

NEW BUSINESS: None

MAYOR'S COMMENTS: None

EXECUTIVE SESSION

Stewart requested a motion to move into executive session for the purpose of discussing personnel matters pertaining to salary, wages and negotiations. No action will be taken nor announcements made following the executive session.

Moved by Valentine W1 and seconded by Valentine W2 to move to executive session for the purpose of personnel matters pertaining to salary, wages and negotiations.

Ayes: Detrow, Stewart, Valentine W1, Valentine W2

Motion carried.

Council moved to executive session at 8:56 p.m. and returned to regular session at 9:55 p.m.

Moved by Detrow and seconded by Stewart to return to regular session.

Ayes: Detrow, Stewart, Valentine W1, Valentine W2

Motion carried.

ADJOURNMENT

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

Ayes: Detrow, Stewart, Valentine W1, Valentine W2

Motion carried.

Council adjourned the regular session at 9.55 p.m.

Submitted by
Elaine C. Hootman
Clerk of Council