

---

---

# Ashland City Council

---

## MINUTES FOR THE REGULAR SESSION OF COUNCIL February 7, 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.

### PLEDGE OF ALLEGIANCE

### PRESENTATION OF MINUTES

January 17, 2006 *Regular session*

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

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

### COMMENTS OR QUESTIONS FROM THE AUDIENCE

Stewart welcomed Mark Barbernitz and Nate Carter, two Eagle Scouts from Troop 502, who stated they were there relating to work on the "Citizenship in the Community" requirement for Eagle Scout ranking. Stewart encouraged them to ask any questions they might have about Council and City work.

### LEGISLATION

Ord. 6-06

Item (a) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE RESURFACING PROJECTS OF SECTIONS OF U.S. RT. 250 (EAST MAIN STREET), S.R. 60 (CENTER STREET, WEST MAIN STREET, COTTAGE STREET) AND S.R. 96 (EAST MAIN STREET) WITHIN THE CITY LIMITS; AND DECLARING AN EMERGENCY.

Moved by Wertz and seconded by Detrow to invoke Section 113.01 of the Codified Ordinances as the distribution of this Ordinance has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

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

### Comments:

Valentine W1 asked about the City's fiscal responsibility as to this project, and City Engineer Jim Cooper explained that the City's responsibility is to work with ODOT and to pay 20% as its share. ODOT's share is over a million dollars, while the City's is about \$290,000. In addition, the City also has an obligation to repair the catch basins, which will be done ahead of time; install handicap ramps in the sidewalks; and paint road striping, coordinating that also with ODOT. This is standard procedure in dealing with the state, in

that certain construction items such as the ramps and connections with abutting streets requested by the City are the financial responsibility of the City.

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

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

Moved by Wertz and seconded by Detrow that the rules requiring the reading on three separate days be suspended and that the Ordinance be passed on the second and third readings.

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

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

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

Motion carried.

Ord. 7-06

Item (b) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ADVERTISE FOR BIDS AND TO ENTER INTO CONTRACTS FOR THE PURCHASE OF SUPPLIES AND MATERIALS FOR 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: Detrow, Wertz, Stewart, Valentine W1, Valentine W2

Comments:

Mayor Strine told Council that this is an annual purchase of items listed. Stewart stated that these are estimated usages and asked if the City actually buys this quantity or just enters into contracts per amount?

Street Director Jerry Mack responded that these are amounts contracted as minimum amounts; sometimes they use it, and sometimes they don't. In the past, no one has ever held them if they are a little bit under; they can go either over or under the amount by one and a half times.

Stewart noted then it is somewhat flexible but still gives a fixed price.

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

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

Moved by Wertz and seconded by Detrow that the rules requiring the reading on three separate days be suspended and that the Ordinance be passed on the second and third readings.

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

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

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

Motion carried.

Ord. 8-06

Item (c) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ENTER INTO A MODIFICATION OF THE ASHLAND BUSINESS PARK – PHASE 1 PROJECT – SIMONSON EXCAVATION, INC. (NKA SIMONSON CONSTRUCTION SERVICES, INC.) CONTRACT AUTHORIZED BY ORDINANCE NO. 59-05; AND DECLARING AN EMERGENCY.

Moved by Wertz and seconded by Detrow to invoke Section 113.01 of the Codified Ordinances as the distribution of this Ordinance has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

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

Comments:

Cooper explained that this change order brings the project up to current status. When this job started, they found that the first 200 feet off Faultless Drive contained water springs and varying load-bearing sub grades. The job could not proceed without undercutting this area several feet, putting some large rocks in, installing under-drains to get the water away from the area, and finally installing a grid system to stabilize the ground. That permitted them to continue with stone in order to drive back further.

Also, all the water and wastewater lines are in. With good weather, additional fill will be put in and paving done. It took extra money to do the undercutting. Sometimes these things just have to be done in the field.

Stewart asked if the job is going as planned since getting past the spring area, and Cooper affirmed that it is. He anticipates more undercutting will be needed in some areas coming up. That will necessitate another change order as it happens, but the project is going very nicely.

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

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

Moved by Wertz and seconded by Detrow that the rules requiring the reading on three separate days be suspended and that the Ordinance be passed on the second and third readings.

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

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

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

Motion carried.

Ord. 9-06

Item (d) AN ORDINANCE AUTHORIZING PARTICIPATION IN OHIO DEPARTMENT OF TRANSPORTATION COOPERATIVE PURCHASING PROGRAM; AND DECLARING AN EMERGENCY.

Moved by Wertz and seconded by Detrow to invoke Section 113.01 of the Codified Ordinances as the distribution of this Ordinance has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

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

Comments:

Street Director Jerry Mack stated that ODOT requires notification every year that the City may want to participate in ODOT's cooperative purchasing program. Should the City decide to do that, ODOT has this on file to facilitate the process.

The City uses this program for purchasing equipment just about every year. Any vendor in the state can bid to provide any of the many items found on the cooperative purchasing program. Other City Directors noted they use the program to buy mowers, tires, vehicles and various pieces of equipment the City normally uses.

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

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

Moved by Wertz and seconded by Stewart that the rules requiring the reading on three separate days be suspended and that the Ordinance be passed on the second and third readings.

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

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

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

Motion carried.

Ord. 10-06

Item (e) AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ASHLAND, OHIO, TO ENTER INTO A CONTRACT WITH OHIO PATROLMEN'S BENEVOLENT ASSOCIATION (CLERKS); AND DECLARING AN EMERGENCY.

Moved by Wertz and seconded by Detrow to invoke Section 113.01 of the Codified Ordinances as the distribution of this Ordinance has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

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

Comments:

Mayor Strine explained that this is the only union contract to be extended this year. The Clerks Association contract expired December 31, 2005. He noted the items changed in this contract:

1. Section 13.01: holiday change from Columbus Day to the day after Thanksgiving.
2. The shift differential pay was increased to \$0.45 from \$0.35.
3. The pay increase is \$0.75 an hour effective January 1, 2006.
4. Section 35.01: establishes dates.

The Mayor stated the clerks did not get a raise last year, as their union voted to follow the City's proposal of no pay increase in lieu of layoffs. None of them were laid off; they also did not get any step increases.

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

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

Moved by Wertz and seconded by Detrow that the rules requiring the reading on three separate days be suspended and that the Ordinance be passed on the second and third readings.

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

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

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

Motion carried.

Res. 1-06

Item (f) A RESOLUTION EXTENDING SUPPORT FROM THE CITY COUNCIL OF THE CITY OF ASHLAND, OHIO, TO A DEVELOPMENT PROPOSED BY L. W. ASSOCIATES AND COMMUNITY INVESTMENT CORPORATION.

Moved by Wertz and seconded by Detrow to invoke Section 113.01 of the Codified Ordinances as the distribution of this Resolution has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

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

Comments:

Todd Valentine of L. W. Associates spoke from the floor, thanking Council for their time and expressing his appreciation of Council's consideration and support in this. He stated they would be willing to answer any questions there may be from anyone.

Valentine W1 asked for clarification about the requirement of residents being 55 years old in order to live here, and Todd Valentine responded that it is required; there is with the state of Ohio a restrictive covenant on property. Keep in mind, however, that this relates to the head of the household, and there could be cases where the spouse is younger. There could be cases where a senior could be the legal guardian of a child and live there; however, that is not the intent of the development.

Mayor Strine asked if they are able to open it up to someone under 55 in order to fill it if all the dwellings are not rented, and Valentine told him no, they could not. He further explained that the project is set up well in advance with cash reserves to sustain it for a period of time without putting the property in jeopardy. They go to great lengths to make sure that it will be self-supporting.

Valentine W2 asked if the requested meeting between L. W. Associates and the area realtors to be set up with Adrian Bauer ever took place, and Valentine told him he had talked several times with Bauer after the preliminary market information came back to them. Bauer was not eager to meet with them at that time as he was planning to go to Florida, but he told Valentine to set up a meeting through his office. However, Valentine was unable to make contact with anyone through Bauer's office and did not get a return phone call. He spent a week trying to make that happen, but it just didn't come to fruition.

Valentine W2 expressed his feeling that people in Ashland should have that choice between older homes or the new development.

Mayor Strine substantiated what Todd Valentine reported as to contacting Bauer; he had talked to Bauer, who told the Mayor he didn't see any need to have that meeting.

Detrow asked if this resolution is the only thing needed from the City, and Valentine responded he had already asked for clarification from zoning, which the City Engineer provided several weeks ago.

Valentine W2 asked about the company using local labor, and Valentine told him it is always their intent to use local labor and business trades, keeping in mind that they do want to remain competitive. They will be talking to and encouraging local trades to bid, because they want local trades. Valentine W2 emphasized his concern is that it be kept as local as possible to be competitive.

Valentine further commented that the local bids don't have to be lowest, but competitive. The company really tries to use local trades especially in the areas of HVAC and electrical, because they are local and have a reputation to uphold; the company knows where they are as far as service goes. That is always their intent.

Stewart noted that there is a process as far as plans that will come before the Planning Commission, but it is very unlikely that this will come before Council again.

As to deadlines, the application is due March 16<sup>th</sup>, and L. W. Associates will know in June or July as to funding; when funding is secured they will begin engineering and working with the City on sanitary and water services and the layout of the community. Valentine told Council he coordinates all the engineering and surveying and architectural work; it is his intent by March of 2007 to have full sets of plans and approvals to the construction team to start construction. They should be built out within ten to twelve months of construction.

Mayor Strine asked Valentine to let him know by letter if approval is given, and Valentine assured him of notification.

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

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

Moved by Wertz and seconded by Stewart that the rules requiring the reading on three separate days be suspended and that the Resolution be passed on the second and third readings.

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

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

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

Motion carried.

## WARD REPORTS

Ward 1: Robert L. Valentine

(a) *King Road wrap-up:*

Valentine noted that though the issue of closing King Road is past now, he wanted to express his feelings that maybe there needs to be some clarification even though the public meeting was cancelled. There is no blame, but a number of things were brought up at that time, one of which was the idea about the university and its perceived priority with the City. He thinks the university needs to be seen as to the many things it does for the community, not only jobs but also the culture provided, the students and the different activities there. The university is a very important asset to the community.

He went on to say that this isn't what the situation was all about. To him, the concern was what was going to happen to Samaritan Avenue. As he looked at it, with all the parking by the college students, the new parking lot, the new dorms and building all coming that way, he was concerned that traffic would come down there instead of on Morgan Avenue, causing a worse hazard than anything else.

His concern was not that some people thought the City was doing for the university; what the university does for this community far outweighs some of the concerns of the people. His concern was how it would affect Samaritan Avenue and the total picture, plus it would limit the "straight shots" out to the US Rt. 42 bypass, too. He noted he wanted to make that point.

Ward 2: Robert M. Valentine

(a) *King Road:*

Valentine reported he had received a lot of calls and he felt the City did the right thing. He emphasized that though some people thought so, it was not a done deal. It just wasn't the right time for it.

Ward 3: Ruth Detrow

(a) *Planning Commission sign ordinance:*

Detrow asked about the status of the Planning Commission's redone sign ordinance. Mayor Strine responded it is his understanding that Wolfe is about to send out the necessary paperwork to implement what the Planning Commission suggested. Cooper echoed the Mayor, saying that Building and Zoning has been working with Wolfe for some time on this project, and Wolfe is taking action to bring this about. It may be discussed at Planning Commission next month. It is moving.

Stewart added that it would be a recommendation for an ordinance change.

At-large: Glen Stewart

(a) *Sidewalk, Hiner Avenue:*

Stewart asked about the need for a sidewalk on Hiner Avenue near the stadium area. Residents have pointed out to him that there is a very dense population in that particular area, directly across from the stadium. There are no sidewalks in that area on either side of Hiner Avenue to connect with the sidewalks along Katherine Avenue or along Mifflin Avenue. At this point, Stewart indicated he thinks they have a legitimate request for consideration of a sidewalk.

Stewart asked Cooper what would be the process for a resident to initiate installation of sidewalks? Those are not individually owned apartments on one side, while the Ashland Board of Education owns the stadium side. Cooper said the City could contact the owners to see if that would result in the installation of sidewalks. If that doesn't work and if Council sees this as a dangerous enough situation, the City could have sidewalks installed and the costs put on the owners' tax duplicates.

Cooper related that earlier there was about a hundred feet of sidewalk missing on Katherine Avenue, and Assistant City Engineer Kurt Brzyszc talked to the School Board considering the walking situation there. The board/administration installed the sidewalk as requested. Perhaps this approach would work as well in this situation, and Cooper said if Council wanted him to, he would begin that process. Stewart indicated he preferred to approach the profit-making organization before the public entity.

Stewart emphasized that a resident of the area had brought this question to him, and he felt it was appropriate to bring before Council.

## OLD BUSINESS

### *(a) Priority lists:*

Stewart asked the status of the priority lists and rankings by Council members, and Mayor Strine said he would send those out.

## NEW BUSINESS

### *(a) Request for alley vacation:*

A 12 foot east-west alley located from Eastern Avenue to the east line of Lot Nos. 618 and 632A, South Ashland; Petitioner Karen Denslow, 415 Eastern Avenue.

Stewart introduced the petition for the alley vacation, and requested a resolution setting the hearing for public input and comment. The resolution will be presented at the next regular session of Council.

### *(b) Request for liquor permit hearing:*

To: JDM Restaurant, Inc., dba Buffalo Wild Wings Grill and Bar, 630 Claremont Avenue, 1<sup>st</sup> Floor and Basement (*Change of corporate stock ownership*)

Stewart presented this request, noting that it is a change of stock ownership only, going from five owners to four owners.

Moved by Detrow and seconded by Wertz that no action be taken.

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

## MAYOR'S COMMENTS

### *(a) Executive session requested:*

Mayor Strine requested an executive session to consider personnel matters be held following this regular session. No action or decisions will be made, and Council will adjourn after the executive session.

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

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

Council moved into executive session at 7:42 p.m. and returned to regular session at 9:55 p.m.

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

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

## ADJOURNMENT

Moved by Valentine W1 and seconded by Wertz to adjourn.

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

Council adjourned the regular session at 9:55 p.m.

Submitted by  
Elaine C. Hootman  
Clerk of Council

