
Ashland City Council

MINUTES FOR THE REGULAR SESSION OF COUNCIL Tuesday, October 2, 2007

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	Not Present
Ward 4:	Paul Wertz	Present
At-large:	Glen Stewart	Present

*Move to excuse Ruth Detrow by Paul Wertz, seconded by Robert L. Valentine W1
Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Paul Wertz, Glen Stewart*

PLEDGE OF ALLEGIANCE

Note: The Mayor, William E. Strine is also absent.

PRESENTATION OF MINUTES

- (a) 9/11/07 Work Session
- (b) 9/18/07 Regular Session/ Work Session/ Executive Session
- (c) 9/26/07 Special Session/Executive Session

Glen Stewart: There is a list of several sets of minutes that we have received; are there any objections or corrections to any of these Minutes?

Robert M. Valentine W2: I have a correction on page 9 from the Minutes on 9/18/07. Under Ward Reports, where it states "I know the Arborist took of it"; the word care is missing.

Glen Stewart: Any other additions or corrections to the Minutes?

Motion to accept the Minutes by Glen Stewart with the correction on 9/18/07, and 9/11/07 and 9/26/07 as presented.

*Moved by Robert L. Valentine W1, seconded by Robert M. Valentine W2.
Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Paul Wertz, Glen Stewart.*

COMMENTS OR QUESTIONS FROM THE AUDIENCE: (Items not appearing on the Agenda)

Misty Eagle, 525 E. Liberty Street: My comment is: Where my house sets, it is actually not on E. Liberty Street. My house sets behind E. Liberty Street. If you go down E. Liberty Street, on the right, there is a brick house and there is a black house with grey shutters. That alleyway that runs between those two houses is my only access to my driveway. My home faces the land that the Kroc Center is going to be built on. After very much bad communication between the Kroc Center and the Salvation Army; today I

was finally able to meet with one of the Board Members. And we have seen plans due to the fact that my husband works for the company that is going to do the excavating. Of the plans that were shown to us, it shows where that alleyway is going to be closed. Like I said before, that is not only my concern, there are other members in the community where our houses set, that that is their only entrance to their homes. If that alleyway is closed in, my home is pretty much landlocked. My address is not Edgehill; my address is East Liberty. So I am asking you to please take into consideration, that is my only entrance. The alleyway does run clear through to where the alleyway would exit onto Edgehill, but like I said, my address is East Liberty Street. And the only parking that some of those houses have is street parking. If we were to put "No Parking" on that, they have no place to park. Some of those houses do not have driveways. And also, when you try to turn out of that alleyway onto Edgehill to exit our home; it is extremely dangerous. When there have been cars parked where there is parking, because like I said, that is their only parking, you have to turn out, stop, back up, because if you try to pull out, you are going to hit the vehicle that is parked on the street. So if the alleyway is closed off of East Liberty to make the Kroc Center's entrance better suited for their building, that is going to land lock me in and that is really going to be hard to find an alternative route to my home; and the plans that we were shown tonight, they agreed that that was a mistake, that something needs to be done, that they were willing to work with us on not closing that alleyway down. And like I said, I am here for the people who live in my community for. I have talked to them and they are all in agreement with me, that that alley just cannot be closed because it would be too difficult for us to find an alternative route and that land locks me in and not only me, but the people who live across the alleyway from us.

Glen Stewart: As I travel East Liberty toward E. Main, I turn right into that alleyway?

Misty Eagle: Yes.

Glen Stewart: And the house that would be on the corner of the alley and East Liberty, you're the house directly behind that house?

Misty Eagle: Yes, if you go down East Liberty like you are going to Main, there is that brick house that sets on the right and there is the alleyway; our home is pretty much directly behind that. The only thing that is separating that is when you go down that alley; you can turn like I said to exit off to Edgehill. That is the only thing separating our home.

Glen Stewart: If I may, the process to vacate an alley has to come to this body; am I correct Rick?

Richard P. Wolfe II, Law Director: This is premature, because there is not even an application to vacate the alley. It may have been an initial proposal in their plans but just because they put it on their plans, isn't going to make it happen. There hasn't been any petition to vacate the alley and you would get notice if there was and until there is, it comes before this Council, then the Council sets the hearing and I just don't think it is very likely at all an alley would be vacated to land lock a parcel, so if they already indicated that they have to re-draft their plans, that is fine. Plans are plans. But they haven't made a petition to request an alley vacation, so obviously, it is important for you to be concerned but there isn't even anything before this Council to vacate the alley at this time.

Misty Eagle: Right. What just concerned us the most were the plans that we had seen. That have been stamped.

Richard P. Wolfe II: Well I don't know about that, as far as maybe construction of the building or something of that sort, but the only way an alley gets vacated is by Council taking action to vacate it and we have to have a hearing and an application of legislation and that will not happen overnight.

Robert L. Valentine W1: But I think it is important that you have come before us because it is very evident it is an oversight. And if they are going to rectify that oversight then. We can make mistakes too. So what Rick is saying is correct, there is procedure to follow for that. I can understand how you would react especially since you are directly involved.

Misty Eagle: I guess the community and me are concerned; we just wanted to bring it to your attention maybe before they did. To know that there were other people involved that there was some concern in the community where that was going to be put. Because like I said, before today there was plenty of miscommunication between everybody that was involved in this.

Glen Stewart: Thank you. Your comments and the Law Directors comments are all a part of our official minutes and we know you have been here. We appreciate you coming up and there is a process that has to be followed and there is no shortcut to that, which I am aware of. Okay?

Jim Cooper, Engineering: Glen, can I just say one thing? I will work with you and Larry Shade and that group, with the contractor. We will hopefully get this to come to a good solution.

Misty Eagle: Okay. Thank you.

Comments or questions? None

Glen Stewart: Is there anyone here representing Ken Jewett? Okay. We would like you to come up; we just need more definitive information before we can consider the Resolution for the Barbed Wire fencing. What we would like to see is, and it does not have to be a professional sketch, but a sketch showing where you want to put the fence with the barbed wire, how high the fence will be, some reference points so that if Council chooses to, we can take your sketch, go to the property and visually see based on some landmarks, buildings or something with rough dimensions, where you would propose to put the barbed wire.

Ken Jewett: You can go to the property now, the fence is up. I do not have the barbed wire on it yet. But the fence is up and it is bordering my property.

Richard P. Wolfe II: Do you have dimensions? The length, how many feet? That would be helpful. So we can draw that into the Ordinance. Usually when you are trying to describe fencing that is permitted for barbed wire, we will say it is so many feet in length, extending to what direction and so forth. And if you have a diagram, we attach the diagram to the legislation. So as Mr. Stewart has said, it doesn't have to be an equivalent of a plat now, but just a diagram that shows it, the perimeter and what the approximate dimensions are.

Robert M. Valentine W2: We just had one from Aber's, if you want to call them and see what they did.

Ken Jewett: Yes, I can easily do that. I could have brought that to this meeting. Basically, what I brought were pictures of what I would like to do on the top of the fence. It is pretty simple, it is a 6' fence surrounding a storage facility with a 1' three wire barb on top.

Paul Wertz: Inward or outward?

Ken Jewett: Well, when I purchased the fence, I got caps that I can put on top that I can run them either way, inside or outside. Obviously I would prefer to run them out. I want to keep people out. If they get in, I do not want to keep them in. I do not want them in the beginning so, I can flip them, but I would rather not.

Glen Stewart: So if we, Mr. Jewett, if anyone on the Council wants to go out; the entire fence is there that is going to be put up?

Ken Jewett: Correct.

Glen Stewart: Do we need access to it, is it limited access?

Ken Jewett: Right now, it is 24/7 access, that is why I am putting the fence up.

Glen Stewart: Do you expect to put fence across the front?

Ken Jewett: Yes. But it is going to be just across the face of the office. I own the property in front, it includes what used to be a used car lot, Ohio Gas is in that property now. In the front there, that is going to be completely wide open. All I am concerned about is the storage facility. I am getting way too much vandalism and break ins.

Glen Stewart: Okay so if you can give Valarie a sketch of what you want, we can go out and take a look at it as we have others and then after we get everything put together, we can ask the Law Director to prepare a Resolution.

Ken Jewett: Yes, I have it almost done; I just need to fill in some links. So really what you need Rick is you need footages basically.

Richard P. Wolfe II : I need dimensions and how many sides, total perimeter. You can send it to my office then. You can give it to Valarie and I can get it from her.

Ken Jewett: You can drive out there at anytime. He doesn't have the mechanical gate on the front yet, so you can go back through there.

Richard P. Wolfe II: Will this be 1945 or 1947 address?

Ken Jewett: 1945 is the Storage facility, yes. 1947 is Ohio Gas which is the property in front.

Richard P. Wolfe II: Will the fencing include both those properties?

Ken Jewett: No just the 1945.

Richard P. Wolfe II: In fact, it says here, located at 1945 and 1947 so I took it from there.

Ken Jewett: The storage facility is the actual address of 1945.

Richard P. Wolfe II: So we would basically need some dimensions and say the fence is 6' without the barbed wire? So it would be a total of 7' with the barbed wire.

Ken Jewett: Basically what it is going to look like gentleman is very similar to this picture I have right here. (Passed the pictures to Council to look at; describing the fence).

Richard P. Wolfe II: Council will have to make a decision about inward or outward; and you are talking about three strands of barbed wire on top?

Ken Jewett: Yes.

Richard P. Wolfe II: And then if we just have some approximate dimensions, that is pretty much all that I need to complete the legislation so Council has a chance to view it between now and the next meeting, it can be on the Agenda for the next meeting. They are on the first and third Tuesdays of the month.

LEGISLATION

Ord. 70-07

Item No. **(a) AN ORDINANCE AMENDING SECTIONS 921.03 AND 921.04 OF THE CODIFIED ORDINANCES OF THE CITY OF ASHLAND, OHIO; RELATIVE TO SEWER CONNECTIONS; AND DECLARING AN EMERGENCY.**

Moved by Paul Wertz and seconded by Robert M. 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, Wertz, Stewart

Comments:

Glen Stewart: This piece of legislation has been drafted for change that would allow any annexed property that they have and an existing sewer system that meets all of the requirements of the Health Department, the EPA and any other regulations that apply to the sewer systems, septic systems. As long as they meet those requirements and if the property owner chooses to come before this Council and requests a permit to continue using that system for a period of time, that period of time could be determined with each applicant because it is not specified in the change in the Ordinance. They could be permitted to continue using this system within the city. There is a reason behind the plot on this and I don't know how many calls any of you have had. I have had three individual property owners. We have a functioning well with a functioning sewage system and if we are annexed into the city, I have to tie onto your system. We are not trying to penalize anyone for being annexed into the community. And if they have a functioning system, and it meets the criteria for health and safety standards, this Ordinance will allow them with their own effort to come before this body and get an extension of the use of it. With that being said, that is what this addresses, is the sewage systems.

Robert L. Valentine W1: Is there a period of time?

Glen Stewart: We will establish that with each applicant.

Richard P. Wolfe II: I think it depends on the circumstances; how long they have had the system, how new is it. It can be something that could be reviewed year to year. I do not expect this to be something that is going to be very widely used. It is probably going to be of fairly limited application and after a period of time, it will probably cease to even be an issue. So I think we just have to take it as it may come and maybe it won't come at all.

Glen Stewart: Well, that is the intent. Are there any questions or comments?

Phil Rafeld, 1039 Oak Hill Circle: Now, are you saying it is not, so they are going to get water?

Glen Stewart: This addresses just the septic system.

Phil Rafeld: I understand Rick that it may not come to a person to person issue but, do we not have an administrator that is doing this same thing right now who has been on this system for lets say more than 8-10 years and is getting both water and well from their own property and yet being in the city limits? How would you applicate these people because you are going a different direction?

Glen Stewart: Well if you read the entire Ordinance; the entire Ordinance stipulates that if your major building is within 250 feet of the service, you have that option. If it is beyond 250 feet of the service, then you do not, and the city hasn't extended it, then you are not compelled to tie into the system.

Phil Rafeld: But you are telling me they are going to have to take the water?

Glen Stewart: I am not saying anything about water tonight. This is relative to sewer connections.

Richard P. Wolfe II: The situation right now is if the sewer system is not within 250 feet of your residence even if you are in the city, there is no requirement to connect and I don't know who you are referring to but if you are talking about Mayor Strine, his property is not located within the limits right now, so he is not in violation of any Ordinance. It is anticipated that there could well be some properties especially along 250 East Corridors that may be within less than that have very functional workable sewer systems or septic systems and in order to work with those people, if the case may be, Council will have more flexibility to narrow that distance in the permit to have continued use of a functional septic system until at such time as it needs to be converted. This is very limited. This can be applied anyplace. I think that was a catalyst in thinking about where this would come into play. It would be applicable anywhere.

Phil Rafeld: I appreciate your comments and what we are saying here is if we are going to give people options, you kind of clarified that.

Richard P. Wolfe II: We are not wanting to create to expand, we are trying to address those situations that may suddenly fall within the parameters, that it might work a hardship on them and we are trying to alleviate that hardship.

Robert M. Valentine W2: We had people coming in before when we were talking about that and that is the reason we thought about this because the one guy had said just three years ago, he put a new septic in.

Comments or questions?

Move the Ordinance be passed on the first reading by Paul Wertz, seconded by Robert L. Valentine W1.

Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Paul Wertz, Glen Stewart.

Move to suspend the rules, 3 separate meetings, 3 separate nights by Paul Wertz, seconded by Robert L. Valentine W1.

Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Paul Wertz, Glen Stewart.

Move the Ordinance be passed by Robert L. Valentine W1, seconded by Robert M. Valentine W2.

Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Paul Wertz, Glen Stewart.

Res. 16-07

Item No. (a) **A RESOLUTION INDICATING SERVICES TO BE PROVIDED UPON ANNEXATION OF A TERRITORY.**

Move for non-reading in full by Paul Wertz, seconded by Robert L. Valentine W1.

Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Paul Wertz, Glen Stewart

Richard P. Wolfe II: The traditional form of annexation, or the traditional procedures where there is a petition that has been filed with the County Commissioners or the City has received notice of that petition for annexation, it is required of the municipality to adopt legislation that states what services will be provided to that territory proposed for annexation. There is presently a petition before the commissioners to annex a parcel on Baney Road and it is not under the new annexation laws and expedited procedure, it is just a traditional style and there will be a hearing scheduled on Thursday November 8, 2007 at 9:30 am and prior to that date, it is required that the city pass a Resolution indicating what services are to be provided. In this particular instance the parcel already has city water and sewer and so there is no issue about when the water and sewer will be provided. It is already there. It is pretty straightforward.

Robert L. Valentine W1: That was Township Road 1153, right?

Richard P. Wolfe II: Baney Road.

Questions or comments?

Motion to pass the Resolution on the first reading by Glen Stewart, moved by Robert L. Valentine W1, seconded by Robert M. Valentine W2.

Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Paul Wertz, Glen Stewart

Move to suspend the rules, 3 separate meetings, 3 separate nights 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 *by Paul Wertz, seconded by Robert L. Valentine W1.*

Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Paul Wertz, Glen Stewart.

Move the Resolution be passed by Paul Wertz, seconded by Robert L. Valentine W1.

Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Paul Wertz, Glen Stewart

Request for Advertising on Private Property Permit: Glen Stewart, 2342 Twin Leaf Court, Ashland, Ohio 44805 – Campaign Material – daily through November 5, 2007.

Move the permit request be approved by Paul Wertz, seconded by Robert L. Valentine W1.

Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Paul Wertz

Glen Stewart – Abstain

WARD REPORTS

W2 Robert M. Valentine
None.

W1 Robert L. Valentine
(a) I had the opportunity last Tuesday to go to Taft School, the 6th grade class to talk about City Government. It has really been a long while since I have been in a classroom and I was really impressed with the students and the questions that they asked. It was a great experience and I appreciated the opportunity to go back into the schools.

W4 Paul Wertz
None.

Councilman at Large Glen Stewart
None.

Old Business:

Robert M. Valentine W2: Mr. Cooper, back on July 23, 2007, we received a letter from ODOT about the speed limit on Route 96. Has anything been done to that yet? As of this date?

Jim Cooper: I have been gone for 3 weeks. If it happened in those 3 weeks then I can't talk about that. Other than that, I don't believe anything has happened.

Robert M. Valentine W2: I am just concerned we haven't responded back to where we will change those signs, that is what I have a problem with. Not being in compliance with Ohio Revised Code.

Glen Stewart: We received in mid August a package relative to sign regulations that has been through the Planning Commission, has been to Mr. Wolfe's office and I am not asking that we consider those this evening, but I think it would be appropriate for us to bring ourselves up to speed and make sure we ask any questions that anything we might need on those. Is that going

to require an Ordinance to accept those? It is significant to study it through, ask the questions and then we can possibly respond to a request for legislation after our next meeting.

Richard P. Wolfe II: It should read so that you can see what it was, what is taken out, and what is added in. Showing a line crossed through it, something that was there that is being deleted, something that is capitalized as new material.

Robert L. Valentine W1: Mr. Stewart, would you have the Building and Zoning department provide me with another set of these?

Glen Stewart: I think everyone has a set, as of tonight, right? Didn't Mr. Cooper give us a set of these?

Jim Cooper: I have them right here.

Glen Stewart: Would you mail Mrs. Detrow one of these copies in Friday's packets Valarie?

Valarie F. Bishoff, Clerk of Council: Yes Sir.

Robert L. Valentine W1: One of the sources of income for the City is the investments and I just wonder if in the near future, we couldn't have a report on it the past couple of years and how we are doing this year as far as our investments/income. Nan, you are taking Anna's place? I just mean down the road, I would appreciate that.

New Business:

Glen Stewart: We have a standing offer to the Leadership of Ashland to accept Interns from the Leadership group to become an intern for City Council and this year Mike Huber has made the request and has been excepted as an intern for City Council and under that agreement to become an intern and can successfully complete that, he will have to attend three of our meetings and I am sure he will have discussion with the various entities of the Council and probably the Law Director and the Mayor and so on. I wanted to announce that and along with that and this is actually Old Business; we talked about the Maintenance Codes from the City of Ashland two weeks ago and Mrs. Detrow and I have become a committee. We met with an individual from the Building and Zoning group, Roger Gordon, and during that meeting we came up with a plan that if it is acceptable with the entities involved in this Council, we suggested that we have three subcommittees and there were several people that signed up to participate as a committee person and Mr. Huber will be added to that list. Valarie, he has asked to be added to that list. We would propose that we have a subcommittee of the (1) Fire Division which they handle Fire Regulations and so on for the Building maintenance, (2) the Health Division, City and County Health group and for (3) Building and Zoning. Those three entities probably handle the vast majority of any concerns for Building Maintenance and so on. Mrs. Detrow and I also met with the Law Director- Richard P. Wolfe II and if this body feels that that is a reasonable way to go, we will be asking each of those subgroups to identify their tools, and most of them know what tools they have. Identify any of the areas that they feel would come under their jurisdiction but they do not have the tools to make it happen and then provide or share with us what they need and come back with a concise per committee where they are at as far as tools and what they may need to go forward and we will put that together and come back to this body at some point in time with some suggestions. If Council feels that that is a workable solution, we will establish those committees and Valarie, when Mrs. Detrow gets back, She comes back later this

week or first of next, we will get together and make some assignments relative to those who have volunteered. All of you have received a copy of "House Bill #9 " and I have asked Mr. Wolfe for those of us who have a term ending at the end of this year, do we need to attend right away, or attend this year and again next year? Well the answer is, we for sure need to attend this year and if you got the copy, there is one in Mansfield on December 6, 2007, Fairhaven Hall, Richland County Fairgrounds at 1:00 pm. It is not closed out is it?

Robert M. Valentine W2: No it isn't. If that is the one we want to go to, can Valarie call them and sign us up?

Valarie Bishoff, Clerk of Council: Did you want to sign up all five of Council?

Robert M. Valentine W2: Well for now, three of us, if Paul wants to go, make it four.

Paul Wertz W4: Do I have to attend if I am not being elected?

Glen Stewart: Yes, everyone has to go.

Paul Wertz: Okay, then I will go the same time, December 6 at 1:00 pm.

Glen Stewart: Valarie, try to get me in up in Brunswick, Ohio if you will on the 11th of November. If that is blocked out, put me in, in the Mansfield one, please.

Richard P. Wolfe II: I don't know what kind of information it requires to register, but she can try to sign you up.

Nan Wertz: We registered for the Finance office just Online.

Richard P. Wolfe II: I like to see as many people go to these programs as possible, if it is convenient we can get representatives from all of the different divisions. We deal with public record requests; I think it would be very helpful to go to these seminars. At some point, I think we need to share that with most of the city employees in any way shape or form. We should take advantage of these seminars as much as we can and go from there. It will be a continuing process.

Phil Rafeld: Rick, is this something new that is coming about and is this for everyone? Is this something that the Mayor does?

Richard P. Wolfe II: It is a new law that was passed last December, part of it was effective in March and the rest of it was effective just last week and it requires all elected officials to attend the three hour training program once during each term. It has to do with the handling of public record requests.

Glen Stewart: On our next regular meeting which would be on the 16th of October, we will include in the Work Session, we are going to have an Industrial Park Update, which will include infrastructure and we will be discussing the property sale agreements and restrictions that is in front of us. Then on October 30, which is the 5th Tuesday of the month, we will be having a Work Session with John Gray presenting the Quality Process, where we are and where we may go forward from here. I think all of you are aware that there were nine awards given to the City

of Ashland on Tuesday one week ago and we took home more Bronze there than anyone else and the facilitator I would say at the end of the discussion suggested that Ashland looked to be the place to move to and live. He said Live in Ashland and go to school there. That is not to imply anything about our school system. It was relative to that school system; it took a lot of Bronze like Ashland City government took a lot of Bronze and I thought it was pretty darn good. We done a nice job and the guys and gals in our divisions have done some really good stuff and it is quality.

Mayors Comments: **Richard P. Wolfe II, Law Director, acting Mayor:** No comments.

Comments or questions?

Move to adjourn the meeting by Paul Wertz, seconded by Robert L. Valentine W1.

Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Paul Wertz, Glen Stewart

ADJOURNMENT

Meeting Adjourned at 7:45 p.m.

Submitted by
Valarie Bishoff
Clerk of Council