
Ashland City Council

MINUTES FOR THE REGULAR SESSION OF COUNCIL July 18, 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, W1 and W2.

PLEDGE OF ALLEGIANCE

PRESENTATION OF MINUTES

June 20, 2006: Regular session

July 11, 2006: Special session

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

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

COMMENTS OR QUESTIONS FROM THE AUDIENCE

(a) Request for repair of lawn: Nancy Heslep, 330 North Countryside Drive

Mrs. Heslep explained to Council that, as a result of a sanitary sewer that was put in through her back yard early last spring, her yard is deeply rutted and messed up. The construction crews and vehicles all went through her yard, did their work, filled in the ditch and then left. She showed Council pictures of the damage to her yard: huge ruts, big pieces of tile and huge rocks lying in the yard. As a result, she can't mow the area, and she used a rototiller to fix a four-foot section and plant it so to have access to the creek behind. She stated that the engineering department keeps telling her they will come back and fix it when it dries out, and she has a letter from them telling her they would fix it this spring. It has not been done. She wants to know why they can't come and fix it.

Stewart gave Heslep a commitment to be at her home early the next morning to look at this and see what needs to be done; anyone from the City is welcome to join him; Detrow said she would be there.

LEGISLATION

Ord. 68-06

Item (a) AN ORDINANCE DECLARING COUNCIL'S INTENTION TO CHANGE THE NAME OF ELMARNA AVENUE, FROM THOMAS DRIVE WEST, TO WILLIAMSBURG COURT, 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 W2, Detrow, Wertz, Stewart, Valentine W1

Comments:

Stewart explained that legislation giving a different name had been presented to Council at an earlier meeting, and there had been concerns as to why it couldn't be named something more to the liking of the residents. The majority of residents submitted this name, and that is the reason for the legislation returning to Council this evening.

After the vote was called, Stewart stated to let it be known that particular section of street is now Williamsburg Court.

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

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

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 W2, Detrow, Wertz, Stewart, Valentine W1

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

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

Motion carried.

Res. 6-06

Item (b) A RESOLUTION AUTHORIZING THE MAYOR, DIRECTOR OF PUBLIC SAFETY OF THE CITY OF ASHLAND, OHIO, TO FILE AN APPLICATION AND ENTER INTO AGREEMENT WITH THE OFFICE OF THE ATTORNEY GENERAL, STATE OF OHIO, FOR THE PURPOSE OF ACQUIRING FUNDS THROUGH THE D.A.R.E. GRANT 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 Resolution has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

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

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

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

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

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

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

Res. 7-06

Item (c) A RESOLUTION AUTHORIZING THE CITY OF ASHLAND, OHIO, TO FILE AN APPLICATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR ASSISTANCE THROUGH THE CY 2007 OHIO COORDINATION PROGRAM AND EXECUTING A CONTRACT WITH ODOT UPON GRANT APPLICATION APPROVAL.

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

Comments:

Finance Director Anna Tomasek explained that this is a grant application to the State of Ohio for the amount of \$43,066.00; it is a 75/25% grant (local is 25%); the local organizations and the Ashland County Commissioners contribute to this grant as it is for City Transit trips into the county. None of the money comes from the City of Ashland; it comes from all the local agencies.

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

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

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

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

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

Motion carried.

Res. 8-06

Item (d) A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR FY 2007 TRANSPORTATION GRANTS. THESE GRANTS MAY INCLUDE THE OHIO ELDERLY AND DISABLED TRANSIT FARE ASSISTANCE PROGRAM, THE OHIO PUBLIC TRANSPORTATION GRANT PROGRAM, AND THE DISCRETIONARY URBAN CAPITAL PROGRAM.

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

Comments:

Finance Director Anna Tomasek explained that this application is for three grants mostly for the operation of Ashland Public Transit. The federal portion is \$196,744; the state share of operation is \$68,069; and the Ohio Elderly and Disabled Program grant that assists in reducing the fares by half is \$31,436.

Detrow commented that she attends the regular meetings of the Ashland Transit, and they are really doing a lot things and working toward a lot of beneficial things. They try to extend services after they find out that services are needed in some area, such as trips to the Loudonville fair. They are doing a lot of thinking about working with Ashland University, because with gas prices up, lots of students are deciding that it is foolish to drive a car if it isn't necessary, so they are attempting to do some work with them. Detrow emphasized she thinks the transit is very beneficial and is growing, and it is something the City can be proud of.

Mayor Strine responded that he agrees 100% with what Detrow is saying. But he thinks everyone needs to know, too, that the transit is a very costly operation. It has grown a great deal; the feds, the state and the City are all paying more than before. When this began, the cost was around \$10,000 to \$20,000 per year, and now the City's share is well over \$100,000 per year.

Tomasek added that in 1992 the City's share was \$34,000; currently it is over \$100,000.

Detrow said that one thing they have been talking about at the meetings a lot is the fact that the transit would be a lot cheaper to run if there were enough ridership to have routes where people could congregate at certain places and times to ride. That would help a whole lot, and they are also working towards that and trying to figure out how to persuade people that it would be a beneficial thing.

Stewart commented that is a tough one; people are accustomed to convenience. Detrow agreed, saying that when a person calls and the transit comes in response to pick them up, that's really nice. But eventually it may be such an expense that it can't happen.

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

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

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

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

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

Motion carried.

WARD REPORTS

Ward 1: Robert L. Valentine

(a) *Heavy rains causing problems:*

Valentine W1 stated his appreciation for the cooperation of the Engineering Department in handling all the calls he'd had regarding the water problems stemming from all the rain the City has had recently. The department is working out the problem on Kingridge Court, as well as a problem on Chestnut Street. In talking with the property owner at 2430 Mifflin Avenue near the new development being built, the resident told Valentine W1 he'd had water and debris problems also; the resident asked who he should contact if he needed help, and Valentine W1 told the resident to call him. Stewart affirmed he'd seen lots of water there near the corner of the new development.

(b) *Proposed development, US Rt. 250 Bypass and S.R. 511 North:*

Valentine W1 reported he had a question as to the status of the housing development proposed for the above location. Wertz responded the developers had to wait to find out about grant money from the state. Valentine W2 added that the development would not be started until spring 2007 anyway. No one has heard anything from them at this time.

Ward 2: Robert M. Valentine

(a) *Weeds causing allergies:*

Valentine W2 reported receiving a call from Don Johnson, a resident who lives near the Abbie Lane condominiums under construction off West Main Street. The weeds are tall and shedding seeds, and Johnson is suffering badly from allergies because of the weeds. Valentine asked if the weeds could be cut down, and Mayor Strine said he'd look into it.

Ward 4: Paul Wertz

(a) *Appreciation to the Sewer Department:*

Wertz expressed his appreciation to Bruce Wisner and the sewer department for a great job for a resident, helping clear a backed up sewer on Sunday night. They took care of it real quick.

At-large: Glen Stewart

(a) *Drain problem at Second and Center Streets:*

Stewart noted he was called about a drain problem at the above location, and he would talk to the engineer about it at his earliest convenience.

OLD BUSINESS

(a) *City wide Sidewalk Program:*

Stewart asked Cooper if he could give an update as to progress on the City Sidewalk Program, and Cooper did so.

Cooper handed out procedural information and told Council that Assistant Engineer Kurt Brzyszc and Engineering Assistant Phil Diehm have worked on this project for a long time. The department is just about ready to get the information to Council in August, so that for the September 5th meeting there will be a list of sidewalks that need to be addressed. Nearly all the field inspection has been done; nearly all the write-ups and maps that have to be drawn are done; they need to take the information and get the owners; once that is done they will get the estimates.

The sidewalk inspection forms and assessments and maps will go out certified mail. This is for Area 1 of the program. Other than a couple of streets Cooper is doing, everything is done and ready to present to Council on September 5th, then to proceed with notifications.

Stewart asked about a time frame, and Cooper told him that the letters go out and the recipients have 30 days to respond. They can either appeal the process or get the project done. Stewart suggested moving the process a little earlier if it could be done to get into the fall construction season a little earlier. That was agreed upon.

(b) Downtown parking/Traffic Committee:

Stewart asked Mayor Strine if the Traffic Committee had met and if they discussed the downtown parking problems. Mayor Strine said the committee did meet, and the problem they discussed was the problem of storeowners and employees parking in front of stores for the time limit, and then moving to another spot for the limit.

The committee discussed the possibility of having a downtown parking district which could be controlled a little better than the way it is now. But the committee felt the quickest way to solve the problem would be to increase the fine. The City has had a \$5.00 fine almost forever, and the Mayor thinks most people just feel this is a good price to pay for their parking if they get caught. If the fine were raised to \$20 or \$25, they might think differently. That is what the Traffic Committee wants to try first, and the Mayor would bring an ordinance for Council to consider

Stewart asked if they would at the same time address some longer term parking downtown, and the Mayor affirmed that and all of the fine schedule.

Valentine W1 suggested shorter times and encouraging the people to park in the lots behind the stores. Stewart emphasized that he doesn't want to curtail the legitimate customers parking there but rather the habitual, repeat offenders. He prefers doing that by using a progressive fine structure in which the fines increase with each offense citation. Stewart suggested that since the Traffic Committee has made a recommendation, it should be brought before Council.

Valentine W2 noted that it is the same people all the time making the problem, and he also would not want to ticket people who are actually shopping downtown.

A couple of Council members suggested making the lot at Third and Center Streets all eight hour parking, which would only help if people stopped playing the game.

Stewart suggested that since the Traffic Committee has made a recommendation, it is incumbent on Council to accept that recommendation, respond to it and perhaps request some revisions.

The Mayor indicated he will have the ordinance drawn up and sent to Council members. He would like any suggestions coming from Council to be put in writing in order to make sure they are relayed to the committee accurately.

(c) Pavement crack sealing:

Stewart asked Street Director Jerry Mack if he is in the process of preparing to do pavement crack sealing some time soon, and Mack responded that his department hasn't done crack sealing for several years and don't have the equipment or the personnel to do it any more.

Stewart asked what is being done to prolong the life of pavement where there is significant cracking in it? Mack said right now, nothing. But there is discussion as to possibly getting that done by an outside source, but not this year. Crack sealing hasn't been done for about four years.

Stewart asked if crack sealing prolongs the life of a street significantly, and Mack said of course it does, depending on when the crack is found.

Mayor Strine told Stewart that one of the reasons they stopped doing crack sealing was budget constraints, and he still feels there are budget constraints. But they can look into starting that again as they begin looking at expenditures.

Stewart suggested that it might be prudent preservation of the streets to not do some of the resurfacing and instead return to crack sealing. Mack added that there are other problems to look into also other than crack sealing.

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

Stewart told Council that he has talked to Bernard Sargent who filled an unexpired Council term a year ago, and he is willing to sit on the Income Tax Review Board if Council so desires to appoint him. If Sargent were asked to do this, he would do it properly.

Moved by Stewart and seconded by Valentine W1 to appoint Bernard Sargent to fill the position on the Income Tax Review Board.

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

NEW BUSINESS

(a) *Request for Application for Advertising on Private Property:*

Gregory Hockenberry, 1160 T.R. 1426

Hockenberry explained that he is representing identity theft services and reasonable lawyer services from a company that is expanding into this area. He thought this would be a good way to advertise.

Valentine W1 expressed his concerns that this is a for-profit business, and he wasn't sure it was appropriate to advertise this way; he feels this could open a Pandora's box. Stewart noted this permit has been given to all kinds of businesses numerous times recently, as well as to churches and non-profit entities.

Law Director Rick Wolfe further explained that the City's primary concern in this area is the litter aspect, that the City has some control over the manner in which people advertise. The City really has not tried to differentiate between free market activity and charitable or church activities. Those are all different forms of free speech, and as long as the advertiser does it in a consistent manner, and there is not paper blowing all around, littering and causing debris, that has been the primary focus in the past in these matters. The residents always have the very simple choice if they don't want to look at the material to take it off the door and throw it away. The City hasn't gone as far as tried to differentiate between types of advertising but primarily looked at the manner of the advertising.

Moved by Wertz and seconded by Detrow to approve the application.

Ayes: Valentine W2, Detrow, Wertz, Stewart

Nay: Valentine W1

Motion carried.

(b) *Sidewalk waiver request:*

Petitioner; Olde Parsonage/McFrederick Enterprises LLC, 1611 Eagle Way

Stewart noted that everyone had received a copy of this request in which 265' of sidewalk is required; the reason for the waiver request is that this is the only business on the street, and they want to waive the installation of the sidewalks until other lots are developed and sidewalks can be connected. The City Engineer has no problem with granting a waiver.

Detrow and Valentine W1 both stated when they looked at the area, there are sidewalks on the other side of the street.

Mark Hawley stated he is representing the McFrederick's Olde Parsonage Project, and he is employed by Simonson Construction Services as Project Manager for this. McFredericks asked him to apply for this waiver, and yes, there are sidewalks on the other side of the road,

but they do not connect to this business. McFredericks own the lot to the west of them, which is undeveloped and which is located on a private road back to the apartment complex further west where there will probably not be a continuation of sidewalks; the sidewalk to the east of McFredericks' would connect to another lot, which is still on the market for sale. Basically then, if they put a sidewalk in, it covers the front of their property but does not go anywhere; McFredericks feel they don't have a sidewalk-type business at this time. Across the street, sidewalks are being put in as several businesses have built there, though at first they were granted waivers when they were the only businesses on that side of the street.

Hawley explained that McFredericks do not have a problem putting in a sidewalk now; their concern is that it may be five or ten years until it can be connected to anything, and what will that sidewalk look like then? Right now they would rather take that money and continue to invest it in their business and in this community. They have every intention of adding it when it is required or there is a need for it.

Valentine W2 asked about people from the apartments being able to walk from their homes to the businesses, and Stewart listed the checkerboard of sidewalks in the Sugarbush Development area: some have sidewalks, many don't.

Detrow asked about the limit on new developments as to when they must have sidewalks in, and discussion resulted in the fact that an ordinance sets a time limit of four years; the fifth year sidewalks must be installed. Another long discussion ensued as to whether waivers had been granted to businesses and/or buildings out there, as to which businesses have installed sidewalks. Cooper stated he didn't remember any waivers being granted for this development.

Detrow commented that construction is happening at a really rapid pace out there, and it seems as though businesses there ought to be putting sidewalks in. This is a major development area for Ashland.

Mayor Strine asked Building and Zoning Inspector Roger Gordon if sidewalks could be required there now, and Gordon responded they could; he already has commitments from some of those people that they will put in sidewalks as soon as they are mandated or requested. The Mayor recommended that the City request that all those sidewalks be put in. Stewart and Wertz immediately concurred with that.

Stewart stated that the City has fought with sidewalks in the community since 1988 when Council took a position that new developments would have sidewalks. He concurred that this particular business will probably not have walk up business; but by the same token, all the people who walk on his own sidewalk don't come to see him either. There is a heavy residential area adjacent to this business.

Hawley explained that if sidewalks are put in along the private drive to the apartments, they will be put on the north side of that private drive and will not connect to McFredericks' sidewalk but rather to those on the other side of Sugarbush Drive. However, he emphasized that McFredericks have no problem with the installation of sidewalks; their request is only to be allowed to wait until there are others on their side of Eagle Way.

Moved by Stewart and seconded by Detrow that this request for waiver be denied.

Ayes: Detrow, Wertz, Stewart, Valentine W1

Nay: Valentine W2

Motion carried.

(c) *Fair Housing presentation:*

Required by the Community Development Block Grant (CDBG) Funding Program: Cheryl Staron, Ohio Regional Development Corporation (ORDC)

Staron explained she is the fair housing specialist, the Director of Fair Housing with the Ohio Regional Development Corporation (ORDC). Their office has a contract with the City of Ashland to provide fair housing education, outreach and services to the City. One of the reasons she makes her yearly visit is that, as part of Community Development Block Grant Formula Program (CDBG), when the City of Ashland applies, part of the grant agreement indicates

if the City is funded, they will make themselves available for a brief fair housing training session.

Grant funding is becoming more and more competitive, and it is her pleasure to assist the City of Ashland in coming into compliance with this particular portion of the CDBG grant application. The City received CDBG funding this past year for Investment Area 1, out by Cleveland Avenue. The funding does benefit most especially the population that falls into the low to moderate-income category. With regards to fair housing, by making this session available at a public forum, it provides the opportunity for anyone who feels that they would like additional information to come and get that information.

Fair housing involves the right that people have who fall into the seven protected classes, which are race, religion, color, national origin, sex, familial status and disability, to live wherever they choose to live and not be treated differently because they are a member of one of those seven protected groups. Her reason for being here is to let people know that the brochures that give this very basic information continue to be distributed throughout the City. There is a local contact number in the brochures, the Engineering Department, and if the City Engineer is unable to answer questions that might come to him, he can refer them to her group's toll-free number, which is also included on those brochures.

The main point of this presentation is that, if someone comes to you and says they have a problem and aren't being treated fairly, you can now give them some assistance to find the information they may need. She gave an example of being in a Council meeting in a different county, and they were talking about all these calls coming in and referring to the same problem. The person getting the calls did not know why they were calling him. Staron stated that this person was the local contact; he is the person these people needed to start with, so now you here know also. This is the first, the local contact for housing problems, and you know where they can obtain information. That is very beneficial not only to you but also to the City of Ashland.

Stewart asked if she had had questions forwarded to her from the City of Ashland, and Staron said she has, most of which come to her concerning the basic area of tenant and landlord rights. She emphasized that she is not an attorney and so cannot advise them on Ohio Revised Code, but she does like to engage them in conversation so that they can determine if they are actually just landlord/tenant issues and questions for Code, or are they issues where someone is being denied housing because they happen to be a member of the seven protected classes. Either way, the people have information and are able then to seek a remedy under the law.

There are brochures in several City offices, and they are available as well in other locations throughout the City, such as the library, realtor's offices, the Goodwill store and other locations.

(d) Annexation filed, US Rt. 250 East:

Stewart announced that a request for annexation had been received from the Board of County Commissioners; it includes 10.687 acres on the north side of US Rt. 250 East; the petitioner is Amberwood Center, Ltd. (Martin Myers); it is a Type 1 expedited procedure, and the petition was received by Council on July 17th. Council has a 60-day waiting period before action can be taken the first regular meeting after September 15th.

(e) Non-curbed street/alley ordinance:

Valentine W2 requested that Council revisit the non-curbed street and alley ordinance that was passed by Council recently (Ordinance No. 53-06). He feels things have gotten a little involved as a result of it, though that was not the intent, and he would like to have a little discussion on it at a work session. Stewart indicated that it could be put on the agenda for the next work session, if Valentine W2 chooses to do so.

(f) Work session held:

A work session was held immediately following adjournment from the regular session. Health related housing issues, disrepair situations, and weeds/grass issues were discussed.

MAYOR'S COMMENTS

(a) *Water Distribution Department Presentation; Curt Young, Director:*

Young showed a 12-minute video presentation as to information and facts that remind the City why they are very careful with and take good care of their water distribution system. The video was concise, very informative and extremely well done, making it an easy way to learn about all the aspects of the water distribution system.

Young gave the credit for an excellent department to his employees on all levels. He brought attention to those who are called in at times of emergency for their quick and responsible repair of water line breaks in all kinds of weather and at any time of day or night.

Young also gave credit to all the other Departments of the City, without the help of which they could not do their jobs; all departments right down to the cleaning crew that cleans their building. His department is not alone in doing their jobs; they have a lot of help.

ADJOURNMENT

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

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

Council adjourned the regular session at 8.25 p.m.

Submitted by
Elaine C. Hootman
Clerk of Council