
Ashland City Council

MINUTES FOR THE REGULAR SESSION OF COUNCIL Tuesday, September 16, 2008

Council President Glen Stewart called the meeting to order at 12:00 P.M. Noon

ROLL CALL

Ward 2:	Robert M. Valentine	Present
Ward 3:	Ruth Detrow	Present
Ward 4/President:	Paul Wertz	Present
At-large	Stephen Stuart	Present
Ward 1:	Robert L. Valentine	Present

PLEDGE OF ALLEGIANCE

MINUTES: None

Legislation:

Ordinances:

BOARD OF REVISION OF ASSESSMENTS: Report

The Meeting of the Board of Revision of Assessments was called pursuant to Section of 105 of the Charter of the City of Ashland to consider the vacation of the following alley as described in Resolution 10-2008

To vacate: a certain 16 foot north-south alley, situated between Lot Nos. 541, 542, 543, 544 and 776, North of Ashland for the north line of Lot No. 542, North Ashland being the south right-of-way line of West 10th Street (36') to the south line of Lot No. 776, North Ashland, being the north right-of-way line of a certain 16 foot east-west alley.

Move by Wolfe and seconded by Stewart to recommend the vacating of said alley.

Ayes- Wolfe

Nays- Stewart and Tomasek

Recommendation not to vacate of said alley

Meeting adjourned at 10:31 am.

See Minutes of the Board of Revision of Assessments for detail.

Mayor Stewart: The Board of Revision and Assessments has evaluated the request to close the alley of Ordinance (a) and we have voted to recommend that it not be closed.

Robert L. Valentine W1: What is the rationale behind it?

Mayor Stewart: The rationale behind it is that it is an alley that continues to be used and has been maintained by the city and our tradition is alley's that are vacated are normally either totally owned on both sides for a distance that does not include any other access by a common property owner or it may be a grassy area that has not been used or never been developed as an alley and adjoining property owners agree that it should be vacated or they would like it vacated. This alley is still used, it is maintained by the city and it doesn't fall into either one of those criteria.

Robert L. Valentine W1: Didn't the people who live there sign the agreement?

Mayor Stewart: Because they signed it does not establish the need that the city give up the right-of-way Bob.

Robert L. Valentine W1: Did we do a traffic study?

Mayor Stewart: I don't know if we did a traffic study or not. Is that a request of this Council? We know that cars drive through it. There are certainly not as many as drive through Cottage Street but I am concerned that it is an alley that has been developed; it has been maintained and it is used and it does not fall into a criteria that we normally close or vacate an alley on. That is all I can say about it.

Robert M. Valentine W2: First thing is I was there the other day for one hour with Neil Kady whose Insurance Company is right there, walking around the house, measured the alley for a good hour; not one car came through there the whole time I was there. Second thing is, that alley is only roughly 11' wide. It says it should be 16' wide. So as far as I am concerned, if we are going to keep that alley open, it needs to be 16' wide; am I right Mr. Cooper?

Jim Cooper: It is a 16' right-of-way.

Mayor Stewart: There is encroachment into the right-of-way.

Robert M. Valentine W2: Right; so we are going to have to deal with that, right?

Mayor Stewart: If we choose to, yes.

Robert M. Valentine W2: Well because if it is supposed to be: a very narrow alley as far as I am concerned.

Richard P. Wolfe II, Director of Law: I would like to be heard on this issue. The Board of Revision of Assessments consists of the Mayor, the Law Director and the Finance Director. I think it should be noted that the vote was 2-1. I think the Mayor was speaking to his rationale. My rationale was to approve the vacation of the alley for the reason that 1) there is an encroachment in the alley that we need to address and the vacation of the alley would solve that problem. 2) I view the standard as whether it serves a public purpose; not whether anybody uses it but whether it serves a public purpose. Those are not the same thing. In my view it doesn't serve a public purpose. It may for a couple of people serve a convenience; but I felt that there was just cause to vacate the alley and help solve the encroachment issue. Now also there was a concern about whether or not the adjoining property owners would have access to their garages or to their properties and that is always something that is retained in any alley vacation is access for purposes of ingress egress; so that would not really be an issue. There was a difference of opinion. Now the fact of the matter is according to the language of our charter, if the Board of Revision of Assessments does not recommend favorably vacating the alley, then Council is unable to take any action on the matter. So at this point, the Ordinance is something that Council may not entertain because there has not been a favorable recommendation from the Board of Revision of Assessments.

Robert L. Valentine W1: Otherwise, they are oversight?

Richard P. Wolfe II: Yes, it is. It is true.

Paul Wertz: So we can't vote on this to pass or not to pass?

Richard P. Wolfe II: That is correct, you cannot.

Anna Tomasek: The only comments I have is; the reason is that I voted no is when I drove the alley, I couldn't even get through; it looked like it was being used for a public purpose. It is a highly used alley in my opinion.

Richard P. Wolfe II: At the meeting you stated that your reason for voting in favor of it was the access issue.

Anna Tomasek: Yes the access issue and the use of the alley. It is definitely being used.

Robert L. Valentine W1: So when you viewed it; a lot of cars went down the alley, is that correct? How long did you view it?

Anna Tomasek: Yes. I went on Friday, August 8, 2008 and went down again on the following Friday, August 15, 2008 and couldn't get through either time and actually the one time Cooper and I drove the alley together.

Robert L. Valentine W1: You couldn't get through?

Anna Tomasek: No. There were cars coming at us and I could not get through. I had to wait until the cars parked in their garages to pull through in the alley.

Robert M. Valentine W2: I was there for an hour and I stood in the middle of it and never had a car come through it.

Robert L. Valentine W1: The Charter says we have no control, is that right? Council has no control?

Richard P. Wolfe II: The matter does not come before Council unless the Board of Revision of Assessments recommends that the Alley be vacated. That is section 105 in the Charter. The language is what it is. Part of the material I provided Council in the packets was a matter of general information addresses Alley vacations, street and alley vacations so perhaps part of that will be answered in that material in that research I provided to you. It wasn't directly related to this issue; it is a general issue.

Paul Wertz: Rick, what happens if somebody buys that house?

Richard P. Wolfe II: The encroachment issue is something I think we have to address now. We had three choices; we could ignore it, which I don't is acceptable; we could have vacated the alley, which would have solved the problem; or we could choose not to vacate the alley and then I think now we have to order the encroachment abated or there is yet another possibility that there could be a petition of our own volition or someone else's to narrow the alley so that the encroachment; so it is no longer 16' alley, it is a 12' alley or something of that sort and that would eliminate the encroachment and keep the alley open. So that is a possibility and I think it is something we need to look at.

Robert L. Valentine W1: Is there any standard for the width of an alley?

Jim Cooper: We have some alley's that are 12' wide, in fact, Jerry some alleys are hard to get through.

Jerry Mack: One problem with an alley is when they were put in years ago; they had a certain specific place to go. Over the years as they have been paved and driven on, that alley may have moved 4 or 5 feet one way or the other just by virtue of traffic and so on. So who knows where that alley really is?

Richard P. Wolfe II: Alley's are different widths and many of them are very old and one hundred years ago a 12' alley was fine.

Paul Wertz: A 12' alley; is that close to the minimum.

Jim Cooper: Well again, it is so old that some of them may squeeze a little less than that. But I would think that one would want at least a 16' alley.

Paul Wertz: One end of this particular alley that we are talking about; we measured from this fence to the brick building was 11' 3". Since we cannot do anything now. But we need to address this.

Richard P. Wolfe II: And yes you cannot entertain the Ordinance at this time.

Paul Wertz: So we will move on to the next Ordinance

Ord. No. (This Ordinance cannot be entertained this evening)

Item (a) AN ORDINANCE TO VACATE A CERTAIN ALLEY SITUATED IN THE CITY OF ASHLAND, OHIO AND DECLARING AN EMERGENCY. (Scanlan Alley Vacation)

Ord. No. 50-08

Item (b) AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ASHLAND OHIO, TO ENTER INTO A CONTRACT WITH FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC., (CLERKS); AND DECLARING AN EMERGENCY.

Move for non-reading in full by Ruth Detrow, seconded by Robert L. Valentine W1 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 W2, Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1

Cherie Helterbridle Bailey: The Clerks chose to unionize. There were under the Ordinance. They are now with the FOP and they have a contract which is about a 3% increase. A very standard wording. It mirrors much of their previous contract and if we have to answer questions, I do not know what to say to you other than it is a very standard contract for 5 or 6 people that are clerks.

Robert L. Valentine W1: How many people are we dealing with?

Cherie Helterbridle Bailey: You know I think that it is 6 people. That is not exact, but it is not 10.

Richard P. Wolfe II: Is this an employee group that had been in the union and did get out of it and now they are back into a different union?

Cherie Bailey: Yes. They were in a union and then went into the Ordinance and now in a Police officers FOP. They chose to unionize under the FOP.

Questions or comments?

Move the Ordinance be passed on the first reading by Robert L. Valentine W1, seconded by Stephen Stuart 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 W2, Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1.

Move to suspend the rules, 3 separate meetings, 3 separate nights, by Ruth Detrow, seconded by Robert L. Valentine W1 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 W2, Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1.

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

Ayes: Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1.

Ord. NO. 51-08

Item (c) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ADVERTISE FOR BIDS AND TO ENTER INTO A CONTRACT FOR THE BUCKEYE STREET/MARLO AVENUE SANITARY SEWER REPLACEMENT PROJECT WITHIN THE CITY OF ASHLAND, OHIO; AND DECLARING AN EMERGENCY.

Move for non-reading in full by Robert M. Valentine W2, seconded by Robert L. Valentine W1 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 W2, Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1.

Jim Cooper: This is our CDBG project for the year and Marlo/Buckeye Street, we designed this in-house. We just finished the design in the last two weeks. It is a \$125,000.00 dollar Engineering estimate and it is needed because of many of those houses have back flow preventers. The Sewer lines are not aligned properly. They are very old and this will solve the problem of both the sewer back-ups even though we will probably leave the backflow preventers in. It is an improvement.

Paul Wertz: This is a matching grant, right?

Jim Cooper: It is not matching; I think it is about \$72,000.00 from it with the other \$52,000.00 dollars.

Stephen Stuart: What happens if the bids come in over \$125,000.00?

Jim Cooper: We go 10% over. If it is over 10%, it is automatically rejected.

Robert L. Valentine W1: The problem I have always had with this government is that you let them know what you are going to spend. I do not understand that.

Jim Cooper: We are fortunate enough to have enough contractors bid on many of these jobs. We should have 8-10 bids on this, on our water lines 15. So that \$125,000.00 ideally, we might get 115,000.00.

Richard P. Wolfe II: It is lowest and best responsive bidders. There are 3 elements to that. And I want to add. More often than not, in fact most times, the Engineer's estimate is on target and that is not something that the bidders can use for their benefit. It is a target and it is what we think it should be and the range it should be in. Often times the bids are under that and they should be under that because they know if it is over, then they are going to be rejected and they have to sharpen their pencil and do their best. It is important to note that the Engineer's estimate is a good target. It serves us well generally.

Ruth Detrow: Lowest and best, I understand, but responsive, what does responsive have to do with it?

Richard P. Wolfe II: Lowest is not always best and so it is a combination of lowest and best and responsive is and Mr. Cooper can help me. With the specifications, there are various things that the bidders must respond to and sometimes they have irregularities or they don't meet the formalities and sometimes there is

something that can be waived but other times they are essential. The question is; are they responsive to the specifications. Did they address themselves to what is in the specifications or did they skip over something that is important.

Jim Cooper: When we do the bidding process, we ask for their experience. We ask for projects they have done in the past so we can check on those. They might not have been responsive to the time frame required of having them done. We have a time frame constraint. They might not be responsive as far as the quality of the work that they do and in those cases then we can reject them for those reasons.

Ruth Detrow: So it is lowest and best and most responsive.

Richard P. Wolfe II: Let's say for example, we specify a certain kind of pipe and they bid a different kind of pipe. That may not be important, it may be very important. It varies from project to project. Sometimes people either forget to or don't submit a bid bond. That is important. That is responsiveness. When we get the bids, we don't automatically except somebody. There is follow-up. If somebody is extremely low, and we think wow that is a great bid; sometimes that is a red flag to say well something is wrong, maybe they made a mistake. We look at the unit pricing. Unit bidding. There have been times we have found math errors. There have been times where somebody underbid it and we don't think they can perform it for that price. It is too good a price. There are a lot of variables and a lot of oversight that goes into the bidding process.

Jim Cooper: If I could just add one more thing. Your point is well taken and if we were in a small community with very few contractors and they knew that there might be only one or two bids and you had a target bid. If I had a good working relationship with the contractor that is one thing, if I didn't I would go in and take a chance and bid it \$2000.00 dollars under and should have been \$20,000.00 dollars under. We are fortunate we have a vibrant area here and that is not a problem. The other thing is though we do review all of these bids and we try to make sure that if there is a discrepancy and they are too low, we will call them as we don't want to be in a position where if they made a legitimate mistake or an error or we feel they are going to shortcut things if they go with that bid and we talk to them and we don't get a good feeling, we will at least personally, I would prefer on my end to make sure that we are going to get the right product and don't worry about them doing things behind our back.

Richard P. Wolfe II: A classic example is many years ago, a bidder was almost too low to be true and we awarded the contract and we shouldn't have. He actually tried to withdraw his bid after he made it. And then we had problems with the contractor all the way through. Extras. And then we ended up going to court to get him off of the contract so that is why you go through this process because we don't want this same kind of thing to happen again.

Questions or comments?

Move the Ordinance be passed on the first reading by Ruth Detrow, seconded by Robert L. Valentine W1 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 W2, Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1

Move to suspend the rules, 3 separate meetings, 3 separate nights, by Paul Wertz, seconded by Robert L. Valentine W1, 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 W2, Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1

Move that the Ordinance be passed by Robert M. Valentine W2, seconded by Stephen Stuart.

Ayes: Robert M Valentine W2, Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1

Ord. No. 52-08

Item (d) AN ORDINANCE AMENDING ORDINANCE NO. 49-08, AUTHORIZING CERTAIN LAND BE LONGING OT THE CITY OF ASHLAND, OHIO, TO BE SOLD THROUGH THE COMMUNITY IMPROVEMENT CORPORATION; AND DECLARING AN EMERGENCY.

Move for non-reading in full by Robert M. Valentine W2, 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 M Valentine W2, Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1.

Mayor Stewart: This is an Ordinance that we presented at our last meeting and through my own error we did not have the detail defined as it should have been and to the satisfaction of the criteria that should have been within the Ordinance so this Ordinance amends the past Ordinance. It specifically defines the property. You will see that there is a description of the property, a survey of the property. There is a map. The acreage is spelled out as 6.164 acres and the purchase agreement is attached and the deed restriction is an exhibit B of the purchase agreement is attached. The price has remained exactly the same. It is \$51,000.00 dollars. The \$10,000.00 dollar down payment that will come upon the transaction of this agreement through CIC and then upon May 15th or when they move in whichever is earlier, they will pay the balance of \$41,000.00 dollars.

Robert M. Valentine W2: How much of that money, Glen goes back to the loan on the property?

Mayor Stewart: I have to ask Anna that. That is paid for isn't it?

Anna Tomasek: We paid off the Ohio Department, all of it in December of 2007.

Robert M. Valentine W2: So all that money goes where? Back in general fund?

Anna Tomasek: Capital Improvement Fund, Fund 405.

Mayor Stewart: So this is an Ordinance correcting some deficiencies that I presented.

Questions or comments?

Move the Ordinance be passed on the first reading by Ruth Detrow, seconded by Robert L. Valentine W1 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 W2, Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1

Move to suspend the rules, 3 separate meetings, 3 separate nights, by Paul Wertz, seconded by Robert L. Valentine W1, 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 W2, Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1

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

Ayes: Robert M Valentine W2, Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1

Resolutions:

Res. No. 19-08

Item (a) A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

Move for non-reading in full by Robert M. Valentine W2, seconded by Robert L. Valentine W1 to invoke Section 113.01 of the Codified Ordinances as the distribution of this Resolution has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

Ayes: Robert M Valentine W2, Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1

Anna Tomasek: This is a Resolution that establishes the rates of revenue in the general property tax for the City of Ashland for the 2009 Tax budget. Schedule A actually lists the actual amounts of revenue that will be received for property tax for 2009. The City of Ashland has millage of 3.4 mills inside and .5 outside and the .5 is for Park levy and the remaining amount of property tax will go to the general bond retirement fund and to also pay for the police and fire pensions which is on schedule A. It is required that this Resolution be passed before October 1, 2008 and needs to be submitted back to the County Tax Budget Commission.

Questions or comments?

Move the Resolution be passed on the first reading by Robert L. Valentine W1, seconded by Stephen Stuart 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 W2, Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1

Move to suspend the rules, 3 separate meetings, 3 separate nights, by Paul Wertz, seconded by Robert L. Valentine W1 to invoke Section 113.01 of the Codified Ordinances as the distribution of this Resolution has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

Ayes: Robert M Valentine W2, Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1

Move that the Resolution be passed by Ruth Detrow, seconded by Robert L. Valentine W1.

Ayes: Robert M Valentine W2, Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1

WARD REPORTS:

Councilman at Large

Stephen Stuart

(a) Where are you as far as Storm Debris and I indicated that there would not be free pick up at the curb?

Mayor Stewart: If I may I have a statement I can read to address that. In order to make the brush clean up as efficient as possible for the Arborist department City of Ashland, I would like the residents call the Arborist department at 419-289-8239 to schedule your brush pick up and chipping. Stacked. To help yourself and to help the city, stack the brush at the tree lawn with the large ends toward the curb and that will help reduce the handling time and you pay by 10 minute increments, so you will help yourself in cost there. The maximum size limb that our equipment will handle is 8". All the brush from the city's trees, in other words those in the tree lawn will be handled by the city at no charge. Tree lawn trees are our responsibility. Privately owned brush will be charged at the rate of \$13.50 per ten minutes of chipping and \$20.00 dollars per 10 minutes for all other customers. So residential customers have a \$13.50 charge per 10 minutes. Approximately a pickup truck load of brush can be chipped in about 10 minutes. Incidentally, the charges are based on an Ordinance dated 95-06. Brush chipping will take priority over scheduled tree takedowns, stump grinding and tree planting at this time. We are going to concentrate on getting the brush cleaned up from the storm. It is estimated that the brush will all be chipped within the next 3 weeks utilizing the Arborist 4-man crew. That is the plan that we have to dispel any questions I hope this addresses the issue. Call and make an appt and it will help both yourself and the Arborist to try and get as many in a row as it can as the calls come in.

Stephen Stuart: That answers my questions. The second part of it was what happens to limbs that are part of the tree lawn and that was answered.

Ward 2 Robert M. Valentine

- (a) I had a few calls. I talked to Mr. Cooper about a couple of them. I talked to Mr. Wolfe about some high grasses, unsightly properties. They both have done well. Jerry did some things. The Mayor helped me out with trimming being done. We just have to keep at it right Rick? I appreciate all of the help.

Ward 1 Robert L. Valentine

- (a) The only call I got was from Mr. Scanlan and he apologized because his sister died and he wanted to come here to the meeting tonight and couldn't come.

Ward 3 Ruth Detrow

- (a) The only questions I had were about trees and I have those answered.

Ward 4/President Paul Wertz

- (a) Rick, I would like to thank your office and Darlene for some things you have done up there. Make sure Darlene knows that.

Richard P. Wolfe II: As Mr. Valentine stated, it is just an ongoing process.

OLD BUSINESS:

Richard P. Wolfe II: I passed out a packet to all of Council members, Mayor. There are several things addressed in there. One is the sidewalk issue. I had a couple of meetings with Councilman Valentine senior about the sidewalk criteria and I presented some material for you for your consideration and it should be fairly self explanatory but if there are questions, give me a call. There is also, I had some concerns about our procedures pertaining to zoning changes and alley vacations and I provided some research and information to you on that. I have also provided some information to you pertaining to the designation of depositories and this material comes from the state statute; the Uniform Depository Act. We are presently considering an amendment but I really think that may be inappropriate because once we have designated depositories, that pretty well establishes it for the term of the designation for the reason that our own Ordinances and the State statutes provide for banks to make application prior to the designation. This should have occurred back in January of 2007. I don't know but I presume that the banks that we have listed in the Ordinance that we are presently operating under did make application for both the inactive and interim deposits. If they didn't then they would be inappropriate to make deposits in those facilities and to change that now I think is questionable. So I provide that material to you for your review. I provided it to the Finance Director as well and when it comes up for consideration further we can discuss it after having been better informed.

Anna Tomasek: I think you should research the Depository agreement. I know in the past we have amended, City Council has approved on many, the Depository agreement in the past to add or to remove banks so I just think we should review that.

Stephen Stuart: I received a letter some time ago from Ev Devaul regarding the recommending Council consider renaming the street going into Brookside Golf Course, in memory, in honor of George Valentine and I was wondering when we might address that issue.

Richard P. Wolfe II: There is a provision in the charter about changing names. I think it is the same section that has to deal with vacating streets and alleys. You might want to have a look at that which I believe is in your packet. Council I think can initiate that if it chooses. Have a look at that section and I will as well and we can try and answer that question.

Robert M. Valentine W2: Well the good thing is it is not going to cost us anything; Mr. Ball said he would get the money together and buy the sign.

Richard P. Wolfe II: The only thing about that is you have to consider how often you are going to do that kind of thing. What kind of a practice is that going to be? I am not speaking for or against it I am just saying you have to consider are you going to name a street after somebody on a regular basis or how and when are you going to do that and this particular street is the one entering the course so that would certainly be a distinction. 105 Vacation or change of name. Council may initiate that action.

The Golf Course is 1399 Sandusky Street.

Richard P. Wolfe II: Is it actually a street? There are a couple of instances where that kind of thing has been done at the Sheriff department, Sturgill Drive. It can be done.

NEW BUSINESS:

- (a) Petition request for annexation of 69.452 acres (more or less) Montgomery Twp.- Wil Research Laboratories, LLC – 1407 Twp Rd. 805, Ashland, Ohio 44805 (60-day waiting period)

Richard P. Wolfe II: This has already been approved by the Commissioners when the commissioners entertained the matter, this was an Expedited Annexation. Forward the Resolution to Clerk of Council and clerk of Council received that Resolution for a 60-day period that begins to run, Council will entertain that matter at the first Regular meeting after the Expiration of 60 days which we have already calculated to be the second meeting in November. The first meeting in November would be one day short so we are going to move it to the second meeting and so that will be on the Agenda November 18 to accept the Annexation something we have been working on for quite a while. It has been a very cooperative process and we have worked very well with folks from Wil and their attorneys and we are moving forward.

- (b) Advertising on private property: political campaign, to be distributed weekly for the Election for Steve Johnson. Sample is with it in a bag to be hung on the door. For the Democratic Party.

Richard P. Wolfe II: He called me and explained to him the process and pursuant to that he has filed an application. It seems to be appropriate to grant the application.

Motion to approve the advertisement by Paul Wertz, moved by Ruth Detrow, seconded by Robert M. Valentine W2.

Ayes: Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1.

MAYOR'S COMMENTS:

- (a) Power outages with the community. I had two reports between 4 and 5. One coming from our Homeland Security Mark Rafeld and another coming directly from Ohio Edison and believe it or not they are both very similar. These reports were basically based from about 3:00 p.m this afternoon to my understanding, there were between 850 and 1000 homes in the county still out of power. 48 linemen have returned, however they are from Redding, Pennsylvania; but have stopped here to work in this area. The Ohio Edison individual that I spoke with felt that by Wednesday midnight, the vast majority of homes in the county would be back with power. Now he did go on to say, there are going to be those individual homes that have had significant damage to their specific service that they might not get back on but the majority of the 850-1000 they hope to have back on by midnight tomorrow night. That is not a lot of consolation to someone who has been out of power for 4-5 days. The emergency preparedness Director Mark Rafeld was very responsive in getting back with Larry and Ohio Edison or First Energy called me and gave me similar information. That is where we are at with the power outages from the storm that we had Sunday afternoon.

Robert L. Valentine W1: Mayor, are most of these out in the county or in the city?

Mayor Stewart: No, there are still quite a few in the city. I think our Engineering Director is the recipient of one of those with no power.

Jim Cooper: I have been going to bed at 8:00 p.m., it is incredible.

Comments or Questions from the Audience: (Only items pertaining to the Agenda; and that opportunity will be given following the reading of the Ordinance).

Keith Ballantyne: I am a little confused about the chipping. In the paper I thought it said, if you put it out on the tree lawn, they will come along and chip it automatically. I didn't know if they charged for it. It made it sound like you also had to make an appointment? Is that true?

Tim Clingan: The procedure has always been that we prefer that you call because someone may choose to be having someone else come to get it. And we would not know that. So we cannot just automatically pick it up.

Mayor Stewart: As a matter of fact that was the case on Broad Street. At noon time today there was a private contractor taking chipping and quite a pile of debris from there; it would be a rather uncomfortable position if you had called someone to come and chip it and we went by and chipped it and sent you a bill. It might not be very satisfactory. So call in, not to make an appointment but to just call and let them know.

Motion to adjourn meeting by Paul Wertz, moved by Robert M. Valentine W2, seconded by Robert L. Valentine W1.

Ayes: Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1.

ADJOURNMENT AT 7:45 P.M.

Submitted by
Valarie F. Bishoff
Clerk of Council