
Ashland City Council

MINUTES FOR THE SPECIAL SESSION OF COUNCIL December 29, 2006

Council President Glen Stewart called the meeting to order at Noon

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

LEGISLATION

Ord. 102-06

Item (a) AN ORDINANCE CREATING ADDITIONAL APPROPRIATIONS, TRANSFERS AND ADVANCES FOR THE FOLLOWING HEREINAFTER NAMED FUNDS FOR THE YEAR 2006; AND DECLARING THIS LEGISLATION TO BE AN EMERGENCY MEASURE NECESSARY TO MEET THE FINANCIAL NEEDS OF THE CITY OF ASHLAND, OHIO.

Finance Director Anna Tomasek read the ordinance.

Comments:

Mayor Strine explained the first section about creating additional appropriations is mostly due to the fact that the extra appropriations needed for the health insurance were charged to the individual accounts to make up the difference in the health insurance fund. That created most of this, and that basically is what the first part is.

The second section, special revenue funds: for various reasons if the City doesn't estimate the revenue high enough, for example in Equipment Fund 222, revenue then has to be appropriated. That is basically what all those are.

The next section, the enterprise funds, such as the upgrading of the water treatment plant, was explained between the Mayor and the Finance Director.

Many of the transfers included money that the City has but which needed to be transferred to other accounts.

Stewart asked about the income tax transfer coming in to cover some of the other, and Tomasek responded that the income tax revenue was higher than was anticipated in the 2006 appropriations; there was an additional \$1,050,000 that will be transferred to the general fund. Mayor Strine added that it would appear in the general fund year-end balance; that's what it amounts to.

Mayor Strine added a point of clarification when talking about transfers: this is not transferring except where it specifically says from one fund to another fund, which the City is not permitted to do. The only place that can be done is in the Capital Improvement Fund and the General Fund. Most of these transfers are all within one fund, except for the last two items.

Valentine W1 asked what the end of the year balance is, and Tomasek explained that the City is still receiving money, but she estimated a \$1.2 million carryover in the general fund.

Valentine W1 then asked if the City closes its books at the end of December, and Tomasek responded yes, as of today. After December 15th no bills are paid and the closing process begins. After this ordinance is passed, then finance will continue on closing out the books.

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 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.

PUBLIC HEARINGS: 12:10 p.m.

Stewart stated that Council would move into the public hearings at this time.

Public Hearing #1

(a) A public hearing for the purpose of gaining input on the establishment of “M-1” Light Industrial District for an area of property on the north side of U.S. Rt. 250 East. (*Amberwood Center, Martin Myers*)

Stewart gave the location of the area being considered for the establishment of zoning, and he asked if there was someone to speak to this particular hearing for Marty Myers.

1. *William VanTilburg:*

VanTilburg noted that this has all been explained but if there were any questions, he would be glad to address them.

Stewart explained the location in more detail from the plat, and asked if there were questions.

Valentine W1 asked if towers could be located in this “M-1” zoning, but VanTilburg said not; the concept of towers in this shopping center, one story buildings, might only refer to the decorative cupolas that extend up on the corners of the building. Those have been referred to in a couple of the leases as “towers”, but these are not radio towers. Again, the concept is that they are part of the structure only.

Valentine had looked through the “M-1” zoning, in which it said “towers to accommodate industries.” VanTilburg said that’s what the zoning would permit, but that is not what these are.

2. *Dean DaHinden:*

DaHinden asked where he could find these zoning regulations, and Stewart told him all of them are in the zoning codes available in the Building and Zoning Office. DaHinden asked about finding them on the Internet, and the Mayor responded the City is discussing that right now.

Public Hearing #2

(b) A public hearing for the purpose of gaining input on the establishment of “M-1” Light Industrial District for an area of property on the south side of U.S. Rt. 250 East. (Loral Investments, north area)

Stewart explained the location of the area and opened the public hearing.

1. *William VanTilburg:*

He more specifically explained the location of this area, as it is part of an area for which two different zonings are requested for two different areas. This area is requesting "M-1" zoning for commercial and possibly light industrial uses.

DaHinden asked if this is east of WIL Research, and Stewart explained the location in more detail. Basically it is a rectangle of land directly across from the main entrance to Wal-Mart and Carter Lumber, and it will be zoned "M-1" for business uses.

An audience member asked if this parcel runs up behind WIL Research, and Stewart said it doesn't.

Public Hearing #3

- (c) A public hearing for the purpose of gaining input on the establishment of "R-S" Residential District for an area of property on the south side of U.S. Rt. 250 East. (Loral Investments, south area)

Stewart again described this particular area, explaining that this area does in fact run behind WIL Research; it runs out to George Road in two areas; it is common property with some smaller properties and homes that are already there; it does come over to I-71 right-of-way to the east. This is the area that Council is asking for public input at this point.

1. *William VanTilburg:*

VanTilburg explained that this is the rest of the property owned by Loral Investments, and it is proposed for residential single and multi units.

2. *Chuck Fisher:*

Fisher asked if this will change any of the zoning on property that abuts this property, and will it be annexed into the City? Mayor Strine and Stewart explained that this is already annexed into the City.

Fisher asked about changing the zoning on his property: he stated it is General Farm and he wants it to stay that. Stewart told him they will have no impact on his zoning, but the new zoning will abut the back line of his property.

3. *Dick Gordon:*

Gordon asked if there would be a drive accessible to T.R. 805 (George Road) from this property?

Ratliff (developer for Loral Investments) responded there would be two streets out onto George Road. Gordon noted that T.R. 805 is not George Road out further. Stewart consulted the map with them to identify the street access. No specifics were given.

Gordon asked about widening the road, but Stewart responded he couldn't speak to that as it is the township road from a point out. Mayor Strine added that the City has agreed with the County to cooperate in improving that road; however, he doesn't know what the County's intentions are.

4. *Chris Meyer:*

In reference to Gordon's question about road widening, noting that since Loral Investments extreme southern limit is at his property line, Meyer asked if the City will be responsible for widening the road to there? City Engineer Jim Cooper indicated that County Engineer Ed Meixner is working on this along with Richland Engineering, and the Mayor added that Meixner would be the one to ask about this question.

Meyer had two other questions: Who will maintain George Road/T.R. 805? Mayor Strine responded that as long as it is in the township, it is their responsibility. Meyer asked about the part that the City is annexing in? Wertz stated that part is the City's.

5. *Dan Meyer:*

Meyer asked if the road is half City and half township at the point where Loral Investment's western edge is; or does the road become all township or all City? Stewart noted that the annexation goes to the right-of-way but not including half of the road in the two areas that

come up against the road. Ratliff, however, thought they had annexed to the center of the road at those points.

Cooper explained the legal description will clarify that question. In checking, Cooper noted that it does go to the center of the road.

6. *Dean DaHinden:*

DaHinden asked what was the next most restrictive zoning code after “R-S”, and why was “R-S” chosen?

Stewart outlined from least to most restrictive: “R-S”, “R-A” and then “RL-3”, and they add allowances/restrictions as they go. Each one includes the entire above plus.

Ratliff explained that they chose “R-S” because of deeper set backs, widths of lots and larger back yards, which are not current with what market conditions are in Ashland and in other places where they are working. They chose the zoning that allows changes in set backs and widths; they want that to allow for more saleable lots that people want. They also wanted the allowance for two stories plus attics; there will not be three story condominiums or apartments however.

Stewart discussed a question that Council members had with this zoning request, and that is the addition of eight pages of covenants that go with this to make it more restrictive than several of the building codes that currently exist in the City. The covenants limit what can be done with the lots even more than what the more restrictive City zonings do. City zonings cannot be evaluated/changed very quickly; this company has looked at City codes and the eight pages of covenants really buy a lot of restriction and allow some building that would be extremely difficult under the current building and zoning codes.

7. *Terri Meyer:*

Meyer asked about the quantity and quality of the houses, square footages and prices.

Ratliff responded: approximately 200 single family homes, from 1,600 to 2,500 square feet; condominiums can be from 1,100 to 1,500 or 1,600 square feet. This is primarily a single family development; there is an area along I-71 and another immediately south of WIL Research that will be possibly condominiums and apartments. This is a 185-acre property and could be a 15-year project, during which times the consumer demands could change quite dramatically. Detached cluster homes are also a possibility, having some condominium advantages without being all attached. Cluster homes are selling for around \$170,000 and are about 1,200 to 1,400 square feet. Single-family homes will range from \$180,000 to \$350,000, depending on the area.

Meyer asked about the trees along I-71 being taken out, but Ratliff said they would not be, as they were not on their property.

8. *Chris Meyer:*

Meyer asked about expansion or widening of George Road. Cooper said they haven’t seen any plans for such at this time.

Meyer discussed his concern with the increase of traffic on George Road and its benefit only to the businesses on US Rt. 250. It’s a convenient cut through from SR 60. Gordon added that one day last summer between 4:00 and 5:00 p.m. he counted 190 vehicles passing on that road.

Meyer spoke again against widening the road: there are children along that road, and as soon as it is widened, the speed will increase. But he also commented that aesthetically he likes what is being planned; as long as it blends in with what is already on TR 805, he’s pretty much OK with it.

He asked about house trailers, and Ratliff told him that section has pretty much been scrapped; multi-family will be south of WIL Research and/or along I-71.

Meyer asked about having a copy of the covenants that go along with the ordinance, and Stewart told him that will be addressed along with the legislation after the hearings are finished, noting that it is a public document.

Detrow commented that as this area becomes more densely populated, she didn't think there was any chance that the speed limit and the policing will remain static; eventually there will be a lower speed limit and much more police presence there, especially since it will be a part of the City. These things may address some concerns about traffic and speeding.

Mayor Strine asked the audience as a whole if they were comfortable coming in and talking to this group; the City is internally making an effort to improve communications. He asked for comments.

Gordon noted the letter and map sent to the people on TR 805; just keeping them informed was the biggest thing. They don't like reading about something after the fact, as though it were all cut and dried. That goes a long way to keeping them informed.

Chris Meyer reinforced what Mr. Gordon said about being informed. Stewart noted that all the meeting agendas, without exception, go to the newspapers for publication. Council tries very hard to let everyone know what their next meeting is going to be about. Stewart told them Council appreciates their input. He also noted that all the meetings are open to the public and they start at 7:00 p.m. first and third Tuesdays; work sessions are noted in the newspapers and are usually held on the second or fourth Tuesdays or the fourth Thursday. But they are always announced. Anyone is welcome to attend Council meetings whether they are involved in the business or not.

With that, Stewart closed the hearings to return to special session.

LEGISLATION, Continued

Ord. 103-06

Item (b) AN ORDINANCE ESTABLISHING THE APPROPRIATE ZONING DISTRICT OF A CERTAIN AREA OF THE CITY OF ASHLAND, OHIO. (*Amberwood Center, Martin Myers*)

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:

VanTilburg noted that the shopping center is well underway; it is nearly 100% leased; the occupancy day for the tenants to take over is March 31st; generally the program will be that the tenants will be open for business by 60 days after that. The businesses have to do their own interior finishing of their space.

One of the tenants is a store called Deals, and it is new in the country; another will be a much newer and expanded Rent-A-Center store; there will be a coffee shop, a medical facility, a pizza facility of a kind that hasn't been in Ashland before; and there are other businesses that make it about 90% leased.

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

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

Motion carried.

Ord. 104-06

Item (c) AN ORDINANCE ESTABLISHING THE APPROPRIATE ZONING DISTRICT OF A CERTAIN AREA OF THE CITY OF ASHLAND, OHIO. (*Loral Investments, north area*)

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 W2, Detrow, Wertz, Stewart, Valentine W1

Moved by Valentine W1 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 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 Valentine W1 that the Ordinance be passed.

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

Motion carried.

Item (d) AN ORDINANCE ESTABLISHING THE APPROPRIATE ZONING DISTRICT OF A CERTAIN AREA OF THE CITY OF ASHLAND, OHIO. (*Loral Investments, south area*)

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 W2, Detrow, Wertz, Stewart, Valentine W1

Comments:

DaHinden asked if this ordinance includes all the restrictions as discussed, and Stewart responded if they pass it as it is right here, it will.

Stewart discussed a point in the covenants that he personally disagreed with, and he read: "The developer may be entitled to modify any of the previous provisions of these covenants and restrictions, or to waive any of these provisions, either generally or with respect to the particular party, if, in the developer's judgment, the development or lack of development requires such modification or waiver or if, in the developer's judgment, the purposes of the general plan of the development will be better served by such modification or waiver. This is in effect until January 2022."

After reading that, Stewart shared his concern. These covenants are, for the most part, very real and very protective. This part negates the whole thing, and he will vote against it if it is presented as it is now. He thinks there may be a proposal for amendment.

VanTilburg stated the proposed amendment, but first explained a deed restriction. A deed restriction is unlike an ordinance that is passed today and amended tomorrow. A deed restriction, unless there is some sort of clause such as this in it, is written in stone and nobody but nobody has any authority to change it for its duration. He thinks these go on for 50 years and then are extended for another 50.

Situations change. VanTilburg gave the example of satellite dishes that first came out and were quite large; in his development, they invoked that kind of a clause to keep them out. Things change and developers need to change with them. That is the reason for that clause.

VanTilburg suggested to Stewart, on behalf of Loral Investments, that they have no intention of being unreasonable about this, and they have every reason to think that City Council will be reasonable about it. So the change would be: "The developer, upon concurrence of City Council, may.....". So if the developer wants to make a change such as something unusual coming up, they can come to City Council and if they concur, the change can be made. It takes the concurrence of City Council; it cannot be done unilaterally. That is the change.

Stewart suggested with the change in language, using the word "shall": "The developer shall come to City Council to subscribe to changes". With that insertion of proper language, that makes it more like a zoning variation than a non-flexible covenant.

Moved by Stewart and seconded by Detrow to table this ordinance and act upon it when the revised wording is used.

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

Motion carried.

Stewart noted that with the revision in the document, it would be put back onto the agenda.

EXECUTIVE SESSION

Stewart requested an executive session be held immediately following the special session for a personnel issue relating to the appointment of a public official. They will return to special session to adjourn. There will be nothing to announce following that meeting.

Moved by Stewart and seconded by Valentine W1 to move to executive session.

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

Council moved to executive session at 1:08 p.m. and returned at 1:49 p.m.

Moved by Wertz and seconded by Valentine W2 to reconvene the special 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 special session at 1:50 p.m.

Submitted by
Elaine C. Hootman
Clerk of Council