
Ashland City Council

MINUTES FOR THE REGULAR SESSION OF COUNCIL April 3, 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	Absent
Ward 3:	Ruth Detrow	Present
Ward 4:	Paul Wertz	Present
At-large:	Glen Stewart	Present

Note: Robert M. Valentine was not present.

Roll Call: Robert Valentine 1, Ruth Detrow, Paul Wertz, Glen Stewart

Motion: Robert M. Valentine is excused.

PLEDGE OF ALLEGIANCE

PRESENTATION OF MINUTES

Regular Session:	March 20, 2007
Charter Review	March 22, 2007

Moved to accept the Minutes by Robert L. Valentine I, seconded by Ruth Detrow.

Ayes: Valentine 1, Ruth Detrow, Paul Wertz, Glen Stewart, Abstain, was not here for previous meeting.

We have received the Minutes from the Charter Review and acknowledge that; we do not act on them.

Noting the areas they are working on and appreciate receiving them.

Comments from Audience (not on the Agenda items): None.

LEGISLATION

Ord. 23-07

Item (a) **AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT FOR THE PURCHASE OF EQUIPMENT FOR THE STREET DIVISION OF THE CITY OF ASHLAND, OHIO, OBTAINING FORMAL ADVERTISING AND BIDDING; AND DECLARING AN EMERGENCY.**

Jerry Mack: This Legislation, if passed, would allow the Street Dept. to purchase equipment for an International Cab and Chassis we purchased last year. It includes a bed, snow plow, spreader, hydraulic equipment and this is all installed by an individual party. This would put that truck in service, right now it is still a cab and chassis.

Glen Stewart: Obviating formal bidding, is this a State bid type?.

Jerry Mack: This is an STS contract, which is State Bid, but this may be kind of a new one for us. We got the bid price from a bidding agency; a cheaper price from someone else, which House Bill 204 allows us to go to that, so we actually saved money over State Bid with this.

Glen Stewart: When you did that, did you open that up to others or just one person.

Jerry Mack: With the bidding process, I guess this is bid to all the entities in Ohio by the State. They do that basically for us. The other person that gave me the pricing on it, is also an authorized user of Gledhill equipment. I think labor rates made it so they could do it cheaper than actually the State run agency or the STS contract people.

Glen Stewart: Did you go to other people, and give the same opportunity?

Jerry Mack: No, because Gledhill has already done that through the bidding process.

Robert Valentine I: We purchased the truck last year? This will be replacing what?

Jerry Mack: This will be replacing the 87 International that I have.

Ruth Detrow: The use will obviously be for plowing snow in the Winter and Hauling in the Summer?

Jerry Mack: Yes, used for hauling equipment, material, etc.

Moved to be passed on the first reading by Robert Valentine I, 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, Detrow, Wertz, Stewart.

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

Ayes: Ruth Detrow, Paul Wertz, Glen Stewart, Robert Valentine I.

Move the Ordinance to be passed by Glen Stewart, seconded by Valentine I.

Ayes: Valentine I, Ruth Detrow, Paul Wertz, Glen Stewart.

Ord. 24-07

Item: (b) **AN ORDINANCE AMENDING SECTION 925.02 OF THE CODIFIED ORDINANCES OF THE CITY OF ASHLAND, OHIO RELATIVE TO GARBAGE CONTAINERS; AND DECLARING AN EMERGENCY.**

Move for non-reading in full by Paul Wert, seconded by Ruth 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 I, Ruth Detrow, Paul Wertz, Glen Stewart.

Comments:

Are there any questions or discussions?

Curt Young, Sanitation : Amendment is needed because the previous Ordinance only allowed for cans between 10-20 gallons in size. We need to find a reasonable size and weight limitation, We have encountered often 55 gallon drums, designed to be lifted by automated vehicles, none of these things were intended to be lifted manually. Generally the larger the garbage can, the greater the potential for injury to our workers and 32 gallons is an excepted standard can size in most municipalities and we have allowed 33 gallons. This amendment is designed primarily with our employee safety in mind. So we are working to develop safety practices.

Robert Valentine I: My question is, How are you going to determine if it is 50 lbs or not?

Curt Young: That is a question often asked to me. Our people who have done this for many years, when they attempt to lift an object, they have a pretty good idea that if that object is too heavy, they know to leave it alone. It is difficult to determine sometimes.

Robert Valentine I: How much beyond 50 lbs have we been picking up? Is it a common thing?

Curt Young: We have had a number of residents that because it was not addressed in the Ordinance, that we will leave out cans just that were not intended for our workers to pick up. We need a new Ordinance to address that issue.

Ruth Detrow: It is still all right to put out plastic bags as long as they are the 30 gallon?

Curt Young: The Ordinance addresses the size of the can, we are not asking people to go out and buy new cans. If they want to put a liner in that can and leave the plastic bag at the curb, that's okay, it is the 50 lb weight limit that we are concerned with at this point. The larger the cans, the more awkward they are, and the more potential for injury exists. The way to explain it is to go out and try to put one of those cans in the back of a truck. It is a difficult thing to do.

Robert Valentine I: So otherwise, if I put 3 things out and not weigh 50 lbs, is it the total or individual items?

Curt Young: Individual items.

Glen Stewart: And you can put out a bag without a container under 50 lbs?

Curt Young: Yes that is correct.

Robert Valentine 1: The reason I am asking, because I had a call, about this particular thing because he had a 55 gallon can they have been using for years and was concerned about using it.

Curt Young: We just ask, if they want to use that can, to use liners inside and just leave them at the curb.

Brad Bowman, Sanitation Dept.: Some people have 64 gallon totes, the big containers and they go all the way up to 96 gallon totes. I am a driver of the truck and I am looking out for my carriers on the back and when they grab a hold of the 96 gallon tote, it takes all they have to get it in the back of the truck. That is my biggest concern, their safety.

Ruth Detrow: And they shouldn't have to lift that amount.

Robert L. Valentine: What has happened in the past, we had no restrictions have we?

Curt Young: Well the restrictions just needed an update, because they were not practical and it is difficult to find a 10 gallon or 20 gallon can.

Glen Stewart: What is the approximate size of a 33 gallon container, there are a lot of containers on wheels.

Curt Young: About 2 foot in diameter and about 32-33 inches in height.

Comments or Questions? None

Move the Ordinance be passed on the first reading by Ruth Detrow, seconded by Paul Wertz.
Ayes: Valentine 1, Detrow, Wertz, Stewart.

Move to suspend the rules by Paul Wertz, seconded by Ruth 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 I, Detrow, Wertz, Stewart.

Move the Ordinance be passed by Glen Stewart, seconded by Paul Wertz.
Ayes: Detrow, Wertz, Stewart, Valentine 1.

Ord. 25-07

Item (c) AN ORDINANCE AMENDING ORDINANCE NO. 19-07 OF THE CITY OF ASHLAND, OHIO, RELATIVE TO APPROPRIATIONS FOR THE FISCAL YEAR ENDING DECEMBER 31, 2007; AND DECLARING AN EMERGENCY.

Move for non-reading in full by Paul Wertz, seconded by Robert Valentine 1.
Ayes: Detrow, Wertz, Stewart, Valentine 1.

Anna Tomasek:: This is an Ordinance to amend our 2007 Appropriations due to a transposition error in the totals of the Special Revenue Funds. The correct figure for the total of the Special Revenue Funds is 7,513,106.10. We ask for you to pass the amendment for appropriations.

Robert Valentine 1: The discrepancy of 495.00, what was it for?

Anna Tomasek: It was a transposition error. The original number was 7,513,601.10 and it should have been 106.10 instead of 601.10. A typo.

Glen Stewart: And that occurred in the personnel line?

Anna Tomasek: Yes that is correct. It has been corrected and every line is correct now.

Comments or Questions? None.

Move the Ordinance be passed on the first reading by Paul Wertz, seconded by Ruth Detrow .
Ayes: Valentine 1, Detrow, Wertz, Stewart.

Move to suspend the rules by Wertz, 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.

Resolutions:

Res. 5-07

Item (a) **A RESOLUTION REQUESTING THE COUNTY AUDITOR'S TAX LEVY CERTIFICATION PURSUANT TO REVISED CODE SECTION 5705.03 (B).**

Move for non-reading in full, by Paul Wertz, seconded by Ruth Detrow.

Ayes: Valentine 1, Detrow, Wertz, Stewart

Mayor Strine: This is the first step in getting this levy on the ballot, a five-year levy that expires next year. It has been used for many years, 40-50 years in our park system. We will definitely need to have this renewed to continue the services that we provide in the recreation area. This is a replacement Levy.

Robert Valentine 1: I think people should understand replacement. It is not a renewal, it is a replacement.

Mayor Strine: If it is a renewal, new construction is not included, so the amount you collect stays the same over the 5 year period as opposed to a replacement. You will need the new construction, and the amount of the money you collect would increase slightly over the 5 years.

Robert Valentine 1: It doesn't increase very much. The reason it doesn't increase is because of what?

Glen Stewart: We are limited to collecting the same number of dollars over the years with renewal even though the tax base may have increased, in reality we pass this levy, it was for x number of dollars, even though it is based on ½ Million and the dollars never go up. With a replacement, the tax will be based on the tax base currently. Well the new construction still gets hit, but it is because it adds to the tax base. It is less than a full half a mill. So we can keep the same dollars.

Questions or Comments?

Mayor Strine: Just that it is very important for our recreation facility and as we all know, inflation keeps increasing the cost of what we do with our recreation system and the replacement Levy would help a little bit.

Anna Tomasek: The County Auditor has to certify it but he gave me a range. Evaluation will range anywhere from 176,912.00 dollars to 154,053.00 dollars per year.

Glen Stewart: When you look at the recreation facilities that this community has, we certainly wouldn't want it to deteriorate.

Comments from the Audience?

Jeff Swain, WMAN Radio: The reason I am asking this question is; Currently in my mind a replacement levy is, when the levy was originally passed, then the State rolls back how much money you get, is that correct? And then a replacement would replace it to where it was before when it was rolled back. What I am understanding is in the future it could go up; is that different than it was before, or am I misunderstanding? What you're saying, if you pass a replacement levy in the future, you could get more money?

Paul Wertz: Under the old, a new business came in and built a new building, we could not collect on that, now under the replacement it is different.

Comments? None

Motion to approve the Resolution on the first reading by Paul Wertz, seconded by Ruth 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: Robert Valentine 1, Ruth Detrow, Paul Wertz, Glen Stewart.

Move to suspend the rules by Paul Wertz, seconded by Robert Valentine 1.

Ayes: Ruth Detrow, Paul Wertz, Glen Stewart, Robert Valentine 1.

Move the Resolution be passed by Ruth Detrow, seconded by Robert Valentine 1.

Ayes: Paul Wertz, Glen Stewart, Robert Valentine 1, Ruth Detrow.

Res. 6-07

Item (b) **A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE RESURFACING PROJECTS OF SECTIONS OF U.S. 250 (EAST MAIN STREET), S.R. 60 (CENTER STREET) AND S.R. 96 (COTTAGE STREET) WITHIN THE CITY CORPORATOIN LIMITS; TO BE FUNDED BY ACCOUNT NOS. 202-1001-56019 (\$200,000.00) AND 204-1201-55501 (\$300,000.00); AND DECLARING AN EMERGENCY.**

Move for non-reading in full, by Paul Wertz, seconded by Ruth 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: Robert Valentine 1, Ruth Detrow, Paul Wertz, Glen Stewart.

Glen Stewart: I want to explain of just what was passed out. Our Resolution came to us in format just like I read it. What we needed are the signature lines on the bottom and Valarie added those for us this evening. Unless there is an objection or if Mr. Wolfe suggests that we do not act upon it because of that, I am going propose that we continue with this. There is no change in the document, the attached final resolution which is the document that we are working with in order to get these streets resurfaced. I just want to bring that up because I don't want someone to be concerned and come back tomorrow and say you do not have a contract with the state of Ohio.

Richard Wolfe II: What you had before had a place for the Mayor and Clerk to sign and just a procedure formality.

Glen Stewart: It did not have a place for my signature .

Paul Wertz: It states 96 Cottage Street, shouldn't that be 96 Sandusky Street?

Jim Cooper: S. R. 96 is Cottage Street and that is what it is supposed to be. It should be Cottage Street.

Dennis Kitchen, 1127 Union Street: There is a project that needs to be taken care of there. Do you have any idea when you are going to do this, when this is going to be done?

Jim Cooper: The bid date is May 2 and anticipated ODOT having all work done by the end of August and we will get this done before we resurface.

Dennis Kitchen: There is a construction thing that needs to be taken care of and we were going to try to do it this week but did not get to it. There is a water main that needs to be re-attached. I would hate to see the road get paved and then us go out there with a breaker hoe on fresh asphalt.

Glen Stewart: It is a significant project and is going to take a significant chunk of our street maintenance re-surfacing budget this year.

Comments or Questions? None.

Motion for Resolution, moved by Robert Valentine, seconded by Ruth Detrow.

Ayes: Robert L. Valentine 1, Ruth Detrow, Paul Wertz, Glen Stewart.

Move to suspend the rules by Paul Wertz, seconded by Ruth 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: Robert Valentine 1, Ruth Detrow, Paul Wertz, Glen Stewart.

Move the Resolution be passed by Paul Wertz, seconded by Ruth Detrow.

Ayes: Robert Valentine 1, Ruth Detrow, Paul Wertz, Glen Stewart

Ward Reports:

Ward 1: Robert L. Valentine

(a) Review of the pick up of sanitation is 50 lbs.

Ward 3: Ruth Detrow

(a) Heads up for meeting next week, Work Session, Tuesday 4/10/07 at 7:00 pm in the Economic Development Conference Room.

(1) Housing Codes- we have nothing now that says that you cannot build a fence right exactly on the property line; an inch from the property line is okay the way our Ordinances read now. I checked that again today. This is something we need to address when we are talking about the Housing Codes. I have a couple of people who have neighbors who are... Not breaking the Law... but certainly are abusing their rights.

Glen Stewart: We will bring that up in our Work Session.

Ward 4: Paul Wertz

- (a) Call from, 47 W. 10th Street- Junk Cars, Trash around behind the House, at 922 Orange Street, an ongoing thing there.
- (b) 1003 Cottage Street – A Camper parked on the sidewalk .
- (c) Alley beside W. 10 Street- Bricks, etc... in the field beside it.
- (d) Skateboarders- Police were called, 25-30 kids present, police scanner goes off and somebody runs out of the house and states the police are on the way and the kids vanish. Last Sunday night, Sunday April 1, 2007 at 11:30 pm there were 25 kids in front of my house skateboarding, we couldn't sleep, so I was going to yell at them, but they continued down the street so Police were not called, wasn't sure how long kids stayed that night. This afternoon 4/3/07, about 25 kids behind the house, I heard glass break and went outside of the house, and the garage behind, where no one lives in this house, it is a vacant house, every window in that garage is broken out. What can be done? When we do call the Police, the kids scatter and there is nobody there.

Chief William Miracle- There is a problem if no one is there.

Paul Wertz: The property is being destroyed next door and it is not my property. I am worried about my property.

Chief William Miracle- Property damage is one thing, congregation of kids on a public street or on a public sidewalk outside of business district is not illegal under our Ordinances. Curfew does not start until 12:30am – 5:00 am.

Paul Wertz: What about people who get up to go to work at 4:30.

Chief William Miracle: I am just telling you what the Ordinance says. If Council sees fit to adjust the Ordinance that is up to them. But under current law, yes it is probably not wise for children to be out at 11:30 pm at night but that is parental responsibility. Now when it becomes a vandalism issue or a criminal mischief issue or a disorderly conduct issue, then it becomes a Police issue and you are right, when the Police are called, they basically scatter and if we catch one, that is fine, and if we don't, we don't.

Paul Wertz: Why do we have to live like that though? It is a continuous thing anymore on nice days. The time 2:30 am – 6:30 am in the Summertime, what is going to happen?

Chief Bill Miracle: There is no such thing as a Loitering Ordinance in the State of Ohio or the City of Ashland, so if kids are in legal use of sidewalk and the roadways, then they have a right to be there as long as they are not breaking the law. And unfortunately that is a fact of life I guess you could say.

Mayor Strine: Can they be cited for skateboarding in the Street.

Chief Bill Miracle: Skateboarding in the Street is against City Ordinance. Toy Vehicle in the Street, in fact I wrote an article and it will be in the paper this week about this fact but it states: Skateboards are mentioned specifically in the article, Yes they are not to be used in the Streets, they are not to be used on the sidewalks within the business district, and not to be used on private property. Public sidewalks, outside of business district, skateboard is just like any other, roller-skates or any other toy vehicle, they can be used. So, in answering your question, if they are in the roadway, then they are not supposed to be.

Paul Wertz: There is some neighbors in my area who are really upset and I am one of them. I had to restrain my son, when the window was broken because we thought it was our garage. He went out and one of the kids, I am not going to use the words he used, but basically it was terrible. I had to restrain my son and bring him in the house and said that's it. I have a short temper also. One of these days somebody is going to go to jail.

Chief Bill Miracle: Do you know who these kids are?

Paul Wertz: Not by name. Don't know any of them.

Chief Bill Miracle: Are they local? Are they Neighborhood kids?

Paul Wertz: I doubt it. Some of them are, some aren't. People drop them off in cars then most of them are not from around here, I am sure of it.

Glen Stewart: Chief is there another way under the circumstances such as this to dispatch your cars rather than radio? Cell phones or other modes of communication.

Chief Bill Miracle: There certainly is, in fact our new computer system, we can do it that way also. Yes there are alternatives that we can use. A normal situation, call comes into dispatch, it is going to get there faster over the radio. I suppose we can direct dispatch as an alternative thing if it comes to an issue like these. I don't know whether they have scanners.

Paul Wertz: This house has been vacant for around 6 months and he never checks on it. He is going to be in for a shock because all of the garage windows are broken out; the back door is wide open on the one side.

Ruth Detrow: Would a picture of children breaking windows, trespassing, would that be considered proof of the fact that they were doing it especially if the picture taker were then to say yes I took this picture and took that on this day?

Chief Bill Miracle: Yes, all of that can be considered evidence, I suppose, but the picture would have to be as such one that we could identify the person doing the breaking or the vandalism and things like that in order to be of evidentiary value. So to answer you question is yes.

Ruth Detrow: I mean I don't want our Police to do something that is illegal, that is the last thing I want, but I would really like.

Chief Bill Miracle: There is nothing illegal about taking a picture of the vandalism occurring.

Robert Valentine: I was concerned with the same thing. The point is, otherwise if it went over the scanner and as a result the kids took off.

Chief Bill Miracle: That is a big IF at this point, we don't know if they even have a scanner, there could be someone down the walk and saying here come the cops for all we know. But yes there are alternative ways.

Robert Valentine: I mean if we are going to get 23 kids, and they are doing something they shouldn't be doing, something should be done.

Glen Stewart: Chief, I am sure you will use some alternative methods of dispatching to see if you can help that particular end of town out there on a trial basis at least?

Chief Bill Miracle: We can attempt so.

Anthony Watson, 1025 Elmarna: You know you're having problems with youngsters destroying property, I would like to know as a property owner, what my legal rights are? How many steps I can go to, to correct the situation myself. Have a lawyer there?

Richard Wolfe II: What are you talking about, how many steps you can go to correct this matter, I am not sure what you're asking?

Anthony Watson: Well years ago I used to have problems and you could go to the family, they were cooperative and it would clear up and the problem was taken care of personally but you have kids today, they just keep coming back to see how far they can go. So as a property owner, how far legally liable is it to catch them in the act, call 911? And hope they get there in time or what?

Richard Wolfe II: Well I am not going to try to respond to a whole lot of hypotheticals.

Anthony Watson: We have the right to protect our property.

Richard Wolfe II: You have the right to protect your property, if you want to go talk to someone's parents, there is nothing that prohibits you from doing that. You shouldn't be trying to take the place of law enforcement and exercise law enforcement powers but you have the right to defend yourself, you have the right to call the police, you have the right to talk to the parents if you know who the people are. If you have a questions about your rights as a private property owner, you should probably consult a private attorney if it is an issue between you and some adjoining property owner or something as far as what remedies you have available. But I would not encourage you to get directly involved and engage people with somebody who is breaking the law, you should call the Police.

Dennis Kitchen: He said there is an Ordinance on the curfew, it is the City's Ordinance of 12:30am. Can we change that Ordinance? Can it be changed is what I am asking?

Glen Stewart: We can change any Ordinance.

Dennis Kitchen: Change the Ordinance to 10:00 pm on the weeknights and 11:30 on the Weekends and if the kids are caught out, the kids go to jail and you go to the parents house and write them a ticket, and take them to jail. That would solve the problems because I am sure when you start writing some fines to parents who are breaking Ordinances; are punishable by fines. I am sure they would get a real quick handle on their kids real fast when you start getting into their back pockets.

Glen Stewart: I think I have answered your question, yes we can change the Ordinance. Will we change the Ordinance? We need some direction and consideration. We do not make a decision like that on the spur of the moment.

Any other Comments or Questions?

Old Business:

- (a) Updates regarding Ethanol Plant. I believe in the next 3-5 days, we will have some information that will satisfy some needs that we have to get a decision from Silver State. I don't know if they will make the decision that quickly but I think in 3-5 days there may be some information coming forth that will help them with their process.

Comments or Questions? None.

New Business:

- (a) Enclosed is a copy of the proposed changes considered for the Charter, the next Charter Review Committee Meeting will be Thursday morning, April 5, 2007 at 7:30 am 1st floor in the Economic Development Conference room. We are receiving copies of their proposals, I am sure they are not in final draft, but it is information for us for consideration and it definitely shares with us that the Charter Review Committee is busy, they are getting into the various areas that they feel need to be considered and I would invite the public. These are public meetings, and if there is a need for a change in our Charter. If someone feels there is a need for that please share that with a Charter Committee person, you're welcome to set in on the meetings, again the next meeting is Thursday morning at 7:30 am in the Economic Development Conference Room.

Glen Stewart: Al Sanders, you are next on the Agenda, but if you could allow me, we have a couple of other things that we can get past and we will put you here in the Work Session.

ADVERTISING REQUEST

(a) Advertising on private property, permit application (C.O. 541.09) Codified Ordinances, The News Journal, Mansfield, Ohio, 70 W. 4th Street, Mansfield, Ohio 44903 Daily Snapshots- weekly; Contact person- Pete Berend, Phone# 419-521-7361

Glen Stewart: "Daily snapshot", has already shown up; and they are doing it without a permit. We have one on the kitchen table.

Mayor Strine: I have had a lot of complaints about this and I would like to suggest to Council that they do not act on this tonight until News Journal has a representative here so we can discuss these problems.

Glen Stewart: There is a process and the process has not been followed.

Move that we table this item by Ruth Detrow, seconded by Glen Stewart.
Ayes: Robert Valentine 1, Detrow, Wertz, Stewart.

SIDEWALK WAIVER REQUEST

(a) Kathleen Ann Allman, 2330 Deer Trail Lane, Ashland, Ohio 44805, Location- Lot Number 4122 SA, Woodview Estates,

Reason for Request – Lot adjacent to said lot currently under construction, both lots purchased from Linda Cusolini in which she stated at signing of purchase, she would be placing sidewalks.

Glen Stewart: The Director of Engineering has recommended to deny the waiver. Over 80% of area sidewalks are installed in this subdivision.

This is one that I am going to abstain from, I am directly involved with it, I am in the neighborhood and Richard Wolfe II, Law Director, would I be correct in doing that?

Richard P. Wolfe II, Law Director: Yes that would be fine.

Move to deny the waiver by Ruth Detrow, seconded by Paul Wertz.

Ayes: Robert Valentine 1, Ruth Detrow, Paul Wertz, Glen Stewart- Abstain

Robert Valentine 1: Would you clarify something for me, it is confusing. Lot adjacent is 2 lots, right?

Glen Stewart: I can share this with you. There are 2 lots that have been vacant for a number of years. This lot that this individual is referring to is adjacent to their lot. They do not own only 1 lot. The lot next to them currently has a house under roof on it. The owner of those 2 lots was a common owner. I don't know what their purchase agreement was; it stated that the original owner, Cusolini has agreed to put the sidewalks in, but the 1 lot is not dependent on the other lot for sidewalk construction in my opinion.

The waiver has been denied.

MAYOR'S COMMENTS: None.

Work Session:

(a) Al Sanders (Health Dept.) is present, and also 2 County Commissioners, Mr. Welch and Mrs. Edwards.

Glen Stewart: Thank you for attending and I understand, the reason for this, the Health Organization is a City/County Health Dept. and we all have a vested interest in this Dept.

Al Sanders: I will start by giving each of you a copy of our 2006 annual report and it was presented at last weeks District Advisory Council meeting. The District Advisory Council in the County is the group that appoints members to the County Board of Health and they meet each year in the month of March for that particular purpose and also for the purpose of listening to the annual report and offering any advisory comments to the Board of Health on any issue of public health significance that might be occurring in the County. What I am passing out now is a proposal (that isn't a new proposal). That is a proposal that was made to Mayor Richey and Council back in 1988. We were also offered an opportunity to present it to a work session of

Council when Mayor Cellars was in office. It is not new, it just has been dusted off and updated with some notes and statistics for you. The process is still the same. I checked with the representative from Ohio Department of Health today and basically what we are asking Council to consider and I guess now is the opportunity to revisit this issue again since especially the Charter Review Committee is meeting because section 50 of the Charter outlines the make-up of the City Health Department. The Dept of Health, section 50 is Organization and Powers and I am not sure whether reading that, we could do anything even if we wanted to unless that Charter and the wording in that Charter has changed. Now I will refer that to Law Director Richard Wolfe II. But I would like to suggest that Council review that proposal again. If you see the need or if you have a desire to pursue it then probably discussion at the Work Session or discussion at least with the Charter Review Committee; and I would be glad to attend any of their meetings upon their request. Maybe in the interim, Rick would have a chance to look at that Charter section and let us know whether or not we would need to change that if we wanted to go to a combination of the two Boards of Health. On the County side, governed by the County Board of Health, they are appointed by the County District Advisory Council and that is made up of the chairman from each of the townships which there is 15 in Ashland County, each of the village Mayors in which there are 8 and the Chairman of the County Board of Commissioners. So those 25 people make up the District Advisory Council, they appoint the members to the County Board of Health and they all serve 5 year terms and they are all staggered so that each year one position is coming up for renewal.

On the City side, we are governed by the City Board of Health and those 5 members are appointed by the Mayor and approved or confirmed by Council and they serve 5-year terms and the City and County Board of Health both are the employers for the Health Commissioner and the staff that works under the Health Commissioner and so actually I am a County Board of Health employee, not a County employee and I am a City Board of Health employee and not a City employee. We have a personnel policy that governs the departments and that is approved by the City Board of Health and the County Board of Health. Luckily it is the same. It could be 2 separate. We have compensation plans and that is the same. When I do a Board of Health meeting, I have one common agenda and on the agenda if it is a matter for City Board of Health action, they vote on it. If it is a matter for County Board of Health, they would vote on it. We keep 2 separate books, we have 2 separate budgets. We have some personnel paid by the County and we have some personnel paid by the City and we have most of our personnel paid by both, half and half or whatever the equation might be. We do have some Grants that are administered on the County Board of Health side just for the ease of the administrative part of those Grants. I guess the reasoning behind in requesting that Council consider this combination would be the streamlining of the Health Dept. where we would have one governing body for the entire County/City administratively make a lot of implication that is now necessary/unnecessary. Anything we currently would be doing through City Personnel or I guess Human Resources or Finance office would all be handled now on the County side. Legal representation for a combined County/City Health Dept. would be the County Prosecutor's office; right now the County Board of Health is represented by the County Prosecutor. The City Board of Health by the City Law Director. One of the areas that we are just getting into is if we ever got involved in pandemic Flu situation, isolation or quarantine, because of that is possible, we could have two different opinions, City/County. I go to the Prosecutor for any opinion of that on the County side and I would come direct for that on the City side, which I still need to do. I did find out something today that was a little bit new to me and I think back in 1988 when this was first proposed, it was the sticking point. On the County Board of Health side we have a 3/10-mill Health Levy. It was a 4/10-mill Levy that was approved back in the 1950's and every 5 years renewed. Last time that it was on the ballot, we had discussions with the County Auditor

and at that time we replaced and reduced the 4/10-mill levy to a 3/10-mill levy. What that did for the County Board of Health, we went from collecting about 8,000.00 dollars to the curb 170,000.00 dollars. So with that 170,000.00 added to what each the township and villages pay us to operate the County Board of Health comes to about 200,000.00 dollars. This year our City Board of Health budget I believe is right around 280,000.00 dollars. We collect general office receipts and on the City Board of Health side, those receipts are deposited into the City General Fund and that last year was around \$80,000.00 dollars. So when you subtract that from our General Fund Appropriations we actually, it is a \$ 200,000.00 dollar hit to the General Fund so to speak which I thought was kind of cool because it evens out with the County's pay. The County Health Levy plus the Township and Village contribution equals almost what the City appropriation was. The point being, I was always under the understanding that since we had a Health Levy in the County, if we would combine and bring that when that issue comes up for a vote, it would draw in City residents into that vote. I found out today that is not the case. The County continued to have the County levy for County residents only as part of this combining and whatever contract that followed to outline how this all comes about. The City in that contract to outline how they would share in the finance for that. So we could either continue to get that from the General Fund or at some point we needed to free that money up for other things in the city and possibly that health levy could be considered for City residents and even with the additional dollars that would bring in from the Health Dept. It maybe even likely we could reduce that from .3 to may be .2. I haven't checked with the Auditor to know if that levy that we currently have in the County extended into the City, how much additional dollars that would bring in. So I thought that was good information, that I was always ever told that it couldn't happen and it was kind of interesting that I was looking back what happened back in 1988, the letter was sent by the Vice president of Council at the time Glen Stewart, that is dated June 3, 1988 and as you know we dedicated Monday May 16 to a Work Session regarding the proposal for the City/County Board of Health to combine into a common Board from the standpoint of operating efficiency, we agreed and support the effort to reduce redundancy generated by the 2 boards. The area of financing causes the great concern. At that point we kind of broke down. When Mayor Cellars was in office, we looked at not combining but having the City contract the County Board of Health for Health services and in the contract that would outline the findings. The problem with doing the contract would do away with City representation on the County Board of Health and I am not sure I want to do that, but if we combine the Boards, then the contract outlining that combination will allow the County to say our representation is this many people and the City could do the same.

I was just going to finish up that in the State of Ohio, there are currently 88 county Health Departments, one for each County. There are currently 48 City Health Departments that operate independently of their County. There are 128 City Health Districts in Ohio that are combined with their County Health Dept and there are 65 City Health Districts that contract to their County Partner with services so Ashland County right now is okay to be one and only. We are the only one in the State of Ohio that operates this cooperative arrangement. We are still two separate Boards, two separate legal entities, however we have taken that step and that happened in 1947 of where the Boards of Health came together and agreed to hire a common Health Commissioner. In a lot of situations where the two Health Departments aren't combined or contracted you have the City Health Department over here in this building and maybe the County Health Department down the street somewhere. I don't see anything anywhere that would say that this is a disadvantage or would cause problems with City residents. Right now everybody sees us as a City/County Health Department. They come into the building, whatever services that we do in the County; we extend those to the City residents when it comes to immunizations for kids or adult flu shots. Probably the only thing that we do in the County that we don't do in the City, because in the City we have sanitary Sewer and Water as we have a big Septic and

Water system program in the County but other than that it is pretty much the same. We combined the food program so that the license fees we collect in the County and the City all go into one stand alone budget and from that we hire someone to administer that program uniformly throughout City /County. So I give you the proposal, read it again and I am open for any questions.

Ruth Detrow: I just glanced at this and I noticed a long list of advantages. Do you know of any disadvantages except getting the financial situation so that it is equitable?

Al Sanders: I think what I learned today took away one of those disadvantages was this Health Levy and I know it would have caused a lot of concern for you folks here. If we combine from the County, I don't see any disadvantages on the City side. On the County Board of Health side, the disadvantage would be that currently Ohio Revised Code requires that the Board of County Commissioners provide office space for the County Board of Health and when we combine that does away with that requirement, so currently the City Board of Health has a lease with the County Commissioners to occupy space in the County office building and that current lease runs through the end of this calendar year so I am hopeful.

Ruth Detrow: So if it were combined, one entity instead of two, then....

Al Sanders: We are allowed to be there but down the road, a question I cannot answer. Then at that point, the whole community would need to provide a home for the City/County Board of Health. A different facility or an extension of the lease. I guess at that point from the County Board of Health we start paying the rent of the County as well. Remember, the County Board of Health dollars will come from the Townships and Villages so the more we require then that is less than, you know the Auditor assesses them and they are really the primary funding source for a County Board of Health is the Townships and the Villages in the County because we have that Health Levy, they bring in 160,000.00 – 170,000.00 dollars per year and the Townships and the Villages combined are paying \$22,000.00 and a lot of counties without Health Levy's the Township and Village appropriation is the primary funding source for the entire department. I know in Ashland County we wouldn't be able to have 150,000.00 or 160,000.00 from the Townships or the Villages so it means the services that we provide would have to go down or a bigger Health Levy.

Robert Valentine 1: One of the concerns I had was the finances.

Al Sanders: Under the terms of the contract, and you may do it like population of our County, City and selection of percent and it will be a 10 member Board, maybe 6 members from the County and 4 members from the City and if you wanted to continue with the current set-up, there are five on the County, 5 on the City that extends to the 6 spot for the Mayor as by virtue of his office so we actually have 6 City Board of Health Members. Everything is running smooth. There have never been any problems. I am not here to say we have been having any problems. I grew up in the system so I am used to it. Down the road, when I am replaced somebody is going to come in and be pulling their hair out. They will have to deal with it. Nothing has really changed it Legislatively in Ohio as far as the outline to follow. It would require a Resolution from the District Advisory Council to approve it. It would require a Resolution from City Council to approve it, then at that point we would set down and work out the fine print in the contract or that could be worked out before we presented it in Resolution form. If we go a step further, I would like to have a Representative from the Ohio Department

of Health to come just to make sure we are all clear and I am getting the right information on the financing part.

Robert Valentine I: My understanding was when it was brought to the Charter, then it was referred back to Council.

Al Sanders: We will let Rick research that, Section 50 and the wording. The way I read it, it sounded like it was pretty specific. It says it must have a City Board of Health and did not mention anything about combining or contracting that to another Health Department, so I guess if nothing else maybe insert some language that would allow that in the future if Council chose to allow it. First we need to look at the Charter to see whether we can do it and we will need to decide whether we want to change the Charter to allow it if we choose to do it. Otherwise another 7 years will go by before we can do it.

Comments or Questions?

Richard P. Wolfe II: We are not limited to changing the Charter in just the 7 years. It is a mandatory minimum review every 7 years. It could be more often and so we are not limited to only act every 7 years. It has just been a review every 7 years.

Robert Valentine I: Where do we go from here?

Al Sanders: I guess suggest that we get the Charter question answered first.

Glen Stewart: Al, How do you rate the service that we have? You have 88 counties with a multitude of Health Departments.

Al Sanders: We can't compare to bigger operations where there is more personnel and more Grants brought in for those personnel and services like that but I think the basic service is that we provide at the Health Dept. are as good as any.

Glen Stewart: I hope we don't have the need as some of the large Cities have.

Al Sanders: One of the things we try to overcome is sometimes people think the Health Department especially immunizations are just for people who don't have Health Insurance and can't afford the Doctor. Those services are available to any resident in the County or the City and for \$10.00 you can come in and get 3-4 shots at one time. We try to promote as best we can, it is probably one of the primary things that our Nursing Dept does along with the Fall Flu Shots and any communicable disease investigations that might occur. From our standpoint, probably the primary focus in the City is the Restaurant and Grocery Store inspections with sanitary sewer and Sanitary Water we really don't get too involved in those kind of things, Bruce handles all of that.

Glen Stewart: If we had septic systems in town would you become involved in that? If there is a problem with a septic system within the City, is that something you would pass judgment on?

Al Sanders: Well actually the Ordinances require City Council to approve any system that would go in, in the city. Usually it is done in consultation with County Board of Health or Health Dept to try to look at what standards we have or the County side. As of January 1, 2007 there is statewide regulation. For being a Charter City, we have some freedom there. If it is an on lot

system, we would take a look at it if we got the complaint in our office. Usually Rick gets the complaint and he then brings everybody in that needs to be brought in to the situation and we put all of our heads together and come up with a plan.

Glen Stewart: Al, do you know if any of the Charter members have received a copy of this? Do you mind giving them copies, there are 10 Committee members.

Al Sanders: I will make more and give them to Valarie, Clerk of Council.

Glen Stewart: Very Informative. Thank you.

We have some other items on our agenda this evening. Do we need some more discussion on Sanitation pick-up?

Curt Young: Quick report. We made some drastic changes, but they were very well thought out. A long process involved. New schedules were sent out and Water Bills to every resident. Announcements were made in the Paper to change our schedule and the reason for it was the schedule had not been updated for at least 35-40 years with the growth of the communities in the Southern part of town especially. It had become so imbalanced, something had to be done. One issue that we heard, some resident's pick-up day stayed the same, but by nature of the change, we made some day changes. We have a good starting point, had some good public reactions so far. The positives have far outweighed the bad. One thing our new schedules allow us to do and have many requests to extend our yard waste program that has come up in Council meetings before. We are now going to be able to pick up weekly on Wednesdays both parts of town, a lot of people seem very happy with that, again the reaction from the public has been very good. I knew there would be a few bugs to iron out, but it really has not been anything drastic or major. The attitude of the workers has been excellent. It is a huge change for them, we are all creatures of habit but they have adjusted well for the most part. My people are pretty excited about what they are doing. Yard Waste Pick-Up will start April 18, 2007 weekly; we have to work with the facility that handles our Yard Waste.

Glen Stewart: Curt I have to applaud you for being pro-active in looking into things that we can do. It appears you are trying to improve safety and maintain level of service and Yard Waste it is a huge increase. I hope you sell a whole bunch of those brown bags and fill those trucks up.

Curt Young: We have gone to a sticker system now, which allows residents wanting to be able to pick up a bag on the weekend, at different retailers that will offer that now, so they can buy their bags all weekend or on a holiday, as long as they have the sticker, they can fill their bags and get the sticker from us at any point before the pick ups.

Glen Stewart: Normal retail stores in town have the appropriate bag?

Curt Young: Also a little green sticker that we have.

Glen Stewart: You can still use the same bags?

Curt Young: If the bag has a City Logo, you will not need to purchase a sticker.

Glen Stewart: And we can still buy the bags?

Curt Young: At this point, no we will have to have more discussion on that. We can always get more bags and offer those if we need to but right now, we are going with the Stickers at this point.

Glen Stewart: Well that needs to be pretty well known if possible, because a lot of people may not know about the tag system.

Curt Young: The primary consideration of what we have done is for the employee safety; we have had one injury and is more than I am comfortable with. I really think the employees are excited about working on new standards. We would like to have a safety record of zero injuries, is what we're looking for. Anything we can do to help the employees.

Glen Stewart: Anyone that wants to leave is welcome to leave at anytime.

ARMSTRONG CABLE

- (a) Many questions have come up regarding this Cable Company. Their Contract expires next Calendar year of 2008. There is a process of which we should follow.

Mayor Strine: We need to go through a process and I not quite prepared to pass that out yet. I will within the next few days. That will involve having notice in the paper that we are going to have a meeting regarding that and then have a meeting allowing the public to express their feelings and then a proposal from Armstrong Cable will come in and we will have another meeting to discuss that proposal. I will get that process out to you.

Glen Stewart: Actually the Work Session Agenda, Curt Young has just covered of what we had asked him to cover. Armstrong Cable will be a strong topic for April 10, 2007 Work Session Meeting, Housing Codes will come back up and regarding Al Sanders, he was here a tonight's meeting because he is not able to attend the April 10 Work Session meeting. Anything else to discuss?

Robert Valentine 1: I have read the Contract completely on Armstrong Cable and there were no rates mentioned. And as far as a stipulation in years, there weren't any. It did not look like we had much control at all. Maybe that is the way the contract was written.

Mayor Strine: It is my understanding, if you are talking about pricing, that we do not have the prerogative and we could not put anything in that contract that controls the rates.

Robert Valentine 1: It almost looks Monopolistic.

Richard P. Wolfe II: It is not an exclusive franchise. It may be a practical matter, not economically feasible for some other company, but there is no prohibition of someone else coming in.

Move to adjourn the meeting by Paul Wertz, seconded by Ruth Detrow.

Ayes: Robert Valentine 1, Ruth Detrow, Paul Wertz, Glen Stewart.

Council adjourned the regular session at 8:25 pm.

x

Submitted by
Valarie Bishoff
Clerk of Council