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# Ashland City Council

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## MINUTES FOR THE REGULAR SESSION OF COUNCIL June 20, 2006

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Council President Glen Stewart called the meeting to order at 7:00 p.m.

### ROLL CALL

Ward 1:	Robert L. Valentine	Present
Ward 2:	Robert M. Valentine	Present
Ward 3:	Ruth Detrow	Present
Ward 4:	Paul Wertz	Present
At-large:	Glen Stewart	Present

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

### PLEDGE OF ALLEGIANCE

SPECIAL PRESENTATION: *DARE Essay Award Winner 2006*: Ashley Gallo

Although scheduled, Miss Gallo was absent.

### PRESENTATION OF MINUTES

June 6, 2006: Regular session

Moved by Wertz and seconded by Detrow to accept the minutes.

Ayes: Valentine W2, Detrow, Stewart

Abstain: Valentine W1, Wertz (Both were absent from the June 6<sup>th</sup> meeting)

### COMMENTS OR QUESTIONS FROM THE AUDIENCE

(a) *Complaints from Essex House residents; Calvin Reese, John Sperzel:*

Reese and Sperzel outlined problems in the area of the Essex House and downtown at nights, and they complained there was no help or control from the City Police Department:

- Vehicles racing down South Street;
- Motorcycles without exhausts;
- Drunks staggering down the alley behind the apartment building;
- Young people in Kinnaman Park skateboarding at 1:00 a.m. to 3:00 a.m.;
- X-rated performances in the streets;
- Juveniles running the streets;
- Lots of noise all through the night hours.

Reese said there are ordinances for noise, speed, drunks, fights, curfews; yet when residents call the Police Department, they are told nothing can be done because the officers haven't seen it. He invited the Police Officers to come to the Essex house and spend the evening with residents on Thursday, Friday and Saturday nights from 10:30 p.m. to 4:00 a.m. He noted news of private citizens who own businesses just up Center Street hiring off-duty patrolmen to police the area for \$200 per night to try to gain some control; hearing that was the last straw for him, bringing him to Council to try and get this resolved.

He requested that they please take a look at what is going on down town on those three nights from 10:30 p.m. to 4:00 a.m. and see if they could live in that environment; he didn't

think they would tolerate it in their neighborhoods. Reese and Sperzel also noted they have taken videos of these incidents.

John Sperzel emphasized the problems with rebellious kids and skateboarders and affirmed the problems listed by Reese.

Sperzel (who is disabled) also questioned sidewalks and the legality of his riding his scooter on the streets' edges; how will they get to stores like the new Wal-Mart on US Rt. 250 East?

Stewart explained the sidewalk program, which would help, and Police Chief Bill Miracle explained it is not illegal to walk or ride the scooters on the edges of roads, but it is a safety issue, and he wouldn't recommend doing it.

(b) *Elmarna Avenue name change: Barbie Lange, 890 Elmarna Avenue*

Lange explained sending a letter to 15 residences in the area where a name change has been proposed: the majority requested the name be Williamsburg Court.

Stewart noted that the name needs changed to alleviate some confusion in house numbering. He will forward the suggested name to the committee requesting the name change, and hopefully there will be an ordinance for a name change on the July 18<sup>th</sup> meeting.

Valentine W2 reported a call from an 8-year resident of the street who liked the name now and suggested that they do a numbering change instead of a name change.

(c) *City Charter review question; also praise for good work by City Departments; Howard Scanlan, 915 Cottage Street:*

1. Praise for the Sanitation Department for quickly removing road kill when Scanlan called about it.

2. Praise for Street Department for also quickly repairing a curb, again at Scanlan's call.

3. Scanlan pointed out that the City Charter review will be due in about a year and a half, and asked if that is to be scheduled. Stewart responded Council is aware but nothing has been started as of yet on appointments. That will be a public announcement in regular session at the proper time.

(d) *Parking change ordinance: Barry Howe, 504 Jay Street:*

Howe questioned an ordinance passed recently by Council regarding parking on uncurbed streets, stating he has an issue with this. He feels the ordinance is unfairly stated; there should be an allowance of parking. He used his example of parking there on Jay Street, uncurbed, for 38 years and there were no problems with large vehicles getting up and down the street. But now, he cannot park in front of his house, nor can his father, who has a handicap sticker; he has to go park downtown and take a cab home. He feels this is wrong.

Howe gave information handouts to Council to bring this to Council's attention, as well as letters from neighbors who are unhappy because Howe is taking their parking spaces. When that street was built, there were no cars; so there are few garages and driveways, and people have to park on the streets.

He requested that the ordinance be rewritten to accommodate a lot of people in town; it is a problem not only on his street but also all over town. Many streets in town have no curbs, leaving these people with no place to park. According to the Police Department, this law is not open to interpretation. The uncurbed streets span the whole City from 14<sup>th</sup> Street to Country-side, north side to south side.

Howe stated he hoped Council would get to this right away before this can of worms turns into Pandora's box.

Stewart responded that Howe be reassured that Council will look at what he has written and will see if there is anything they feel they can do.

(e) *Presentation of an idea for waterline maintenance help; Dennis Kitchen, a City employee, 402 Park Street:*

Kitchen presented an idea he wanted Council to consider, and he handed out information relating to the waterlines of homeowners; they are not replaced by the City Water Depart-

ment. His idea is to set up a department to install homeowners' service lines, and then roll that money back into the distribution service system, water mains, and service lines. This will help get rid of the old galvanized, leaking waterlines to help maintain the water system, and that money will be used for that maintenance.

(f) *Support of Mr. Howe as relating to the sidewalk/curb issue; Sam Lett, 273 Sandusky Street:*

Lett expressed his support of Mr. Howe as to the parking restrictions recently enacted. It changes the values of houses all over town; it changes the flow of traffic all over town; it affects these small businesses. This should all be taken into consideration and adjusted for residents impacted by it.

## LEGISLATION

Ord. 55-06

Item (a) AN ORDINANCE REZONING A CERTAIN AREA OF THE CITY OF ASHLAND, OHIO, FROM "R-L" RESIDENTIAL DISTRICT TO "RL-3" RESIDENTIAL DISTRICT.

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

Comments:

Mike Meyer offered to answer any questions that anyone may have. Valentine W1 outlined some of the basic differences between R-L and RL-3, and Meyer told him that the multiple family units allowed by RL-3 is what they wanted, as they want to put condos there.

Meyer used two maps to delineate the specific areas to be rezoned and to clear up some confusion with Council members. He emphasized that nothing had been changed during the process of this rezoning.

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

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

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

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

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

Motion carried.

Ord. 56-06

Item (b) AN ORDINANCE AMENDING ORDINANCE 37-06 AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT FOR THE PURCHASE OF EQUIPMENT FOR THE ARBORIST DEPARTMENT, PARK AND RECREATION DIVISION OF THE CITY OF ASHLAND, OHIO; AND DECLARING AN EMERGENCY.

Moved by Wertz and seconded by Stewart 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:

Park Director Tim Clingan stated he had sent a letter explaining this situation. When the specs were drawn up for this truck in the fall of 2005, they were for a 2006 unit. When the bids came in after being advertised the first of April, the 2006 models were no longer in produc-

tion; the 2007 line had already begun, and the prices for them were higher. The previous ordinance set the price at \$90,000; however the accepted bid is for \$99,900.

Stewart questioned the 10% increase and asked if this could be a state bid item; Clinigan stated this particular unit could not be state bid.

Valentine W1 asked about the sale of the old truck bringing in more than expected (\$11,500); that money will go toward the new purchase, which is good and will help.

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

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

Motion carried.

Ord. 57-06

Item (c) AN ORDINANCE AMENDING ORDINANCE NO. 82-01, PERTAINING TO REVENUE FUND 258.

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

Comments:

Finance Director Anna Tomasek explained that this updates the account name to reflect current times. Law Director Rick Wolfe added it is a name issue; they no longer use "electronic" monitoring devices, so the title of the fund was misleading. This is a housekeeping measure; probation supervision is a more generic terminology than the specific "electronic" wording used at the time the fund was created.

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

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

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

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

Motion carried.

Ord. 58-06

Item (d) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ADVERTISE FOR BIDS AND TO ENTER INTO A CONTRACT FOR THE ODOT-LPA UNION STREET BRIDGE DECK REPLACEMENT PROJECT WITHIN THE CITY OF ASHLAND, OHIO; AND DECLARING AN EMERGENCY.

Moved by Wertz and seconded by Stewart 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:

City Engineer Jim Cooper told Council that this ordinance would allow the replacement of decking and sidewalks on this bridge; the abutments and footers can be kept, as they are in good enough condition. Most of the money for this project is from the state; the City has about \$66,000 involved in this. The total cost is about \$331,000.

Moved by Detrow and seconded by Wertz 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 Valentine W2 and seconded by Stewart that the Ordinance be passed.

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

Motion carried.

Ord. 59-06

Item (e) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ADVERTISE FOR BIDS AND TO ENTER INTO A CONTRACT FOR THE ODOT-LPA HOLBROOK STREET BRIDGE REPLACEMENT PROJECT WITHIN 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: Valentine W1, Valentine W2, Detrow, Wertz, Stewart

Comments:

Cooper explained that this is will allow the replacement of the Holbrook Street bridge, which is rated a 4A by ODOT standards. It needs to be replaced and is an ODOT cooperative project. City cost is \$62,000 of the \$309,000 total cost.

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

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

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

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

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

Motion carried.

Ord. 60-06

Item (f) AN ORDINANCE REPEALING ORDINANCE NO. 33-06 AND NOW AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ADVERTISE FOR BIDS AND TO ENTER INTO CONTRACTS FOR THE DON M. RICHEY STORAGE BUILDING PARTIAL ROOF REPLACEMENT PROJECT, THE ASHLAND MUNICIPAL BUILDING ROOF REPLACEMENT PROJECT AND THE ASHLAND FIRE DEPARTMENT ROOF REPLACEMENT PROJECT IN 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: Valentine W1, Valentine W2, Detrow, Wertz, Stewart

Comments:

Cooper stated that Council passed this ordinance, but it needs a little bit of housekeeping: the account number was changed for the fire department roof and the amount of cost was lowered to \$80,000. Everything else is the same as passed before.

Stewart asked if there was a reduction in the amount of work being done, and Cooper responded that he reevaluated the estimates, thinking it could be done for \$80,000. It will be the same amount of work for less money.

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

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

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

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

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

Motion carried.

Ord. 61-06

Item (g) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT FOR CONSULTING SERVICES PERTAINING TO THE CITY OF ASHLAND'S PERFORMANCE EXCELLENCE PLAN; 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: Valentine W1, Valentine W2, Detrow, Wertz, Stewart

Comments:

Mayor Strine stated that this is the second year of the City's quality initiative plan put into place, supported by Council and funded for the first year partially by a grant from the Ashland Community Foundation (\$30,000). This is an effort for City employees to become involved and to improve the services provided to the citizens of Ashland. They work on ways to better communicate with the citizens. This training amounts to about \$165 per employee for the year. The Mayor said he feels it is an investment well spent. This year the City will foot the whole cost of the program

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

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

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

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

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

Motion carried.

Ord. 62-06

Item (h) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ADVERTISE FOR BIDS AND TO ENTER INTO A CONTRACT FOR THE 8<sup>TH</sup> STREET SANITARY RELIEF SEWER PROJECT IN 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: Valentine W1, Valentine W2, Detrow, Wertz, Stewart

Comments:

Cooper explained that this project involves an 8" sewer line that goes under the Ashland Railroad. This is old infrastructure with which the alignment isn't very good. If this line should fail, it would be a very difficult situation. This will alleviate that problem by putting in a new sanitary sewer under the railroad, reconnecting it to have a backup if there was a failure. The old line will be kept there in case there is a problem. The whole surrounding area is serviced down through this pipe, and this is a preventative measure to prevent problems further along.

Paul Wertz affirmed this has been a problem for a lot of time when there were heavy rains.

Moved by Detrow and seconded by Valentine W2 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.

Ord. 63-06

Item (i) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ADVERTISE FOR BIDS AND TO ENTER INTO A CONTRACT FOR THE MORGAN AVENUE SANITARY RELIEF SEWER PROJECT IN 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: Valentine W1, Valentine W2, Detrow, Wertz, Stewart

Comments:

Cooper explained that this project involves a dilemma on Morgan Avenue, where the sewer line is over-taxed at times causing flooding in some basements. The new line will start at Chestnut Street and divert the flow from that point across to Freer Field to connect with the new Jamison Creek sewer line. This will alleviate the problem; the EPA is advising this, but the stress needs to be taken off Morgan Avenue down to Center Street. Again, this is improving the City's infrastructure. It is a solution to prevent back ups when there are heavy rains.

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

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

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

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

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

Motion carried.

Ord. 64-06

Item (j) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ENTER INTO A MODIFICATION OF THE FLOW EQUALIZATION BASIN IMPROVEMENT PROJECT CONTRACT AUTHORIZED BY ORDINANCE NO. 30-06; 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: Valentine W1, Valentine W2, Detrow, Wertz, Stewart

Comments:

Cooper explained that this is basically two changes: a modification to allow Lake Erie Electric to add heaters to the aerators in the tank; they do not come with the actual spec aerators, but Cooper feels it is necessary in the wintertime to have heaters on those. The other change is to update the electrical wiring size down there in the storm water tank. Some of the wiring existing on site was undersized, and this will allow bringing it up to code.

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

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

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

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

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

Motion carried.

Ord. 65-06

Item (k) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ENTER INTO A CONTRACT FOR CONSULTING ENGINEERING SERVICES TO DESIGN AND PREPARE PLANS AND SPECIFICATIONS FOR THE WATER TREATMENT PLANT DIESEL FUEL SPILL MODIFICATIONS; 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: Valentine W1, Valentine W2, Detrow, Wertz, Stewart

Comments:

Cooper explained this has to do with the kerosene problem at the water treatment plant. Bruce Wisner talked to Burgess and Niple, who responded very quickly to help the City come up with plans, approaches, ways to solve problems so that BUSTR and the EPA were satisfied. A number of the listed items have already been accomplished because of the nature of the emergency; it was fortunate that Burgess and Niple took Wisner's word and did this without a pur-

chase order, but this was not a normal situation. Now it is necessary to get Council's approval on this.

Wertz asked if the tank is going to be above ground now, and Cooper responded that is his understanding; the old one will be removed.

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

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

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

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

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

Motion carried.

Ord. 66-06

Item (l) AN ORDINANCE AUTHORIZING CERTAIN LAND BELONGING TO THE CITY OF ASHLAND, OHIO, TO BE SOLD THROUGH THE COMMUNITY IMPROVEMENT CORPORATION; 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: Valentine W1, Valentine W2, Detrow, Wertz, Stewart

Comments:

Economic Development Director Evan Scurti explained this is Bob McMullen's project; McMullen is president of Ohio Electric Control and also has recently purchased Precision Design, a company now located on Clark Avenue. He will call that company Precision Design II. This is receiving Council's authorization to sell that land through the CIC to him to do the project at a future date.

Stewart asked if there were any covenants on when that land will be developed in this potential situation, and Scurti responded that there weren't; McMullen hasn't given an exact date though he is definitely intending to do this project. It's good news.

Mayor Strine commented it is a good example of having infrastructure ready for a company to expand here in Ashland.

Valentine W1 asked if this is the old industrial park, and was told it is that land. He asked what fund the money from the sale goes into, and Mayor Strine told him it goes into 405 Capital Improvement Fund. Valentine W1 asked why there couldn't be a special fund for this money to be used for future development. Mayor Strine responded he would like to see something like that done, and suggested a work session to talk about how they could do that.

Valentine W2 noted that the City couldn't make a profit on this sale, and the Mayor said that is right; they can charge for what the City has in it.

Law Director Rick Wolfe stated that the land could be sold at a fair market value and get out of it what it is worth and what the City is entitled to. The City is trying to work through the CIC, which doesn't have to put the property up for bid but can negotiate directly, all part of the statutory process. As far as the money going into Capital Improvements, the City has spent money to make capital improvements, to encourage and do some of the infrastructure work. So to that extent, it is going back to where it came from.

Stewart noted that if the land were given to the City, it still could be sold at fair market value. Mayor Strine emphasized that some of this money will be used to bring the infrastructure in that part of the industrial park up to date.

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

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

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

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

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

Motion carried.

Item (m) AN ORDINANCE ADOPTING THE TAX COMMISSION BUDGET OF THE CITY OF ASHLAND, OHIO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2007, AND SUBMITTING THE SAME TO THE COUNTY AUDITOR; AND DECLARING AN EMERGENCY.

Moved by Wertz and seconded by Stewart 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:

Tomasek told Council that this is the tax budget required by statutory requirement to be filed with the county auditor by July 17<sup>th</sup>.

Valentine W1 stated he liked the idea of projecting ahead for five years and he asked what criteria she used to project this. She told him inflation projections were used. Valentine W1 went on to explain he hadn't studied the document enough and was concerned about moving ahead with the ordinance tonight. He requested more time for going through the budget numbers.

Mayor Strine told Valentine W1 that he has no problem with that but he wanted to emphasize that this is a tax budget that has to be filed; it is not like the appropriations that come later in the year.

Stewart asked if Council was prepared to table this, and Wolfe recommended that it be tabled till a determined date of a special session scheduled specifically. After discussion of dates, a special session was set for Tuesday, July 11<sup>th</sup> at 7:00 p.m. to be held in the Mayor's Conference Room for consideration of the tax commission budget. Wolfe added that the meeting might include other items that may need attention at that time.

Moved by Valentine W1 and seconded by Valentine W2 to table this legislation for consideration on the evening of July 11<sup>th</sup> at 7:00 p.m. at a special meeting, and that meeting may include any other properly announced items.

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

## WARD REPORTS

Ward 2: Bob Valentine

(a) *Various items:*

Valentine W2 reported lots of calls on various items such as high grass, drainage problems and the parking situation on Jay Street and Walnut Street. He has talked to Street Department Director Jerry Mack concerning some of the problems.

Ward 3: Ruth Detrow

(a) *High grass, Siler property:*

Detrow reported that she was able to reassure one of the residents who lives at the end of Bank Street that the new nature preserve (Siler property) will be mowed five sweeps around the edges as a buffer where the field is next to houses. Being a nature preserve, there will be high grasses, as is the very nature of a nature preserve.

(b) *Lighting at pool area of Brookside Park:*

Detrow was told of a parking situation at the bandshell programs, in that due to the number of vehicles wanting to park there, some of the people are sent down to the pool area parking lot. The problem with this is that they say the lighting is not good enough for hiking up to the bandshell, and Detrow asked Park Director Tim Clingan to consider this to see if something could be done.

Ward 4: Paul Wertz

(a) *417 Vine Street, old barn:*

Wertz noted a situation with an old barn behind the house at this address; it is open and rats and small animals are a nuisance here. Also kids are in and out of the barn, smoking, and residents fear fire. They want to know if anything could be done about closing up the holes in the barn.

(b) *301 to 313 Cleveland Avenue, houses in bad shape:*

Wertz told of these four empty houses where there is high grass, doors hanging open, and the residents nearby are concerned.

(c) *Fourth Street, block of vacant houses:*

Wertz reported a similar situation with the vacant houses in this block of houses, doors all open. He asked the law director to check on both these situations.

(d) *Open burning problems:*

Wertz reported a situation with open burning fires residents are using to cook hotdogs and such. The fires are left to smolder during the night, bothering neighbors with smoke and smell. He discussed the fire department putting out these fires and questioned what other towns do. He commented that those residents who are using the fires and leaving them smolder are being unreasonable and unneighborly, but he wondered if there is something the fire department can do about this type of thing.

At-large: Glen Stewart

(a) *Dumping yard waste and trash on vacant lots:*

Stewart reminded Council of the discussion he brought up concerning people dumping yard waste and trash on vacant lots, a problem which is continuing, and noted that the law director is aware of one specific area. He reiterated that there is no reason for dumping yard waste on a neighbor's property or vacant lots or storm ditches; doing so causes other problems with mowing, impeding the storm water flow and such.

There is a process that works well for the majority of the people in the community, and that is purchasing and using the yard waste bags from the sanitation department, who then has a regular schedule for picking them up and disposing of them properly.

(b) *Curfew problems:*

Stewart asked Police Chief Bill Miracle if the curfew ordinance is of any value; do the calls occur before or after curfew hours; and he asked Chief Miracle if he had any comments on this.

Chief Miracle gave Council members copies of Ashland's curfew requirements as well as copies of Mansfield's ordinance for them to take a look at. He stated he is not necessarily advocating the Mansfield ordinance, but a sliding curfew scale had been mentioned, and Mansfield has that type of thing.

He stated that curfew has some value; currently curfew hours are 12:30 a.m. to 5:00 a.m. in Ashland and deal with juveniles only. Last year they had 18 curfew arrests; this year two so far. The process for curfew arrests is different, as this involves juveniles. Everything has to be forwarded to the county prosecutor's office for prosecution, with three different outcomes possible: no file charge, a file charge, or a change of charge to something else. Also, a problem is that there is a lengthy back up in the juvenile court system, so there is no punishment for a long time.

Mansfield has different curfews for different ages, and also they have parent or guardian responsibility whereby those individuals can be charged. Council may want to consider that.

The issue of the problem down at the movie theater is not that of a curfew violation. There are kids congregating on a public sidewalk, and the City does not have an ordinance on loitering, which has been found to be unconstitutional anyway. The problem is when a few take things a step further into vandalism or trespassing, and those can be addressed under current law. Most of the kids are gone when the last movie lets out at 11:00 p.m. or so.

When there is vandalism, the officers must see it happening in order to make an arrest. If they don't see it but there is evidence, they follow up as they can. That is the same as any act of vandalism or trespassing at any other location in town in addition to the movie theater. If a situation occurs and the officers are there to see it, they will take action. If there are other places, apartments, where they can watch from or if there are videos, those are evidence. Up until tonight he didn't know of videotapes of these situations.

There is some responsibility on the property owner's part, but that is different from removing them from a public sidewalk in front of a property. The kids have a right to be on the sidewalk just like anyone else does. What they are doing there makes a difference in a situation, and it does depend on what the situation is. He emphasized the officers do respond to and have records of those calls.

Valentine W1 asked if a juvenile is caught in the act of vandalism or such, what does the police department do? Chief Miracle explained that the officers take the juvenile to the station, call their parents and release them to the parents' custody. The department will write a report to be forwarded to the county prosecutor's office for determination on charges. The department does not arrest juveniles as they do adults; unless it is a serious misdemeanor, they do not incarcerate juveniles.

Valentine W1 questioned the use of the detention center for juveniles, and Chief Miracle responded they have to have authorization of the juvenile court in order to do so. That is done only if it is a very serious charge. Law Director Wolfe further explained that the use of the term serious matter doesn't mean it isn't considered seriously; it's a legal issue, a classification in terms of seriousness misdemeanor versus less serious. Another factor he wanted to comment on was the question of response time; that certainly depends on what officers are doing or duties being attended to when they get the call, too. They often can't just leave a situation in progress at the time to go to another situation.

Wolfe also commented on officers seen on "stationary" patrol, sitting somewhere as a presence or writing reports or perhaps already on a call; they are not necessarily sitting there just waiting for a call to come in. There are other factors that often come into play.

Valentine W1 asked about numbers of officers, and Chief Miracle told him they are at the same level as they were before the cuts were made. They are also in the process now of hiring an additional officer, which will increase their staff by one.

Mayor Strine asked what happens when they bring a juvenile to headquarters but can't get hold of the parents, and Chief Miracle responded that they then become babysitters. That is one issue to discuss before any changes are determined to the curfew ordinance; once they take a person into custody, they are responsible for them until there is a person to release them to. Earlier curfews would make it harder to find parents who may be out somewhere themselves; with the curfew between 12:30 a.m. and 5:00 a.m. it is usually easier to find a juvenile's parents or a responsible person at home. For example, curfews of dusk to dawn would be even fuzzier as to interpretation. Other options could be considered if Council wishes to do so.

Those are some of the issues the department has to deal with in maintaining their responsibility for that person once they are taken into custody; adults can be incarcerated but juveniles cannot be.

## OLD BUSINESS

### (a) *Appointment of private citizen to Income Tax Review Board; City Charter Section 229.07:*

Stewart told Council that they have the obligation to appoint a private citizen to the Income Tax Review Board, and that is by City Charter. He asked if any Council person is prepared to make a recommendation for that appointment. As there were none, Stewart suggested that Council consider a person who has talked to Finance Director Anna Tomasek about involvement, in addition to anyone else they might consider. He noted that this Board is not a very active committee, and Wolfe explained further that it is mostly an appeal board and is composed of the mayor, the law director and a private citizen. They have had a couple of hearings over the years; it's part of the due process.

Stewart indicated he's like to get this appointment done at the next meeting if possible.

### (b) *Downtown parking issue:*

Stewart told Council that he and Detrow have received some information from other cities relative to downtown parking issues. This information has been given to Council members to look over; he and Detrow request that the others give any feedback they might have.

Detrow added that they are trying to get away from the situation where someone wants to park all day downtown, and they circumvent the 2-hour limit by moving to another parking space several times during the day to avoid being ticketed. She asked Chief Miracle about the process used by the parking enforcement person, and he responded to that question, and then added he'd like to have some input on this whole process before a determination is made as to what they are doing. There are some difficulties and limitations to be discussed.

## NEW BUSINESS

### (a) *Request for Advertising on Private Property: (Renewal)*

Ashland Brethren in Christ Church, 2750 Mifflin Avenue; Petitioner, Keith Tyson

Moved by Wertz and seconded by Detrow to accept the request.

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

## MAYOR'S COMMENTS

### (a) *Parks and Recreation report; Tim Clingan, Director:*

Clingan introduced Larry Willis, Superintendent of Parks and Recreation, and Terry Valentine, Pro-Manager of Brookside Golf Course. He handed out prepared booklets with information covering all aspects of the department, and pointed out the highlights included in the booklet:

- Manpower, 2006: overall plus organizational charts for the parks, golf course, and arborist departments.
- Review of Quality Initiative in which the park department participated; mission statement and employee input.
- 2005 Parks and Recreation facility usage.
- Financial statement, usage details for the golf course.
- Marketing plan formed in cooperation with the Small Business Development Center for Ashland University.
- Arborist 2005 report.
- A listing of 2006 Park Projects.
- Letters of appreciation received by the Parks Department.
- Clingan commended Larry Willis, who is in charge of maintenance for both the parks and the golf course; he took on the job involving both when two positions were combined into the one position; Willis has done a fine job along with the employees he works with.
- Clingan also commended Terry Valentine and his tremendous abilities for the golf course; being a pro helps out the Park's image as to the golf course.

- Clingan answered a number of questions brought up with respect to several aspects of the Parks Department workings.

PUBLIC HEARING

7:10 p.m. Tax budget, City of Ashland, FY 2007

A hearing to receive public comments regarding the Tax Budget prepared by the City of Ashland for the fiscal year ending December 31, 2007.

Moved by Valentine W1 and seconded by Valentine W2 to move to public hearing.

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

Finance Director Anna Tomasek explained that this is the public hearing for the 2007 tax budget; it is a statutory requirement that this be submitted to the County Auditor by July 15<sup>th</sup>. A copy of the tax budget is available in her office, and it must be presented to Council for their approval before being submitted to the county.

Mayor Strine noted this has been advertised and is available to the public for review.

Tomasek commented that July 15<sup>th</sup> is a Saturday and thus the budget must be submitted actually on July 14<sup>th</sup>.

There were no other comments.

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

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

ADJOURNMENT

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

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

Council adjourned the regular session at 9:13 p.m.

Submitted by  
Elaine C. Hootman  
Clerk of Council