
Ashland City Council

MINUTES FOR THE REGULAR SESSION OF COUNCIL January 16 , 2007

Before we convene this meeting, I will ask that the cell phones be shut off. Thank you.
Council President Glen Stewart called the meeting to order at 7:00 p.m.
Good evening everyone, I am happy tonight, I just don't like cell phones in the meeting. Will you call the Roll please Elaine.

ROLL CALL

Ward 1: Robert L. Valentine Excused
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 M. Valentine is designated as to his ward representation, W2. Robert L Valentine was excused for this meeting.

Move to excuse Robert Valentine 1 by Stewart, seconded by Detrow W3.

Ayes: Valentine W2, Detrow 3, Wertz W4, Stewart.

I trust that all of you have picked up an agenda that we have available on the way in at the podium out front so you will know what is happening this evening.

PLEDGE OF ALLEGIANCE

PRESENTATION OF MINUTES

December 19, 2006 *Regular session*
December 29, 2006 *Special session*
January 2, 2007 *Regular session*

Moved by Wertz and seconded by Detrow W3 to accept the minutes as received. Move to non-reading in full 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

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Howard Scanlon- We are going to lose an integral part of this council and I myself, personally have dealt with this person, researching questions, professional and courteous. My Hat's off to this Clerk of City Council. I hope you can find it in your hearts, to publicly praise her as well, also. She is a great person and I really hope you have found someone who can take her place. Thank you.

Glen Stewart –Thank you. To answer your question, there isn't a person that will replace Elaine, there is a person although that we are hiring to take the job and that person will have to be trained and as a matter of fact, she starts Thursday. She will work beside Elaine throughout the end of the month and I can share with you that Elaine has offered if necessary, that she will take a call and even come in with the first agenda, or the first final package that goes out on Friday, so our Hat's are also off to Elaine. So, Thank you for your nice comment.

LEGISLATION

Ord. 4-07

Item (a) AN ORDINANCE ESTABLISHING THE APPROPRIATE ZONING DISTRICT OF A CERTAIN AREA OF THE CITY OF ASHLAND, OHIO. *(Tabled 1/2/07)*
– *Loral Investments, "R-S" Residential District*

Moved by Wertz and seconded by Valentine W2 establishing the appropriate zoning district of a certain area of the City of Ashland, Ohio. Move to non-reading in full 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

Comments:

The Ordinance was tabled, was one of the first Ordinances of the year, January 2, and they have resubmitted the Ordinance with a change in the covenants where the covenant allowed for the developer to change or modify those covenants without any consent from anyone else. The item # 6 on page 7, paragraph 2 has been changed to this: Until January 1, 2022, the developer, along with the consent of the City Council has been added into that, shall be entitled to modify any of the provisions of those covenants and restrictions or to waive any such provisions so on and so forth. What was added, with the consent of City Council, so we are a little bit more like our traditional changes that would be required or requested in that the developer just can't change them to suite himself without coming before a public body. So with that, are there any additional comments or questions?

Moved that the Ordinance be passed on the first reading by Valentine 2, and seconded. Move to non-reading in full 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

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, 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

Moved that the Ordinance be passed, seconded, 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. Move to suspend the rules, 3 separate meetings, 2 separate nights, seconded

That is the number 4-07

Ayes: Valentine W2, Detrow, Wertz, Stewart

Motion carried.

Ord. 5-07

Item (b) AN ORDINANCE DESIGNATING THE DEPOSITORIES FOR THE ACTIVE, INACTIVE AND INTERIM FUNDS OF THE CITY OF ASHLAND, OHIO; AND DECLARING THIS TO BE AN EMERGENCY.

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

Comments: This Legislation allows the City of Ashland to designate the depository based upon proposals that were submitted to the City of Ashland. Results of the bids from the banking services chose that the best bid was Huntington National Bank for the best price and quality of service. On the spreadsheet, there are numerous services that have a quantifiable charge for given services, "correct"? Are the numbers that are used to cost that out, is that based on a projection of the quantity of each of those services from past history? Stewart. It is past history, based upon estimated monthly activity, the City of Ashland has with its commercial costs. Do we have money currently deposited with Huntington Bank as of this evening? Yes we do, we do have investments with that Bank currently. None of them active accounts? No. That has to wait until this Ordinance is passed? That is correct. Okay. Are there any other questions? Council? Okay! Then entertain the motion, so ruled.

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

Moved by Wertz and seconded by Detrow that the rules requiring the reading on 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.

Moved by Wertz and seconded by Valentine 2, that the Ordinance be passed 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. That is number 5.

Item (c). FISCAL OFFICER'S CERTIFICATE: \$300,000 NOTES

COMMENTS:

Well, I will let Anna read this. As fiscal officer of the City of Ashland, I certify connection with the proposed issue of 300,000.00 notes to be issued in anticipation for the purpose of paying costs requiring a Pumper/Tanker truck and all the necessary equipment and appurtenances. The estimated is for at least 5 years and to be estimated maximum maturity calculated in accordance of section 133.20 of Ohio Revised Code for 10 years. Fire Dept, Do you have any comments or questions? This is a part of the truck replacement schedule which was started back in 1994. It is approximately 20 years old. The truck, over the past few years has become an issue, a safety issue, with the braking system one that, when the truck was built, it was on a light frame and it pulls 18 hundred gallons of water and over the course of time that we have had the truck, we had to do a lot of thinking when we were driving it, because of the fact that it was so under brake and that is just one of the issues about the truck. I might say this, it is 20 years old. But has become a safety issue over the years with the braking system on it. Glen Stewart- So relative to the fiscal officer certificate, we certainly have no problem with it lasting if it were noted 15 years. Right?. Okay. We need a motion.

Move to certificate to be accepted Stewart, seconded Valentine 2 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 2, Detrow, Wertz, Stewart. With that being done, we will move into our 4th item.

Ord. 6-07

Item (d) AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$300,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF ACQUIRING A PUMPER-TANKER TRUCK, TOGETHER WITH ALL NECESSARY EQUIPMENT AND APPURTENANCES THERETO; AND DECLARING AN EMERGENCY.

Moved to non-reading in full, seconded 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

COMMENTS:

We have heard what the piece of equipment is planned for. Other questions or comments? What is the approximate delivery time? I think he said it was approximately 6 months. The actual sale date is approximately 2/14/07, with the approximate interest rate of 5%. And is it appropriate we have to have the money, we have to have those notes before an order is entered? That is correct! Okay. Are there any other questions? Is that locked in every year for the 5% interest? Or is that just 5% at the first. Approximately for just this year and it is based upon the market, so it does vary.

I would move that the Ordinance be passed, (Glen Stewart) on the first reading, seconded by Detrow W3 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 2, Detrow, Wertz, Stewart.

Move to suspend the rules 2 separate meetings, 2 separate nights, seconded 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 2, Detrow, Wertz, Stewart.

Move to the Ordinance to be passed by Detrow W3, seconded by Wertz 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 2, Detrow, Wertz, Stewart.

That concludes the Legislative portion of our meeting this evening and we are going to move into the Ward reports.

WARD REPORTS

Ward II: Bob Valentine

(a) *Williamsburg Court*

The Thursday before I went South, I had gotten a phone call from an Anthony Watson about the fact of why we passed the Ordinance about Williamsburg Court and everything West of Thomas Drive supposedly is now Williamsburg Court. Well, He is not happy cause half of his mail is Williamsburg Court and half of his mail is Elmarna. I've got another gentleman, Dave Reed, whose credit card came up as fraudulent because half of his mail, address is wrong, and then I had a Cheryl Benway call me tonight, before I came to the meeting and half of her mail at 1056 is Elmarna and the other half is Williamsburg Court. So I talked to Mr. Cooper, I don't know if we need to get a hold of the post office or... I am not sure. I talked to Mr. Green and I talked to about 3 other people. We have kept all of the minutes of the council meeting to send them so they understand the process when we did that. We will work with them to make sure, hopefully everything gets consistent with the Post Office and is cleared up. Were all those people who called though, were they west of Thomas Drive? Yes. That is Williamsburg, Yes because we had it in the paper and brought a petition in. All the neighborhoods should have been notified. About 15 houses on the left side of Thomas 1025-1056, it was all included into the Williamsburg Court. It is a Post Office item. They will take care of it.

Ward 3: Ruth Detrow

- (a) No
- : Glen Stewart
- (b) No

OLD BUSINESS:

a) *Update of some Engineering projects.*

1) *Status of sidewalk waivers that have expired*

Mr. Cooper, did you have an opportunity to go through some of these? There are several SMW under 2006 that has been completed and Jim Minnich's Woodview Estates has been completed. There is an attachment here in some cases, there are some understandings that most of the people at the bottom of the page from the prices. There are some areas here that people are under the impression, if they don't get it done, they can wait until the sidewalk program comes around to them. We just need to clarify that and I will take care of that, but the rest of them, we will send out notifications that they will come and request another waiver if they do not do the sidewalks, it is my understanding that we will do it and put it on their taxes. I know some of these, Mr. Cooper, there are some numerous lots between the end of the sidewalk and a new house and I think that was an example that may have been Troy Road and Jacobson. There is a home or two built at that point. Those are Habitat homes. There may be some notes there. Need to research. Mrs. Shirley Motts, that house is being built right now and as an example, Ronald G. Brown. May return to Council for another extension for his sidewalk. This request came through the Mayor's office.

2) Status of sidewalk installations that were denied waiver requests.

One that was denied is The Olde Parsonage, that has not been done yet. They planted some grass out there. Roger has had a number of discussions with them and so far it has not proceeded past that. We also talked about new properties out there. Buehlers sounded like they were going to do it right away, they held back a little bit. I talked to Roger about this today, possibly because WalMart went out there, just holding tight. We have sent them a letter. We are trying to work with them. The same is occurring with Mr. Baker at Jake's. I talked to Jerry and he was going to get this done and work with us, but has not of as yet. Anymore questions for Mr. Cooper on the sidewalks? If they are having any problems, they can come to Council. We will get letters out to everyone.

3) The Status of Ashland's Building Code review.

Mr. Cooper- We are proposing to implement a complaint submission form regarding a house in disrepair or other situations where it needs some inspection or if Council gets a phone call from someone. If we could get this type of complaint submitted to us, we will use this then as a basis to go out and take actions and/or at least address the situation and find out what we can do. We will get with Health and Fire and look at the situation where they can help us so that we can at least solve some of the problems that exist out there. Mr. Cooper is the Building Code satisfactory to handle most of the problems, except for outside maintenance. Like chipped paint and things like that, we have to type things up probably. We feel this will go a long way to help with that 1, 2 and 3 home-maintenance program. Is this going to Building and Zoning then. And then we will follow it up and then if there is another complaint that comes in, we will utilize this to proceed and if it gets to the point that Fire, Building and Zoning and the Health Dept thinks there is a major problem them, for a last resort we will take legal action with Mr. Wolfe and hopefully this will take care of that. Detrow- I noticed that a lot of cities on their websites these types of forms, is this something we could do? If Council chooses to do that, sure. Any other questions for Mr. Cooper at this time. That concludes our old business.

NEW BUSINESS

- (a) Request for Advertising on Private Property by Ashland Brethren in Christ Church, 2750 Mifflin Ave., Ashland, OH 44805, petitioner Keith Tyson.

Is Mr. Tyson here this evening? Would you like to share with us, we have your sample. I think it is a replication of last years, if I am not mistaken. Yes, It is like a Welcome Card. We would like to be able to use this for advertising events but this is a welcome card, if you are familiar with where Ashland BIC is located, it is where all that new development is going in and we thought while people are coming into this development, we would like to hang something on their doorknob to welcome them to the neighborhood and let them know that we are there. And we are giving free coffee. Any questions? Detrow- How often do you intend to do this? Just to new houses as they are occupied? Tyson- yes.

Motion: Expiration 1 calendar year, granted for December 2007, Moved by Stewart, seconded by Wertz, 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 2, Detrow, Wertz, Stewart

(b) Report: Countryside Park Addition, Subdivision petition.

We are in receipt of a petition signed by a great many of the residents in Countryside. I have said something to Mr. Cooper about trying to determine whether when Countryside was annexed into the city, if it in fact has a stipulation that has excluded the subdivision from sidewalk requirement. I would not expect that Mr. Cooper has. County Courthouse records show no reference.

So is it appropriate at this time to say that our records are inconclusive at this time. We need a deadline on this. We will send Mr. Price a response that we are still searching for it at this point.

Stewart - Elaine – Will you draft a letter. Thank you.

c) Charter Review Committee Appointments

Council, we have 7 names that have no time exclusions, in other words from their response, there was no exclusion of a day of the week that they could not meet. We have 3 more that have a Tuesday and/or Friday exclusion and we have one that has gone for the first 3 months of the year and I would like to propose, there is 11 total, that have indicated by signature their sincere interest. I would like to propose that we appoint the 10 that have indicated that they can be here and they are here and an 11th as an alternate if needed after the first of April. Would that be appropriate? With your permission, I will read these names. We are going to start with : Howard Scanlon, Ron Baker, Elizabeth Hipp, William Benz, Ken Zeidner, Deb Duval, Bernard Sargent, Kay Conrad, Dorothy Stratton, Dennis VanScoy and an alternate being Nevin Bowers. The process, and I go back to Mrs. Hootman who has served on this committee in the year 2000. She gave me some documentation that we will mail a letter to each of these 11 people and we are going to attempt to get this into the mail tomorrow. And it is confirming appointments and we are going to try to establish a meeting night tonight in this November 17, 1999 for the 2000 group. They sent a letter out and 2 weeks later they had a meeting with City Council to form the group to bring them together and from that point on, they moved forward on their own establishing committees within themselves, meeting dates. This is an independent Charter Review Committee that will work on their own and we will provide them with input on areas of the Charter which should be reviewed. I have asked for input from the City,

Chamber, from the public via the media and I would suspect due to past practice, this committee will have an open meeting inviting the public to come in. We will present them with a copy of the Charter when they meet and we will go from there. To meet this requirement, and get onto the general election this year, it has to be brought back to City Council and filed with the Board of Elections by the 23rd of August. Any proposed changes will go to the general ballot in November. If we miss that, it will go the next May election or the general election 1 year from November. Once the committee receives all of the proposed areas for review, they will make a recommendation to city Council and weed out those that are not appropriate. City Council will go through them as a body and the final documents will be presented to the Board of Elections. A very intense job that requires a very open mind. Requires no personal agendas, requires a lot of teamwork. Any comments?

The process of review is required periodically. There is mandatory review process.

d) Mayor's comments: None.

Motion: to go into Executive Session Stewart, seconded by Wertz W4 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 2, Detrow, Wertz, Stewart

Regarding Union negotiations and information for an update to City Council. We will obviously make no decisions and we will convene and adjourn. See you all in 3 weeks.

EXECUTIVE SESSION

Glen Stewart called an Executive Session.

ADJOURNMENT

Moved by Valentine 2, seconded by Detrow W3 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

Submitted by
Valarie F. Bishoff
Clerk of City Council