
Ashland City Council

MINUTES FOR THE REGULAR SESSION OF COUNCIL April 17, 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	Present
Ward 4:	Paul Wertz	Present
At-large:	Glen Stewart	Present

Glen Stewart: I would like us all to have a moment of silence for our Friends in Roanoke Virginia, Virginia Tech.

PLEDGE OF ALLEGIANCE

If you have Cell phones, appreciate it if you could silence them.

Glen Stewart: How many people are here to comment on sidewalks tonight, giving a show of hands.

We have two Ordinances to pass and then on Item # 10, Council Persons comments regarding the Sidewalk Program, that includes everyone who wants to comment.

PRESENTATION OF MINUTES:

Regular Session: April 3, 2007
Charter Review Session: April 5, 2007

No Corrections or Comments.

Motion to accept the Minutes by Glen Stewart, approved by Robert L. Valentine 1, seconded by Robert M. Valentine 2.

Approved by Glen Stewart, President of Council and the rest of Council, Robert L. Valentine W1, Robert M. Valentine W2, Ruth Detrow W3, Paul Wertz W4.

Glen Stewart: We will not act on the Charter Review Committee Minutes, Those are sent to Council for our information and to keep us up to speed on what the Committee is doing.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: Items that are not on the Agenda.

None.

Glen Stewart: Misty Miller, You have a very brief presentation you would like to give at this time.

Misty Miller, P.O. Box 15 Ashland, Ohio, 419-545-4507: President of the Fire Fighters First Team, Chad Buzzard is the Vice President and he is passing out some information and we just wanted to let the Council know and the Public what the Fire Fighters First Team is; How they got started and why we got started; what we have done in the last year and what our future plans are. Chad Buzzard is going to talk a little bit more about the Fire Department as well but we will make this brief. During the Leadership Ashland, we toured the Fire Station and realized what a great job our Fire Department does, that a lot of us as upcoming leaders in the community weren't aware of and so I talked to Chief Burgess about starting a Marketing Committee and thence came Fire Fighters First Team so we have developed our own non-profit 501-C3 so we are separate from the Department, separate from the City and separate from the Fire Fighters Union but we put Fire Fighters First in everything we do. Hence the team, training, education, awareness and marketing. We want the public to be aware of what the Fire Fighters do, how they put their lives on the line everyday. The importance of putting their safety first minimum manning, creating atmospheres for the public to come in and see what they do on a daily basis. One of the first projects we undertook was creating a new fire office for the fairgrounds which will be encompassing the entire County. I have an elevation drawing, however, we just got some news last week that this may change because we have quite a sizeable donation from H and H Lumber in Loudonville, Ohio that would actually make this structure look more like a Log Home. So this may not be exactly what you see at the fairgrounds this very year but we have everything in place, donations from the community; everybody has come together for this project and we just need about \$ 5000.00 dollars for the funding. Any information that you have, you can see what we have done over the last year. A lot of that is geared towards creating the awareness. One in particular is hopefully going to be a project in collaboration with AU for a Reality TV show, so folks can see clearly what our Fire Fighters do.

Chad Buzzard: Since this has come about, there has been a lot of things they have been able to help us with. We are able to start our own website. It is just in the beginning stages but there is a lot of great information that we are going to put on there. We do Child Car Seat inspections, we have information on that. We will have CPR classes. It is more of an awareness-based thing. We are going to put safety items out there. The Community is helping us and we are going to help the Community with the money that they are bringing in. With this Fire Station, it is going to make people more aware of where we are. People will know where we are, especially if it is a log cabin and the great thing about that people can stop in a see what we do and ask for information on anything from smoke detectors to safety of their house. This has helped a lot. We have had a business before-hours with the local businesses and they came down to the stations and toured the stations and that was a great thing. We will be doing something like that this year, but it will probably be "business after hours" so we can get more people here. It is just a great opportunity for us as Fire Fighters, the Team is helping us out a lot.

Questions of Comments? None

Glen Stewart: Keep us posted on your successes and appreciate Misty Miller and your committee and the interest you are showing in our community. If there are no other comments from the audience other than sidewalk comments, I would like to move forward into our Legislation.

LEGISLATION

Ord. 26-07

Item (a) **AN ORDINANCE TO APPROPRIATE THE FOLLOWING HEREINAFTER NAMED SUM OF MONEY IN 2007 AND DECLARING THIS TO BE AN EMERGENCY MEASURE NECESSARY TO MEET THE IMMEDIATE FINANCIAL NEEDS OF THE CITY OF ASHLAND, OHIO.**

Moved for non-reading in full by Paul 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.

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

Anna Tomasek: This is an Ordinance that appropriates \$26,450.00 dollars and this is from the State of Ohio for our Community Corrections Programs and this a new additional Grants that will be used for treatment and the following line items will need additional increases for appropriations of \$26,450.00.

Glen Stewart: Anna, this is new money that was not available at the time we had built the budget. It is from the State? It is no additional cost through the operation of the City? Over and above what they are giving us?

Anna Tomasek: Yes, that is correct.

Comments:

Are there any questions or discussions?

Robert L. Valentine 1: You have one that says Ohio Department of Rehabilitation and Corrections.

Anna Tomasek: That is the Department that the funds are going for and that included a letter from the State of Ohio, the Ohio Department of Rehabilitation and Corrections, it is a cover letter explaining the increase of \$26,450.00 dollars for this program for Ashland County.

Glen Stewart: Any questions from the Audience on this piece of Legislation?

Motion to pass Ordinance, Move to pass on the first reading by Ruth Detrow, seconded by Robert L. Valentine 1, 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 M. Valentine 2, Ruth Detrow, Paul Wertz, Glen Stewart, Robert L. Valentine 1.

Move to suspend the rules, 3 separate meetings, 3 separate nights by Paul Wertz, seconded by Robert L. Valentine 1.

Ayes: Robert Valentine 1. Robert Valentine 2, Ruth Detrow, Paul Wertz, Glen Stewart.

Move the Ordinance be passed by Paul Wertz, seconded by Robert L. Valentine 1.

Ayes: Robert Valentine 1, Robert M. Valentine 2, Ruth Detrow, Paul Wertz, Glen Stewart

Ord. 27-07

Item (a) **AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR REPAIR/MAINTENANCE WORK TO BE PERFORMED ON U.S. ROUTE 42 WITHIN THE CITY CORPORATION LIMITS; AND DECLARING AN EMERGENCY.**

Move for non-reading in full, by Paul Wertz, seconded by Robert L. Valentine 1 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, Robert M. Valentine 2, Ruth Detrow, Paul Wertz, Glen Stewart.

Jim Cooper: This is an ODOT request that we approve this, there is no cost to the City. This is crack sealing along S.R. 42 bypass.

Glen Stewart: This is the area from the Radio Station to Rt 250.

Comments of Questions? None.

Move the Ordinance be passed on the first reading by Paul Wertz, seconded by Robert L. Valentine 1.

Ayes: Robert L. Valentine 1, Robert M. Valentine 2, Ruth Detrow, Paul Wertz, Glen Stewart.

Move to suspend the rules, 3 separate meetings, 3 separate nights by Paul Wertz, seconded by Glen Stewart, 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 L. Valentine 1, Robert M. Valentine 2, Ruth Detrow, Paul Wertz, Glen Stewart.

Move the Ordinance be passed by Glen Stewart, seconded by Robert L. Valentine.

Ayes: Robert Valentine 1, Robert M. Valentine 2, Ruth Detrow, Paul Wertz, Glen Stewart.

Glen Stewart: I want to take a moment at this time and explain what is actually happening. The City Council, all of us, and the Law Director, the Mayor, we have had these Ordinances since a week ago Friday, when what we call the pre-agenda came out. We had 1 week and 2 days to review these Ordinances to ask the questions and the questions that were asked to-night, most of them have been asked prior to this evening's Council meeting. So we have had our questions asked and answered. Obviously we are in accord with what these two pieces of legislation mean to the City and we moved through them rather quickly. That is not always the case, but this evening it is the case and I am pleased.

RESOLUTIONS: None.

WARD REPORTS

Ward 2: Bob Valentine

(a) *I have received a couple of calls and I gave Mr. Wolfe a couple of addresses to check out for me.*

- (b) *Another one, a lady called who lives by the old Ashland Floors. She states a Gentleman is renting the garage out and she says her bedroom window is right on the side; it sounds like they are having parties, but they are working on cars. She wants to know about the zoning up there. She called the Police in January. She thinks the guy has a scanner, because 2 minutes after she called, everything got quiet and all the doors came down. She just asked me if I would just mention that so maybe Mr. Cooper could check that for her.*
- (c) *I got a call from Annette Shaw on Ohio Street, She was concerned because with the new trash pick-up; and she came home at noon and her trash was still not taken and then when she came home the next time, it was gone; but so was her can. So she thinks it ended up somewhere in Wooster, so she said she had to go out and buy a new can. She said that day there was a lot of trash blowing around the neighborhood and I just said 45 mile an hour winds. She said she would give it a chance, but said you might be hearing from me again.*

Ward 1: Bob Valentine

- (a) *Received lots of calls regarding trash pick-up also. One lady wanted to know when was the Ordinance going in effect. She wanted to know if she could still put the same can out this time. Well did you get a notice I asked? and she said yes, well that pretty much tells you that you shouldn't be putting it out and she understood and thanked me.*
- (b) *I have gotten many other calls in the last couple of days, about 15-18 calls .but they are relative to our discussion that is coming up.*

Ward 3: Ruth Detrow

(a)I received only calls regarding Sidewalks which we will be discussing later.

Council At Large: Glen Stewart: *I have nothing to bring up until we get to the sidewalks also.*

OLD BUSINESS

- Tabled Item: Advertising Permit, The News Journal, Mansfield, Ohio, 70 W. 4th Street, Mansfield, Ohio 44903, Contact person – Pete Berend Phone# 419-521-7361
 - (a) “Daily Snapshots” – weekly
 - (b) “News Journal” – daily

Mike Fleming from the News Journal was present. Pete Berend was unable to make it. The Permit is for the daily delivery of the News Journal and weekly delivery of the Daily Snapshots; every Friday and Saturday. I do not think we have applied for the permit before and we have gotten phone calls and were told we needed to do that; so we have done that and I am here to answer any questions you might have.

Glen Stewart: Unfortunately I may be the bearer of a little bit of criticism this evening; that we have at my home received the Snapshots already and normally permits are required before we start the process.

Mike Fleming: Right, that makes perfect sense to me.

Glen Stewart: We do not look lightly on things of that nature.

Paul Wertz: I have had several calls on the Snapshots. Deliverers of this Daily Snapshots are throwing it out on their sidewalks, yards.

Mike Fleming, News Journal: We currently have 4 independent contractors that deliver to the entire city. They are to deliver that to the porch or between the doors. I know you have had a problem with that, but if they cannot do it correctly, we will find somebody else to do it. If that happens again, please give me a call. We will make sure it gets taken care of.

Paul Wertz: It is a major problem on Sandusky Street.

Mayor Strine: What is the phone number?

Mike Fleming: I have a card. 419-521-7297

Mayor Strine: What is the News Journal's intention as far as delivering that paper?

Mike Fleming: The Snapshots are total market coverage. It hits all the people that do not currently get the paper.

Mayor Strine: Where do you intend for it to be delivered?

Mike Fleming: Non-subscribers. It should be on the porch. On the porch or between the doors is where is supposed to go.

Glen Stewart: Does that meet our requirements?

Richard Wolfe II, Law Director: Well, actually no. That is not where it is supposed to go. The issue is not needing a permit for something that people subscribe to, the issue is unsolicited advertisement that is just thrown anywhere on their porch. We have an Ordinance pertaining to advertising on private property. The subscriptions, that is something people ask for and that doesn't require any kind of permit. But the unsolicited advertising is what is an issue and there are specific Ordinances on how that should be done or it is not permissible.

Mike Fleming: Is that with a door hanger?

Richard Wolfe II: Yes it is.

Mike Fleming: We will talk it over, but we are willing to do that. It will take some time to get the proper materials to do it, so we would have to suspend delivery until we get it.

Richard P. Wolfe II: At the beginning, you made reference to your daily delivery, you don't need a permit for subscribed service, so that is not an issue, it is the unsolicited advertising that is an issue. So all we are asking is; anyone who seeks to do that can comply with our Ordinance.

Mike Fleming: That is the door hanger? As long as we get the door hanger, we get the permit.

Richard P. Wolfe II: Yes. There is generally no reason to deny a permit as long as there is someone who is willing to comply with the Ordinance. It is not Council's intention to prohibit somebody from engaging in that activity it is just simply a matter of controlling it in terms of

debris and things blowing around in the street and being in people's yards and that sort of thing. We are not trying to inhibit advertising.

Mike Fleming: We will follow the rules and get it done right.

Glen Stewart: So presuming that the News Journal will abide by the Ordinances as prescribed, is there any other motion attached to this?

Richard P. Wolfe II: I think it would be appropriate that they understand and have copies of the provisions that grant the permit subject to complying with the Ordinance.

Motion to grant the permit subject to compliance with the Ordinance by Glen Stewart, Moved by Robert M. Valentine 2, seconded by Robert L. Valentine 1.
Ayes: Robert L. Valentine 1, Robert M. Valentine 2, Ruth Detrow, Paul Wertz, Glen Stewart.

NEW BUSINESS

(a) Request for a transfer of a Liquor Permit and the Liquor Permit is from K Sorrellas LTD, doing business as Sorrellas II to Richard A. Masters LLC, doing business as Sorrellas II. It is a transfer of a D1, D2 and D3 permit.

Glen Stewart: We have the opportunity to ask for a hearing, we have the opportunity to tell the state we have no concerns about it. I would offer any thoughts to my colleagues on the permit.

Motion for another hearing request by Paul Wertz, seconded by Ruth Detrow.
Ayes: Robert L. Valentine 1, Robert M. Valentine, Ruth Detrow, Paul Wertz, Glen Stewart

Glen Stewart: So this will go back to Columbus and then Columbus will deal with this in their manner. But we did what we needed to do.

(c) Update From Engineering Dept., Larry Paxton
Basically Larry Paxton was working with the Post Office trying to correct some errors made as far as mail goes to Williamsburg Court address vs the old Elmarna. Larry spent some time with the Post Office problem. We think we have it all straightened out. Everybody has been notified with a letter and we will continue to work with the post office until it is corrected for each individual of the 800-900 block.

Sidewalk Statement: from Glen Stewart:

I want to make a statement this evening regarding Ashland's Ten Year sidewalk program council initiated for our City.

Sidewalks have been a continuing topic of discussion for City Council members over the past fifteen or twenty years. There was always a desire to improve the conditions of deteriorating sidewalks as well as construct sidewalks where none had ever existed.

This Council took the bull by the horns and after considerable discussion over many months voted to implement a ten year sidewalk program that would improve sidewalks that are in poor repair and install new sidewalks where they are non-existent. This action was taken following

several work sessions, all announced in the local media and fully open to the public, but we, City Council, received minimal input from our constituents at that time.

The program has been kicked off and this year the sidewalk repair/replacement and new construction program moves toward an area that is primarily residential. Many councilpersons have received numerous phone calls, letters and have been queried at various meetings and other functions about the validity of our decision.

Well, from my view, and I have been a major proponent in instituting the Ten Year Plan as it stands today, safety for our pedestrian or foot traffic is my bottom line. Safety is an issue that may be negatively impacted by sidewalks in poor condition or no sidewalk at all. I continue to support the need to construct sidewalks on main thoroughfares, streets with significant vehicular traffic and or commercial traffic. Beyond that, the repair of sidewalks in poor condition needs to continue without interruption. We, the City, are legally and morally responsible to see that sidewalks are kept in safe repair.

The comments we are currently receiving from across the Ashland community tells me that we need to re-evaluate the plan. I base this on circumstances brought forth recently as well as opinions shared with us by our constituency. There have been situations relative to the practicality of new sidewalk installations because of engineering problems (costs well beyond normal sidewalk construction costs). Questions have been brought up regarding the need for sidewalks in areas with very low vehicular traffic such as on cul-de-sacs or neighborhood streets with little on no commercial traffic. After considering the aforementioned questions and concerns I am suggesting that we, City Council, institute a brief moratorium on the portion of the current sidewalk plan that directs new construction in areas where sidewalks have never existed.

I do not suggest an interruption to the plan where repairs and replacements are necessary on existing sidewalks. When I say brief I'm speaking of six to eight weeks and hopefully less. I understand this will take us into the front end of this summer's construction time frame, but will have no impact on the repair program. This time will give council time to have a work session or sessions dedicated to public input on the plan and implement adjustments to the plan if found to be reasonable.

I trust that this action is looked at as an example of your City Council listening to the concerns of our citizens.

I am certainly open to comments from my fellow councilpersons, our Mayor, Director of Law as well as anyone in attendance this evening.

Glen Stewart, Councilman at Large:

Questions and Comments:

Robert M. Valentine 2: I am the newest person here on Council and I kind have gotten thrown into the discussion of sidewalks, I have had a lot of discussion with citizens and I am pretty

much in favor of fixing what is bad. I agree with you Mr. Stewart about where we have a lot of traffic, we don't want people walking in the street. But neighborhoods that have never had sidewalks or cul-de-sacs that have never had sidewalks; I mean if there is no traffic, if the citizens want it in there, they should be the ones to tell us they want it in there. That is my feeling. (Clapping from the audience). We have discussed this and I think we are pretty much on the same page on this. Like Mr. Stewart said, we did not have a lot of input before, but now that it is getting closer, we are getting a lot of input, which is good, because we need input. I think that this Council is going to do a really good job on this with your input. We do need your input.

Robert L. Valentine 1: Well I have had various calls. What I have done in the last week or so is drive throughout my district enough times to find the inconsistencies we have. One street across Rt 42, you go down about 150 yards and there are no sidewalks, then you get out in the cul-de-sacs you've got your sidewalks everywhere. You go across to the south side; there are no sidewalks, that dates back to a court case that took place about 10-15 years ago. You go down to Mifflin you have sidewalks only on one side. One of the big questions that was brought up to me was for instance, Baney Road, Hillcrest, Mifflin, a lot of those were done with what we call Issue 2 money and a number of people called me and said it wasn't fair, they got them free and the other side didn't. That is the luck of the draw. I don't know how you answer that. That is the situation. I think when we took this project on, we may have realized what would transpire and what Glen had mentioned, a number of people called me and stated; "I didn't know that you were my Councilman". Well they got to know who I was and I got to know who they were. I did not have anyone that, I would say, "Let me have it!" They were very nice about it and concerned and I appreciated it. To me that is the way you get things done. I think what Glen is thinking makes a great deal of sense to me.

Ruth Detrow: First of all, I want to offer you one of the problems we have been struggling with and that is; exactly where do you draw the line? Do you say cul-de-sacs- doesn't need sidewalks but everything else does or do you say, as I heard one person say, we have a sidewalk and we wouldn't walk on it anyhow, we walk on the street because our street is that safe. Who decides? One thing I have heard about again is the Hillcrest area. I asked a couple of people here in the City to explain to me exactly what it was and when it happened and I do remember it of course. Anna, would you be able to go over very quickly about Hillcrest Drive and why people on one side of Hillcrest Drive have sidewalks and how it came about.

Anna Tomasek: I cannot go into the history but I can about the finances. In 1999, the City of Ashland did get grants called Issue 2 from the Ohio Public Works and there were sidewalks done on Hillcrest that was done in the year 2000, the grant done in 1999 and the actual amount of the Grant was \$ 65,700.00 and the Engineering Dept. may want to elaborate on that. That is the financial aspect of Hillcrest regarding the Grant.

Ruth Detrow: One thing I am going to ask eventually is; should we use Block Grant money? That was not Block Grant Money, that was Issue 2 money and there is no requirement for low income or anything of that sort with Issue 2 money. Mr. Cooper would you just quickly tell us about Issue 2 money and how we get it?

Jim Cooper: Basically every year we get money from the State from a Bond that was passed last year for the next 10 years called Issue 2 money. In 2006 we had \$350,000.00 Grant for Mifflin Ave. Booster Station. In 2005 a Water Treatment plant softener, in 2004 Sandusky Street Water Line. This money is there. We worked with the County, they receive some of

the money, and we receive some of the money. It helps us immensely in upgrading our infrastructure throughout the City. It is very valuable to us and it saves the citizens a lot of money. But the Hillcrest situation; the sidewalks were basically a safety issue because of the traffic there and since we improved the street, we put the sidewalk in on the one side.

Robert L. Valentine 1: Jim could I ask a question? I sat on that Committee a few years back and I don't think you could apply Issue 2 just for sidewalks could you?

Jim Cooper: We upgraded the street and the sidewalk came along as a safety issue with it.

Robert L. Valentine 1: The reason I brought that question up was because a number of people, who I talked to, said well why couldn't we do that? I tried to explain if you apply to the Issue 2 you would not get it for sidewalks alone.

Ruth Detrow: I have found that several cities are using Block Grant Money and this is something else I am asking you. I intend to have a Ward Meeting where we can discuss this and talk about it as much as you want and I will listen to whatever you have to say. We are going to hold it in the Annex at the Justice Center on Thursday April 26, 2007 at 7:00 PM. Any of you, especially Ward 3 people, cause that is basically who I want to hear from, I am certainly not going to check to see what Ward you are in when you come in the door, but I want to know where you would draw the line between people who have to put in new sidewalks and people who don't have to put in sidewalks. I am very interested in that. I want to know how we can help people who just don't have the money to put in the sidewalk. I am thinking that maybe we could use some of our Block Grant money if it were in a neighborhood that met the criteria for lower to moderate income. My house is in a lower to moderate income area but not everyone's is. I can't believe just the five of us are ever going to come up with something that the people of Ashland think is fair. Right now I cannot fathom how that is going to work. I want to hear from you on Thursday, April 26, 2007 at the Annex, that is the big room clear down on the end of the Justice Center on the end of the Sheriff's Dept., closest to the street and you will come in the door that is out there by the street, on 250. I want to know your solutions. Obviously you are not pleased with what we have tried to do. After all we do work for you. I think it is a lot tougher. We are talking about the entire City to keep people safe. That is my suggestion. Hope all of you will be there.

Paul Wertz: We have had the sidewalk program for 15-20 years and several Work Sessions over that time and nobody from the public seemed to be interested and now it is affecting everybody and we are interested. So I think we all need to get input from you people so I am going to do the same thing as Ruth Detrow is. On Monday, April 23, 2007 at the old Pleasant Street School 2nd floor at 7:00 pm, I am going to have Ward 4, for community input, to see how you want to do it. Park behind the School.

Mayor Strine: Paul has mentioned that for the last 15-20 years, I think it has been a little longer like 30 years at least that we have discussed sidewalks. Finally it has become an issue because of the City's liability for sidewalks that aren't in repair. When I say the City's liability, that is you folks. If we get sued because the sidewalks are beyond a certain depth off and I have read \$ 1 Million dollar suits, \$ 2 Million dollar suits and that is what I am personally concerned about. I would hope through all of this, Council continues to support as I think all of you have said, continue to support the fixing the sidewalks that we already have. New sidewalks are another issue and I think with all of the comments, that Council revisits that.

Glen Stewart: At this point in time, I am going to start here in the front row and I think that is the best way. We will just go back and forth and if you have a comment, please share it and if you can do it in a couple of minutes, that would be really appreciated. Please rise and give your name and address and make your comment.

Carlton Emmons: Most of you know me, on Miller Street and the situation down there. I don't think that the curb, we should have to be paying for and I have not been able to get it in a City Ordinance where the curb situation is there, the property owner has to take care of the curb. There are a lot of people in this town and do they know if this sidewalk situation involves the curbs? I don't think so.

Mayor Strine: It doesn't in every case. It does where there is a combination curb/sidewalk.

Carlton Emmons: We do not have a combination curb now. That is a freestanding curb and it was sandstone. Now when the City put in the new sidebar, the storm sewer down through there, that is when our sidewalks got crushed. I had pictures of those trucks on the streets and part of that was Dick Cooper, they were in charge of that, but they have since been destroyed. I know that is making you laugh, but that is good. I am speaking here in behalf of Frank Baker, Mr. Howell and Mr. Welch. As far as the cost of it, I have no problems with the sidewalk but I do have a problem with a curb and we all do. And for low-income, I think we want to know, like on Race Street, How did they apply for that? Can we apply for that? We are all retired.

Mayor Strine: I think those are issues we will have to address at the meeting.

Frank Baker, Jeromesville, Ohio - I don't mind putting a sidewalk in but I want to know, I have property on Cleveland Avenue too. There is 6 feet of sod between that and the curb. Do I put a new curb in; I do not need a sidewalk.

Glen Stewart This is a sidewalk program where there is a tree lawn between the curb and the sidewalk. Mr. Cooper?

Jim Cooper: Basically, we will not look at the curbs with this program unless it is right next to the sidewalk. In my opinion, they since put the curb and the sidewalks together. The City will pay \$ 6.00 dollars a clip for that and when we change that Ordinance, Council will pass that and increase it per lineal foot. It doesn't cover the whole cost but it helps a lot. On 100 foot, that would be \$ 600.00 dollars.

The \$ 6.00 does not cover the 50% of the running foot.

Robert M. Valentine: It helps; I mean we could not pay for all of it. We are trying to help.

Ruth Detrow: Mr. Emmons, I did some checking and I could not find anywhere in our Codified Ordinances that property owners are responsible for the curb, in fact, it seemed to me it was totally silent on it and whenever our Ordinances are silent on something then we have to go to the State, Ohio Revised Code and it does say in there that the property owners are responsible for the curb as well as the sidewalks.

Mr. Emmons: If you declare that.

Bonnie Manas, Countryside Drive: I came here this evening mainly in my best interest in my neighborhood that I am advised now it is a concern of the whole City and I appreciate everything you are doing to resolve this problem that everyone has. I think the residents of Countryside, they do not want sidewalks. They kind of feel segregated maybe from the rest of the City because a part of their land is, the land is land-locked from the rest of the City. The Streets kind of speak for themselves. Countryside would want to have that look with no sidewalks. The lots are quite large out there; it would be quite expensive to put sidewalks in. There is not really a security problem there right now, even though there could be. If you were thinking of sidewalks, maybe streetlights would be something else that would need to be looked at if it was a security issue. So that is basically my comments. I also wanted to know, if this has been a problem for 15 years, why hasn't there been money set aside, a goal set over those 15 years to do something instead of all of a sudden. Here we are with what to do. Can we start setting money aside so over this 10-year program we can have money to help some of these residents to solve this problem?

Glen Stewart: If I may, I would like to respond to your question and in my comments I said this Council took the Bull by the Horns. I have served on other Councils as the rest of us on occasions and the Council could never come to the conclusion that they recognized the need, but they didn't want to take the gaff that comes with it. We recognized that there is a need especially for repair and if you travel at any of the subdivisions that have been put in since 1988 they have sidewalks and it is a goal that we are moving forward. We have pondered this a long time, and a lot of Work Sessions. It didn't come up overnight. It didn't even come up with this Council. We have had a Council change as Robert Valentine Ward 1; Robert Valentine Ward 2 had come into this after we had started it and it had been going on for sometime. Why we did not set money aside for it? You have to be in agreement you want to do something before you start setting money aside. Is that a good reason? Maybe not. But we have taken the action that we really all feel the absolute need to repair those sidewalks that are in disrepair. That is a liability to all of us, whether it is your sidewalk or someone across town in the event that the community is sued, it is our money. It is not their money. Bonnie I understand that and it may not answer your questions, but it has been a very difficult trek we have taken and we recognize the need to hear and go back and listen and get input on how we move forward with this sidewalk plan, keeping in mind we still want to repair those sidewalks that are in disrepair. I will hope that no one is in major conflict with that.

Cliff Hubler, 863 Woodview Drive: I have some questions here. The question of waivers. What is the timeline of all the waivers that has been given to new property owners that built homes that didn't have to put sidewalks in. What is the timeline on those waivers?

Glen Stewart: They have varied, but generally speaking we have recently given 1-year waivers.

Cliff Hubler: I live on Woodview Drive, and where I live we have sidewalks on both sides of the street and people still walk in the street. If they can't walk 3-4 abreast, they won't walk on the sidewalks. Most people are around walking in groups or in a line. And to do that, you have to do it in the street.

Glen Stewart: I live out there too and I see a lot of people on the sidewalks but that is okay.

Cliff Hubler: I have property on Parkwood, and it was built in 1946, there were no sidewalks in that area. There are some sidewalks in the area; a fellow built a new house across the street

10 years ago may be 15, he put a sidewalk in and he must not have asked for a waiver. Right beside my property is a brand new house, just built this last year, no sidewalk. My property will have to have some major grading done to put a sidewalk in to meet your specifications. It is a corner property. I have lived on Edgehill for 40 years. I have paid for that new area of Edgehill, I have paid for the improvements on Parkwood. I have seen sidewalks put in on Hillcrest that is not up to City specs. You cannot have that 2-foot off of the curb and say that is up to specs. Mr. Bowers lived on that street. He put a sidewalk in 40 years ago. Has this Ordinance been in the books for 40 years?

Glen Stewart: No it has not. The primary Ordinance that we have responded to is Ordinances requiring repair and maintenance and if Ordinances that require new sidewalks post 1988 developments. When this Council looked at it and we felt we needed sidewalks throughout the Community and that is what we are speaking about that part of it this evening. We are getting the input and we are hearing basically I am not sure we want sidewalks throughout the Community.

Cliff Hubler: I blame the Administrations for giving all of these waivers way back to the contractors to save a few bucks. This is where the problem has come. All of these houses were built with no sidewalks and there should have been sidewalks and they were never put in. Now you are coming back and telling the homeowners, "You have to put the sidewalks in!" That is going to affect the resale of that house if they try to sell it before that sidewalk is put in. As long as that is hanging over their neck. Those are my comments.

Glen Stewart: Keep in mind that Valarie is recording all of this and it will be typed up and presented to us in Minutes as accurately as she possibly can, exactly of what you have said. Do not come in the next morning and want to look at the minutes because it is going to take some time.

Mac Wright: 1080 Elmarna- I don't like the fact that it will be hitting the pocket book. I am retired and moved to the City and I thought I would like it, but my taxes went up about 30% in 9 years. It keeps on snowballing and I really don't think we need the sidewalks in our area anyway.

Roger Fair, 1132 Columbus Circle S.- I didn't come prepared to make a speech but I really have enjoyed the information. What really motivated to get me here tonight is I understood that Paul Wertz was giving bowling and golf lessons.

Bob Thiel, 1726 Woodhill Drive- I just got back from Florida, I have interest in what is going on. I understand your decision is basically a concern with safety and traffic. What studies have been done in making your decisions of who gets sidewalks?

Jim Cooper: We have a number of main thoroughfares with traffic study in the past years; we have done Rt 250, set up traffic studies in the past 6 years to look at this. I would say we looked at primarily Claremont, Center, Main, possibly Troy, Cottage Street; those main thoroughfares have been safety issues especially if people are close to the street. Once we get a way into the residential areas where there is very little traffic, hopefully that is what Council will take a look at.

Does the same principal apply to the Countryside area then? Have you established the need or not the need?

Jim Cooper: I think it is the plan all over the City. Safety is a major concern.

Glen Stewart: The plan is shown in the hallway, the ten year plan and how it moves around the City and the traffic studies, there are going to be streets that if our community says we do not need sidewalks in these "Neighborhood Streets" and if the Council decides to go that way, I would think it would be a decision that one would have to look at to see whether we want the Engineer to do a traffic study. I cannot tell you if it would be 10 cars per hour or 100 cars per hour that makes the traffic study. It is something that would need input from you at Ruth De-trow's and Paul Wertz's meetings.

Don Aten, 316 S. Countryside: First I would commend Council for reconsidering and taking the time in making this decision. I think you are meeting the needs of the Community at this stage of the game. The answers to that, I don't know. I am sure there are some for the same reason that we decide where stoplights are. The Mayor mentioned there was concern for City Liability, I am a little confused; If we, the citizens have to pay for our sidewalks and we have to maintain the broken sidewalks, aren't we responsible for the liability?

Mayor Strine: I can only tell you that I have seen cases where the cities have big losses; I don't know the answer to your question.

Don Aten: As we know, anybody within a mile of us, in situations there may be lawsuits, but I think the responsibility comes down to the property owner for the fact that, if I don't clean off my sidewalk I can get sued for that and the City cannot. I think the liability is more on the homeowner or the landlord than it is on the City.

Cal Keefer, 1391 Co. Rd. 1356: To answer your question with minimal input, until I actually drove around and I do read the paper a lot to see how you all have progressed through this and it wasn't until I added up the 11 houses that I will probably have to put sidewalks in for that I realized that maybe I better attend one of these meetings to see where we are going. My cost estimate is around \$20,000.00 and that is me doing the work myself. They are all rental houses and to absorb that I would probably have to raise the rent on these people which 5 or 6 of them could not afford that. The biggest question I have is you said for the last 15 years you have been working on this now. When I build a house, I kind of have an idea of what I am going to have in it before I start. Has anyone taken a lineal foot of how many lineal feet this City needs? I think if someone would do that, it would stagger this Council on how much money that the residents of the City of Ashland would have to actually spend. I am sure some sidewalks do need repair and to defend you guys on the waivers, I have 11 houses that have waivers. There is a lot of Engineering that has to be done with a lot of these houses. If you would put one sidewalk in with the next house having a 3-foot cliff, there would be a lot of liability, so I can defend you guys on these waivers that every house can not have a sidewalk put in until the whole street is in to absorb that.

Larry Ware, 1516 Southwood Drive: I moved to this area in 1987 and came to Mansfield for a job transfer and chose Ashland as my home. Bought a lot from Ward realty and Bob Simonson built a home for me and I had no knowledge of any sidewalk litigation or rules and regulations and from my perspective I am looking at a retaining wall, a new driveway, money well beyond what I think I should have to. And had I known at the time that I had built that there was some impending sidewalk situation; I could have graded the lot entirely differently. There are a lot of people in this town that don't have the resources and in a lot of cases there is a great deal of more than just laying down a sidewalk.

Tom Klimklevicz, 328 Parkside Drive: We do not see a problem, so we do not need a resolution to a problem that does not exist. Besides money, lot of us are afraid of losing their yards. I own a corner lot, I figured it out, it would be roughly 30% of my lawn for a sidewalk to be put in. The different meetings with the Wards I think is all well and good but I think if we are going to have meetings it should be one centralized meeting cause this effects people from all over the City.

Robert Baker, 407 S. Countryside: I want to thank everyone that has taken the time to come here tonight to speak about this and I want to thank Council for taking time to reconsider their decision. I just have a question about the meetings and there were statements made regarding that you had meetings before and no one has responded to them. I suspect it is kind of like our announcement of the meeting tonight, but no one outside of the room knows about it. What do the Council people do to publicize the meetings that you are going to have?

Paul Wertz: The Times Gazette has it in and so do the radio stations.

Robert Baker: I read the paper everyday and I never see anything about the meetings other than the ads I pay for each week to talk about having the meetings. So are you people going to have an ad in the paper stating you are going to have a meeting next Tuesday or next Thursday.

Glen Stewart: Yes, it will be announced and sent to the Times Gazette by our Clerk. If the TG elects to not put it in, we do not pay for ads in the newspaper to announce public meetings, that are not a requirement. I don't know if Mr. Wertz or Mrs. Detrow want to incur a cost to put a paid ad in, I do not know that but we are making the announcement this evening, I am relatively sure, not firm sure, but I am sure that we have a reporter in here tonight and I would be absolutely amazed if in tomorrow or Thursday's paper the meetings are not announced. She does a very thorough job of covering our meetings in content.

Robert Baker: I would like to invite the reporter of the Times Gazette to attend one of our meetings that we have as far as the community people; I think once you said you were going to attend one.

Glen Stewart: I should add that the Mansfield News Journal and some of the Radio stations are also advised.

Terry Baker, 407 S. Countryside Drive: From speaking with several of the elderly residents of my neighborhood, I have a couple of statements from them as well. We are indeed supportive of sidewalk repair but with no verifiable safety issues for our neighborhood, we have to question the fact of the need so I am just here to present this to you. Mr. Bruce Needham and Mrs. Ruth Strouse.

John Chorpening, 1126 Overlook: I would like to thank Council for considering a moratorium on the new sidewalks. I would like to suggest for the repair of sidewalks, the ones we currently have that we use \$100,000.00 + that was put in to the General Fund.

Glen Stewart: I do not know what General Fund you are speaking about.

Mayor Strine: It is not money that we have.

Anna Tomasek: We currently have a sidewalk fund called Fund 435, and it is funded by; if City goes out and borrows money and we have not done that. We have a City responsibility for the Tree Root problem and that money comes from Fund 405 which is the City's investment. That is currently how we handle sidewalks.

John Chorpening: So it goes into a fund created \$140,000.00 + that they were going to loan people.

Anna Tomasek: We have money appropriated for \$100,000.00 dollars. There is a County Auditor fee of 2% plus there would be interest rate cost.

Robert M. Valentine Ward 2: Say for instance \$1000.00 to do your sidewalk, 5 years 200 dollars a year on your taxes. Up to 10 years depending on how much you borrow.

Mayor Strine: The only way we would borrow that money is if say for instance, the plan for this year that 200 houses had to get new sidewalks put in, under that plan currently and say 100 of them said they would pay for it themselves and 100 of them said they would like to be assessed so for us to come up with that money, we have to borrow that money and then collect it over 10 years.

John Chorpening: So that is not allocated from the General Fund.

Mayor Strine: No. It is not money that we have, but if we went through the process and we had to appropriate it in case we did.

Chris Price: My Husband usually comes. I am really confused, cause I have been at Countryside, 141 S. Countryside and we have been here 4 ½ years and this is the very first time in the last 6 months when we got involved that we have heard about these sidewalks. I know everyone of you up here have said in the paper or whenever it has been planned for 15 years but there is so many people in the community that don't have a clue what is going on and when they found out 6 months ago, they all wanted to get involved.

Glen Stewart: One of the major challenges this Council has is the communication with the Constituents. We put our basic Agenda and the Legislative Items in the paper and we announce our Work Sessions, it is announced with what the topic will be and if we move into an Executive Session it has to be announced and there are only 4-5 areas we can actually cover in an Executive Session. I am not being critical of anyone. The fact of the matter is until it hits people in the pocketbook and someone in the neighborhood gets wind of it or gets excited about it and starts talking to the neighbors, that is when things start to boil to the top and that is what is happening today and that is perfectly all right. We have had Work Sessions and lots of them, the minutes are available and If someone wants to challenge that, we have the records of that and can go back and find them. I am pleased you are here and are sharing with us. We are hearing it and you are echoing what we have been hearing in letters and phone calls for the last several weeks and we have been discussing amongst ourselves how we handle this. Don't take that wrong, we have not been together as 5 Councilman or 3 Councilman. Paul and I have talked. I have talked with all 4 Councilman one on one and I did not blindsided anyone this evening, the Council, the Mayor and the Law Director basically what was going to be presented tonight. We have heard the City and we want to hear more. Paul and Ruth are going to be posting those meetings and I heard someone say "Why don't we do

it all at once?" Item no. 13 tonight, we will set a date for a public hearing but we are not there yet so bear with me that is part of our Agenda this evening. Are there any other Comments that anyone wants to make on sidewalks tonight?

I would like to make one more; you were talking about safety for the people and the new development. What has been done to take Rt 250 to put sidewalks in out there? If you have driven out through there, people are walking on Rt 250, you are waiting for an accident to happen there.

Glen Stewart: I do not have a solution, but we did have a meeting with ODOT last Wednesday and the question was asked of the ODOT Director. If we choose to put sidewalks out there, can we put them in the highway right of way and he said absolutely yes, if you can move very close to the fence line, that is not a high speed highway and yes we could put sidewalks in there if we chose to. There are obstacles, how do you get under Rt 42 Bridge? How do we get across the creek? Well he said the Creek isn't a big problem, it is a foot-bridge, it is all dollars, how many people will use it? We have crossed the hurdle; yes they will give us the right of way to do that; it was not the topic of the meeting, but it was a question that was asked at the meeting and his answer was yes.

The City would not be putting that up there would they? The business would put those up wouldn't they?

Glen Stewart: Yes, I believe they would.

Cliff Hubler: You know where we live, you cannot here that fire siren, the winds in the North, we can here it, if the wind is in any other direction, we cannot hear the siren out to the Fairgrounds in our area. It is a safety problem.

Glen Stewart: Chip Poland is the contact and the County actually handles this in his division.

Mayor Strine: I would like to comment on the communication issue. We have all tried different things, On the Web, we tried City Walks, we are also going to try July 19. In an effort to solve this problem of communication, we are going to have a community picnic at the pool and invite everyone out there, and if you like to swim, we are going to have a lot of different things going on out there; to make people more aware of what is going on in the City, also that night there is something out at the Band shell, so stop and have a hot dog and hamburger and whatever with us. My point is we are trying to make efforts to close this communication gap but we do not know how to do it. So anyone that has any suggestions, we really want to hear from you because it is our desire to hear from you. We do not like to blind-side anyone anymore than we like to get blind-sided and so this sidewalk issue blindsides you if you haven't heard about it. We would like to know how to reach out to you more.

We've gotten letters sent to us about these sidewalk issues, didn't everybody?

Mayor Strine: Not, only if you were in the district that it was affecting, so somebody in the 10th year would not get them until the 9th or 10th year.

When will we know about the length of the Moratorium when you decide on that?

Glen Stewart: Well, as I have stated earlier, I would like to have 6-8 weeks but hopefully we can get our groups together and have our public session or sessions up here with everybody together. I don't want to be President of this Council and rush in and do something without all the input that we can possibly get so it will not impact if it goes on 8 weeks, that is not going to impact repair procedures. It only impacts the new sidewalks in the areas where there are no sidewalks today in the area that is supposedly getting sidewalks this year.

You know I am not going to be the most popular person in the room by mentioning this and I have nothing against repairing the sidewalks but I would much rather look at something like a City wide sales tax or something like that to help the people that repair the sidewalks that are existing than to worry about putting sidewalks in front of my house where I do not even want them.

Glen Stewart: I think we are addressing that. That is why we are here this evening. We are here to talk about where people do not want sidewalks. I think we are trying to address that. If we are not addressing it, then we have missed the point of this whole meeting. Our we addressing that people? I hope our communication is not so bad.

Yes.

All I am saying is that I would be willing to help someone who has a sidewalk that needs repaired and help repair their sidewalk then to put a new one in front of my house and make that person repair their existing sidewalk.

Glen Stewart: Via sales tax?

Mayor Strine: I think that theory is excellent, we can't do a sales tax but....

Item:

There is going to be a Special Council Meeting next Tuesday night, April 24, 2007 at 7:00 pm for the consideration of a Resolution and/or Ordinance relative to the sale of land to the Ashland Community Improvement Corporation for the Novatex project. The CIC has been through all of the motions of getting this financed, it is all worked through, however the City is selling 4.9 acres and it has to come before City Council to take that action via an Ordinance so we are going to meet here at 7:00pm next Tuesday night 4/24/07 and that will be the only item on the Agenda. A Special Meeting for that purpose and that purpose only.

Item:

A public Meeting input regarding the renewal of the Armstrong Cable Franchise agreement is scheduled for Tuesday May 8, 2007. We do not have a contract, we have a Franchise and believe me Guys and Gals, we are very limited on what we can demand, we can ask for a lot, but there is very little we can demand, unfortunately it is Governed by other Government bodies but the process tells us we will have a Public Meeting, gather input on this Franchise agreement and we will present that information to Armstrong, they in turn will build a new Franchise agreement proposal and bring it back to us and the agreement expires in one year, May of 2008 so we are starting the process to make sure we follow that through. Now I want to set a date for public input regarding the Ten Year sidewalk plan.

Robert L. Valentine Ward 1: I think all Council received a letter from Walter and Hagerfeld, Attorneys out of Cleveland.

Richard P. Wolfe II, Law Director: I gave it to the Mayor, and he gave it to you. There is Legislation being discussed at the State Level that will take cable services out of the requirement to get franchises and part of this is coming from Telephone Companies trying to get into the field of Cable Service and they are not playing by the same rules because the Telephone Companies are not required to get a franchise for Cable service because they operate in a different fashion. There is a lot of Legislation being discussed at this table. I don't think this requires any action on our part right now, it is just kind of an FYI.

Robert L. Valentine Ward 1: As far as setting prices, we have no control over that at all.

Richard P. Wolfe II, Law Director: So much of that has been changed by the Federal Communications Act that relates to Cable services, that happened 10-15 years ago. A lot of that has changed and now the State is dealing with the issue of telephone services. Technology is changing.

Robert L. Valentine Ward 1: My point is like Glen said, we really don't have much control over the price. They set the price.

Richard P. Wolfe II, Law Director: Our main concern is the use of our right of way and that is our main thing, protection of public right of way regardless who we are using, so that is our main focus. The price is a market issue, we do have impact and try to encourage certain types of packets or bundling. I think current franchise is hearing that and we should wait till we see what kind of proposal they come up with before we make any presumptions about it. May be a lot of our concerns will be satisfied.

Item:

Date for our Public Hearing strictly devoted to Sidewalk Input for the Community, and I would like to do that after Ruth Detrow's and Paul Wertz's Ward meetings and I don't know if Robert M and Robert L. Valentine are going to have Ward Meetings.

Robert M. Valentine Ward 2: I would like to have everyone in one place for a meeting.

Robert L. Valentine Ward 1: I would also like to have one general meeting but my question is where will we have it?

Richard P. Wolfe II: The fact you are setting a meeting date for input doesn't preclude people from submitting their personal or individual concerns in writing, in fact we might want to encourage that because if there are individual circumstances that need to be addressed, rather than somebody talking in front of a large group of people about a particular problem, if they submit that in advance, then that gives us the opportunity to review it, consider it. People should be encouraged to submit their particular concerns in writing so we can accumulate these and become aware of them and consider them in advance.

Glen Stewart: If you choose to contact City Council with a specific or a general comment regarding sidewalks or any other issue, it is 206 Claremont Avenue, Municipal Bldg, Attn: City Council and right sidewalks on the envelope and they will all come to Valarie, She will have them all copied for us and there will be a record of them.

How about Thursday May 10, 2007 at 7:00pm at the Justice Center Annex Bldg., 1205 E. Main Street, Ashland, Ohio 44805 and the sole purpose of that meeting is additional sidewalk input

MAYOR'S COMMENTS:

The actual date of the Picnic is July 19, 5:00 pm to 7:00 pm, Upper Pavilion so please stop by and enjoy the picnic and also those who would like to we are having the Mayor's 5 K City Walk, April 28, 2007 at 8:30 am at Ashland University to collect money for the Under Privileged Children's Fund that is used for Kids who can't afford to pay for City Swimming Pool, Golf, Recreational Facilities.

Glen Stewart: Executive Session report, we had an Executive Session and that session was to start an Evaluation process on an employee. If there is nothing else to come before Council tonight, I would entertain a Motion to Move to an Executive Session to continue with the performance evaluation of an employee.

Moved by Robert M. Valentine Ward 2, seconded by Robert Valentine Ward 1.

AYES: Robert M. Valentine 2, Robert L. Valentine 1, Ruth Detrow, Paul Wertz, Glen Stewart

Adjournment at 8:35 PM by Glen Stewart.

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

Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Ruth Detrow, W3, Paul Wertz W4, Stewart,

Submitted by
Valarie Bishoff
Clerk of Council