
Ashland City Council

MINUTES FOR THE REGULAR SESSION OF COUNCIL May 19, 2009

EXCERPT

Council President Paul Wertz called the meeting to order at 7:00 p.m.

ROLL CALL

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

Note: Throughout the minutes, Robert L. Valentine and Robert M. Valentine are designated as to their Ward representation, W1 and W2.

PLEDGE OF ALLEGIANCE

PRESENTATION OF MINUTES

- (a) *Regular Session 5/5/09*
- (b) *Special Session 5/7/09*

No Corrections or Comments.

Motion to accept the Minutes by Paul Wertz, approved by Robert M. Valentine W2, seconded by Robert L. Valentine W1.

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

LEGISLATION

Ord. 40-09

Item (a) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ENTER INTO A CONTRACT FOR CONSULTING ENGINEERING SERVICES FOR THE DESIGN, BIDDING AND CONSTRUCTION FOR THE WASTE WATER TREATMENT PLANT TRICKLING FILTER PUMP VFD MODIFICATIONS PROJECT; AND DECLARING AN EMERGENCY.

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

Mike Hunter: By this Ordinance, we are seeking permission to getting and start the services going for our trickling filter above ground storage tanks. If you have been to the Waste Water Treatment plant, you will see the two large tanks. They have a filter mechanism at the top which is in the distributor that takes the wastewater and pulls it across the media for treatment. At the base of that, we have a pump house. It is a fiberglass structure, it is leaking. It sits on top of what contains the pumps that are in question. Back in 1990, I believe it was or very early 90's; we switched from a basic float control situation to a VFD. VFD is a variable frequency drive. It allows the pumps to come on, ramp up slowly. Takes the spike out of the electricity. It is a more efficient operation. However the power lines going to that building are above ground; they are not in a conduit. The building itself is leaking and really the structure inside needs to be rehabilitated. It is not a safe situation with the lines going overhead, they need to be buried. The building needs to be worked on and we may need to have the VFD's looked at, at this time. And that is what this will allow us to do as far as design and bidding for construction services.

Paul Wertz: The 19,800.00; is that the total cost for everything?

Mike Hunter: That's for the design and bidding of construction services. Not the actual construction.

Ruth Detrow: When you say it is not safe; do you mean; or what could happen?

Mike Hunter: Where currently the power lines, 480 volts are overhead and not in a conduit. They are just strung across and they are hanging down. What's happening, is the insulation over the years has lost its capacity to insulate so the wires are heating up inside the insulation itself and it is causing a trip out situation. It is just not a good situation. It needs a replacement of lines and put in conduit and bury it. That is the safest way.

Robert L. Valentine W1: I am just curious. How long does something like this take before it is improved; 6 months, 3 months, 1 year? How long does it take?

Mike Hunter: To complete the construction, it should go rather quickly. I would say somewhere between three to four months. It really shouldn't take that long. It is not a huge project. But again, it has to be done. We have to bury the lines. We have to rehab the building and we also have to check with the updating. So it shouldn't take extremely long period of time to actually affect the construction part of the project. This however is just for design, bidding and construction services that will be provided by the design engineers.

Robert L. Valentine W1: I guess my concern was that the idea of safety, it was that serious a situation.

Mike Hunter: This situation Sir, has been in effect for several years now. It is just degrading now to a point where we seriously have to consider.

Stephen Stuart: Mike, what is your estimate in terms of when it will be ready for bid?

Mike Hunter: It is basically pre-fabbed fiberglass type building setting on a concrete slab. So I don't believe it will take an inordinate amount of time. I would say 60 days at the most. Less than that, 30-45 days.

Ruth Detrow: Remind me again; VFD is what?

Mike Hunter: Variable Frequency Drive. It allows the pump to come on, ramp up slowly. It takes the spike out so you don't have to pay for that spike in our electric bill.

Ruth Detrow: So it saves some money?

Mike Hunter: Yes.

Questions or discussion?

Moved by Ruth Detrow, seconded by Stephen Stuart that the Ordinance be passed on the first reading to invoke Section 113.01 of the Codified Ordinances as the distribution of this Ordinance has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

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

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

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

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

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

WARD REPORTS:

At-Large Councilman Stephen Stuart

- (a) I just want to report that the first meeting of the citizens committee that is looking into the Brookside Golf Course was very informative and the next meeting is scheduled for Wednesday, May 27, 2009 at 11:30 am and I think Bob, you are going to serve on that?

Robert M. Valentine W2: We are going to switch because I cannot make these Lunch meetings. I work.

Ward 2 Robert M. Valentine

- (a) I got an email from a lady about a high yard and I called Rick's office and talked to Melissa and she hooked me up with the inspector and she is supposed to go look at it. So I took care of that.
- (b) I got a couple more emails on the Recycling and it just kills me because of that. I don't understand that everyone in town thinks it is the city's fault. It is not. The County controls it.
- (c) I got a letter from a Diane Steiner that lives at 528 Grant, had a little problem the last week that AU was in session and you got a copy Mayor and Dr. Fred Finks and Chief Miracle so I am hoping that with those other two guys that got the letter, it should be taken care of.

Ellie Grubb: If I may, I have drafted a letter to her to acknowledge her letter. I talked to Chief Miracle and to her point she is asking that we be prepared next since school is now closed (kids are now gone) but before it happens next year, we can perhaps do a little bit more patrolling. Chief Miracle said that is one of the things they are going to do at a specific time of night and she was indicating these things are going on.

Robert M. Valentine W2: Well it is a good thing the University knows; they are the ones that rent the house. Hopefully they won't rent to the same people next year.

Motion to move into Public Hearing by Paul Wertz, moved by Stephen Stuart, seconded Robert L. Valentine W1.

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

PUBLIC HEARING: # 2 CDBG Program 2009 at 7:10 p.m.

Larry Paxton: The objectives for our grant this year, we received \$86,000.00 dollars in pre-grant monies. \$12,900.00 dollars of this money will be used for public service for public transit. 11,600.00 dollars of it will be used for public rehabilitation building and equipment and that is designated to the Associated Charities that you folks decided on. \$50,000.00 of it will be used for the water facility improvement of the high service pump and the replacement of the pump at the Water Treatment Plant. The city will use \$10,000.00 dollars of that money for the General Administration of this grant and the \$1500.00 dollars of it for Fair Housing. We advertised this in the paper and is required by the grant those numbers and the program as of this day we have not received any correspondence on that.

Questions or discussion?

Motion to move back into Regular Session by Paul Wertz, moved by Robert M. Valentine W2, seconded by Robert L. Valentine W1.

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

WARD REPORTS (cont'd)

Ward 1 Robert L. Valentine

- (a) I have had a lot of questions and discussion on recycling. I haven't talked to anyone yet that didn't appreciate what is going on and I think there is misunderstanding, I think Bob probably mentioned that. It is the idea that someone is throwing darts. The Mayor had given us some alternatives, things you were looking into and I think you have already said that you were going to report on that later on. That is important. They keep getting letters. It would be helpful if they knew who to contact.

- (b) The next thing is I received a call about grass cutting and it came to a pretty good ending because two days later the neighbor had cut the grass, so I didn't have to call anyone on that one.
- (c) I had another one on barking dogs. I think that is being taken care of.
- (d) Center Lane. As far as posting speed limits in municipalities, it is 25 mph unless it is posted otherwise, is that correct Rick?

Richard P. Wolfe II, Law Director: I believe that is correct.

Ward 1 cont'd

Well the concern from the people on Center Lane are; so many that walk in that area all the time. There are a number of people who run there. That street is used quite often. It goes into Baney Road. It is Crestview right there. People come off of Claremont. I talked to the Captain of the Police force and we talked about it and he said he is going to take it to the safety committee about posting some signs and I understand there is a problem when you do that too. Because people want the sign in someone else's yard. There is a problem. People are starting to get irate when they talk to me about it. I think he is going to bring it up to the committee and I think I mentioned this about Center Lane last year too but my understanding was maybe, misunderstanding that it was 35 mph. Otherwise everything went well. Thank you.

Ward 3 Ruth Detrow

- (a) I have received many questions from my constituents about the situation with our Finance Director and I hate to bring questions up when she is not here but then she hasn't been here for 2 months. So I am going to ask the questions and ask the Mayor and the Law Director if they can shed any light on this because we have just gone on way beyond long enough on the situation. The first question came up often from people within the city that has to do with the police and fire pensions. Are they paid up to date and do we have enough money encumbered to pay them for the whole year 2009?

Mayor Stewart: The fact of the matter is, is that we, we being my administration, this Council, appropriated the appropriate amount for the year 2009. However, the third quarter and fourth quarter of 2008 had not been remitted nor encumbered. The bottom line is that there are four accounts. There is one Police account and their regular account, there is a Fire Account and a Regular Account and there is a 236 for Fire and a 238 for Police which are individual revenue accounts to assist with their retirement. The two individual accounts have been drawn out. One of them is overdrawn, possibly both of them and the two main accounts for which we appropriated the appropriate amount assuming we would pay four quarters have 52 and 54% of the funds remaining. But unless something was paid since April 1st print out that I have, nothing has been paid into the fund for 2009. I want you to keep something in mind, 2009 first quarter January, February and March is billed in April and is due in May. But, nonetheless, even though the bill may be due in May, the funds for the first quarter and the second quarter are available. When they are paid there will not be funds in the account as appropriated to pay the last two quarters. Now last year, 2008 we didn't pay the last two quarters but we didn't encumber it either. So the bottom line is, as it is appropriated today, there is not enough in the budget to pay the full year out.

Stephen Stuart: Where we thought we had an unencumbered balance to start the fiscal year in the general fund of a little over \$900,000 dollars effectively or unencumbered balance should have been about \$450,000 dollars. So we have got about \$450,000 dollars that was not paid in 2008, not encumbered and not really planned for in 2009. I think this was probably two weeks into January, Paul you and I had met with our Finance Director on another matter and I had looked in the December Financial Statement and it didn't look right to me and I asked Anna, how come we only paid 32 and 34% respectively of our Fire and Police pension what we had appropriated for 2008 and she said well we appropriated way too much in those accounts. Well if that is the case, what are you recommending for 2009? And that amount was about \$125,000 dollars more than what had been appropriated in 2008, which was way too much. And obviously we spent much more in 2007 than what we paid. You know and unfortunately not making that payment is an error that a beginner should not make. That really should be encumbered at the end of every payroll period so that you never get into a situation like that.

Mayor Stewart: That is where we are today from my perspective. And I am not a Finance person but I am going off of what I said, it is in the April , it is 5/1/09 print out, the statement of cash position and that is what I am going by.

Ruth Detrow: I hate to think I have three more questions. The second question that I have been hearing from many, several people. The Finance Director said she was available 24/7 to Ashland. Stood right back there, held up her cell phone and said I am available 24/7. We now know that letters from the Mayor and Council have gone unanswered, emails from the Mayor and Council have gone unanswered. Does anyone have anything to justify this?

Mayor Stewart: I am not prepared to respond to the justification.

Ruth Detrow: I am not either. I don't want to accuse someone of something; I just wish she were here. The last I heard, and that was 5/18/09, the auditors had not received the information that the Council and Mayor sent a letter to the Finance Director asking for. That was as of yesterday. The first letter, we all signed was dated April 27, 2009 and what it asked for was basically two things. We asked for the 12/31/08, end of the year cash bank reconciliation. That was 139 days ago. And we asked for the balance of debt information. That was one of the letters that was ignored. It was sent again and I think finally it was at least acknowledged, am I right Mr. Mayor?

Mayor Stewart: I talked with the auditors, he is a partner, Don McIntosh, one of the two gentlemen that spoke to us as of Monday, the 18th of May, I have a statement from Mr. McIntosh that says: I doubt we get the city's financial completed for the May 31st filing deadline with the Auditor of State. Even if we received the information Thursday, which is unlikely, my advice is to protect the city and submit a filing extension request with the Auditor of State. I thank you and the Council President for letting that happen. I think you and the Council President would need to sign it. I will have Mindy email you the request forms and also a copy of the auditors state bulletin that speaks to the issue.

Stephen Stuart: The Cash Reconciliation December 31st should have been done before the books were open for the new fiscal year. I mean that is something that you do if not before the, actually the end of December, you do it within the first week of January and we are still waiting for that information.

Robert L. Valentine W1: So Mayor, probably the June 1st date was established for her to leave. Is it going to happen?

Mayor Stewart: Oh I cannot comment on that. I have no way of knowing.

Robert L. Valentine W1: Well it won't be done.

Mayor Stewart: According to the forecast of the auditors, that is correct. They will not be able to submit the financials, and not have them completed for the May 31st filing deadline. I am not going to comment on that.

Robert L. Valentine W1: The point I am trying to make here; the letter that was sent to all of us, was for her to resign as of June 1st or.

Paul Wertz: Or when the audit is done.

Robert M. Valentine W2: Yes, that was on the letter. So basically all she did was to guarantee herself another \$1400.00 dollars a week for another month for not being there. So she is ripping the city off \$1400.00 every week she is not here. That is my feeling. I am calling it like I see it. Her main thing was, I always do what is best for the citizens of Ashland. Not ripping \$1400.00 bucks a week from them is doing the best for them. Especially when you can't even get a hold of her. And she is putting us behind on our tax deadlines. That is even worse. As far as I am concerned that is criminal.

Ruth Detrow: One more question I have and this is the one I have been asked more often than any other question and you have already touched on it Mr. Valentine. When is the Finance Director going to stop drawing a paycheck from the city of Ashland, her resignation letter was accepted many weeks ago. And we just heard the qualifications. That is what most of the people who; just people on the street. People I have coffee with. People I get phone calls from. That is what they are asking me. How can you in good conscious pay that woman when she is working somewhere

else and she is letting the city get this far behind. That is my report. I take no pleasure in it at all. But I think the citizens of Ashland need to know what a mess we are all in together.

Mayor Stewart: Ruth, if the question is directed to me, I can't answer that one either. I have no way of responding to it.

Ruth Detrow: No, none of us do. But every week the paycheck is going out, or every two weeks to her.

Paul Wertz: So does anyone want to say anything else on this? We called the Ohio Ethics Commission. Ohio Ethics Commission basically says there is not a whole lot we can do because she is an elected official. Unless she does something wrong. To me she is doing something wrong but I don't know how we can handle this.

Stephen Stuart: So ethically and morally there is no answer to this situation. How can anyone explain the situation where someone is drawing two full pays for two full time positions and not working one?

Paul Wertz: My concern on this is, what happens if you want this audit done in time, and the state doesn't give us an extension who is going to pay the fine? That is putting everyone on the spot.

Mayor Stewart: I have never been in that position but if a fine is levied to the city, I think you already know the answer to that.

Paul Wertz: Any more Ward report.

Ward 3: Ruth Detrow

(cont'd) - Just one more thing. I think all of us have spoken at one time or another about some legislation. Since I am spilling the beans on everything and am the bad guy here, I am going to just tell you about that too. I and others on Council have suggested that perhaps we should look at a way to make sure this can never happen to us again. And there is a way to do that and that is if Council passes legislation to put on the ballot the opportunity for the voters to change the Charter so that the Finance Director is not an elected position but is a position that is and my suggestion is appointed by the Mayor, approved by Council and has to be a part of a Finance committee. This is a terribly important job. But if someone gets that job and is a loose cannon; you see what can happen. It is ultimately up to the voters however. We can put it on the ballot. We have that power. Each of us has one vote. It is up to the voters whether they want to change that or not. But I have asked Mr. Wolfe and from his letter, others have too. If Council decides to agree, we will put it on the ballot and that's it. It is up to you.

Ward 4/President: Paul Wertz

(a) I would like to thank Jerry for mowing. The person called me back and thanked me. So I appreciate it Jerry. That is all I have

OLD BUSINESS: None

NEW BUSINESS:

(a) Sidewalk Waiver Request Form: Calvin Keefer, 164 Sunset, Ashland, Ohio 44805, Lot 2239- (Tabled from 5/5/09 Regular Session).

Calvin Keefer: My name is Cal Keefer, this is my wife Lynn. I was in here last month or 2 weeks when talked about it. I met with Larry. There still seems to be a little disagreement. I am not in disagreement about sidewalks because at various properties in Ashland, I have put sidewalks in without even talking to anybody. But first let me say that for the last eight years, my wife and I have started a mission of properties in Ashland. We have bought a whole lot. We buy up old lots north, south, east and west side of Ashland. High efficiency one family dwellings and we rent them out. We have spent about $\frac{3}{4}$ of a million dollars in the past eight years in Ashland. I have used all local help. I buy all my material here. We have about 1.6 million dollars worth of properties in Ashland. I pay city income tax on the

profits I make. I have never had to come before this Council. I still request it, until the widening of that road is aligned with the north side of that road. I would request that the sidewalk not have to be put in until the city decides in the future that that would be done so the sidewalk I put in will not have to be taken out and moved. That is just my request. The only request I have ever made for the city. That is all I have to say.

President of Council, Paul Wertz: Council any questions or discussion?

Robert M. Valentine W2: I went up and looked at it. I talked with Mr. Keefer at length. I have a problem because I am in the same situation where I live on West Main. My sidewalk goes in front of my house and stops and then there is nothing. And it goes two houses this way and then there is nothing. We have talked and I looked at it and the offset and the way that lot is going to slope. I have a problem with that and I think Mr. Paxton. You had talked to him maybe in the future and that was going to be widened and I just feel that making somebody put three grand into that and maybe four or five years down the road ripping it out; I have a problem with that. Especially with the way the economy is right now. I wouldn't mind if he took that around right to the catch basin and then sloped the yard so that all would run to that catch basin. I have been up there two or three times to see it and I have never seen anyone walking on that sidewalk from those Condos anyway, plus when it comes out front I have never seen anyone walking up there and once you walk out to the end, you are in the middle of the street, if he puts it in. It just doesn't make sense to me. I am all for the sidewalk policy but like we said before; we need to look at some of these as a case-by-case need, which we are doing. In good conscience I can't make a guy spend three grand when I don't think he should have to. Now if there were sidewalks all the way up there and he needed to match his up, yes but that is going to look weird with the way that offset is. I know that road is going to need to be widened and on that south side of the road, there is more sidewalk. Did you see the sidewalk on the other side of the road? And then it stops and it goes nowhere. So I have a problem with that. I talked to him about it, when up there and looked at it, talked to some engineers at work. At this time I don't know.

Stephen Stuart: What is the likelihood of that road being widened?

Larry Paxton: I can tell you at this point, there are no plans to have Southview widened. The problem is that you have the neighborhood falling under different guidelines when they constructing it, required a larger right of way and did require sidewalks, but the older neighborhood was built before the sidewalk requirement was put in. You have my recommendation and that is fine. If you choose not too, well that is fine too. It is entirely up to you.

Paul Wertz: The older part of Southview doesn't have curbs either does it?

Robert M. Valentine W2: No.

Larry Paxton: Just as Bob said, across the street there is one.

Robert M. Valentine W2: And the thing that gets me is Mr. Keefer's driveway is here and the neighbor next to his driveway is down here. And I am going to tell you what. Water runs downhill. Every time it rains, that guys driveway is going to fill up. We are going to get calls about that too. You can see it, it is terrible.

Ruth Detrow: So you are suggesting that we not require any sidewalks?

Robert M. Valentine W2: I would suggest,

Ruth Detrow: I mean at this time, do not require sidewalks at all or are you suggesting that we follow our Acting Director of Engineering's recommendation?

Robert M. Valentine W2: My suggestion, and I understand where Larry is coming from but I also am looking at it from a monetary standpoint. It wouldn't be bad if you brought that; it comes down and goes to the catch basin. I am more worried about drainage. That is a really flooded neighborhood sometimes.

Larry Paxton: As far as the drainage, Mr. Keefer's house is; the east downspouts are tiled to a catch basin so the only drainage is going to be off of the lot and yards as you would experience heavy rains or the driveway running out across down the street. The roof has downspouts on it and they are draining to the storm sewer from that perspective. But the yard does not have drainage. It is a concern of Mr. Keefer and the Engineer, and the building and zoning department about the drainage out there, trying to establish a sidewalk and some drainage.

Robert M. Valentine W2: I think all that machinery that went back in when they built that, it just crushed that; that road is awful. It is alligator pavement. It is all ready to fall apart other then they crack seal it back together.

Robert L. Valentine W1: Mayor, are we in the process of looking into an Engineer in the future?

Mayor Stewart: Well I can answer that; I made an offer to a man this morning.

Robert L. Valentine W1: I guess my question being, is it possible for us to o get someone on board who is certified that could make a decision on this? Do you see what I am saying?

Mayor Stewart: I don't necessarily believe it is an Engineer's decision. It is a Councilmatic decision to either put a sidewalk in or not put it in. The Acting Director has made a recommendation and that is all a professional Engineer would do for the Council is make a recommendation because this Council has established a policy.

Robert L. Valentine W1: I guess what I am trying to do is give an alternative here so we don't let it die.

Mayor Stewart: I set on the committee for a year and a half; I know what you are saying. You have options. The options are from my perspective; it goes in, you deny the request; it doesn't go in, you have approved the request; or it does not go in at this time with a waiver for a period of time. I cannot tell you anything more than that. I don't know if or when that street will be widened. Going on into the new subdivision. And it may look at your subdivision I think there is some language in the sidewalk relative to when the subdivision was established. You recall that Bob? That may present another option. I don't know that. I shouldn't be offering that because I am not the Law Director. We established; subdivisions established after a given time, I think it was 1988, they get sidewalks; subdivisions before 1988, I am not sure; I am not clear in my head what the Council position is on that at this point in time. Sunset would have been prior to 1988.

Ruth Detrow: Well why don't we just accept the request for a waiver; only make it for a couple of years by then may be we will have things a little bit more organized.

Robert M. Valentine W2: I would go for that. I know we have a policy but you got to look at some of these cases case-by-case.

Mayor Stewart: I was up there with Mr. Keefer last night and I was up there about a week and a half ago by myself. I have been up there twice. The offset, the elevation, I personally don't understand why it has to be level with another sidewalk. There can be a grade foot to it. That is just my opinion. I am not speaking for building and zoning.

Larry Paxton: The new sidewalk would be seven inches off the center of the current straight. Not the height of the Southview Condominium. It would be lower.

Mayor Stewart: I am not technically astute enough to; I don't know where the center of that street is and what the elevation is. The street is in a state of variability. I hear what you are saying. But the decision has to lie with this body. The recommendations can come from outside of this body. The request comes from the property owner, the recommendation is coming from the Engineering Department; but this is where the decisions lie.

Questions or comments?

Robert L. Valentine W1: The only thing I see, I have seen all the waivers we have given in the past and they are still there way beyond the time limit. I would propose that we give a waiver of one year.

Richard P. Wolfe II, Law Director: I would suggest you consider whether you do it now or whether you do it later consider a waiver that relates to the physical conditions that are the issues you are concerned about. The offset, the street width, topography. Just simply a waiver as to time isn't going to solve anything. I don't know if you are prepared to do that tonight but I think if you are going to grant a waiver, it should relate to the physical conditions that are the reason why the waiver is being requested. Not just simply an issue of time. Because all you are going to do is just postpone the issue until a year from now and you are going to have the same questions.

Ruth Detrow: I agree, how would we remember to bring it up when whatever the conditions are met? That is the problem I see with basing it on.

Richard P. Wolfe II: I don't think you have to worry about remembering. If the street is widened; if there are other sidewalks in the area and if there is alignment that would coincide with Mr. Keefer's property than he has to conform to the area. I am not an Engineer, but that is what I am hearing that is part of the concerns here. It is not a question of remembering it, it is a question of when those things happen.

Calvin Keefer: You would have my word if that would happen; I would put the sidewalk in.

Ruth Detrow: And I believe you would.

Richard P. Wolfe II: The circumstances would speak for themselves. If the road is widened and there are other sidewalks in and there is not his, it shows the problem. He would have to put a sidewalk in and that is what Council has done in the past in areas, it's made a requirement when other sidewalks are in the area, in this particular case there are different factors that relate to the problem. I respectfully suggest that if you grant a waiver that it relate to the conditions, that are the reason for the waiver request, not just simply a matter of time.

Robert L. Valentine W1: I think you have a good suggestion. What verbiage would you use?

Richard P. Wolfe II: I don't know. I am not prepared to formulate that at this instance. I am not an Engineer. Perhaps Mr. Paxton can assist with that. I don't think we want to keep dragging this out for Mr. Keefer but I think it is clear that Council's desire is to grant a waiver and you are not just quite sure how to formulate it.

Robert L. Valentine W1: So we can table it.

Robert M. Valentine W2: We don't want to keep tabling it. We have tabled it twice.

Richard P. Wolfe II: I understand what you are saying but I think if you are going to do it, you should do it right and in a way that you are comfortable with. If it is Council's desire to grant a waiver that relates to the physical conditions and the street width and the other sidewalks and some alignment, I think we should ask for some assistance from the Engineering division to address those specific issues and we can prepare a motion for you to entertain at the next meeting that will yield that.

Mayor Stewart: And what we are telling Mr. Keefer right now, if you can't take a vote on that. I think individually it looks to me like you are all in saying yes.

Robert L. Valentine W1: Yes

Robert M. Valentine W2: Yes

Ruth Detrow: Yes

Stephen Stuart: Yes

Paul Wertz: Yes

Robert M. Valentine W2: We are not going to go back on our word here. But if Mr. Paxton could help us out, I think that would be great.

Mayor Stewart: I am not speaking for anyone.

Motion to put Sidewalk Waiver (Calvin Keefer) back on the Agenda in two weeks with the Engineer Language by Paul Wertz, seconded by Robert M. Valentine W2.

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

Nay: Stephen Stuart

NEW BUSINESS (cont'd)

(b) Sidewalk Waiver Request form: Ashland Conveyor Products, Inc., 1919 Cellar Drive, Ashland, Ohio 44805, Lot location- East side of Cellar Drive between Faultless and end of the street- Lot number- tract.

Paul Wertz: I got an email from Tim Swineford, he has family problems and will not be here this evening but I think we all agree with what we originally discussed about sidewalks in the Industrial Park before.

Robert M. Valentine W2: Right. We don't want them out there.

Robert L. Valentine W1: There aren't any now.

Questions or discussion?

Motion for a complete waiver, no sidewalk required by Robert M. Valentine W2, seconded by Stephen Stuart.

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

Mayor Stewart: Mr. Paxton is going to speak to the potential street paving that we are preparing to bring before Council for the next meeting.

Larry Paxton: Councilman Stuart asked me to work on the resurfacing; all of you have input on this and this is a sample copy of the information we have prepared for you folks. We did review finances this afternoon and this morning for the different funds. We also have reviewed the list (the Mayor, Mr. Mack and I) we have studied the list for about the last two weeks going over the streets and evaluate them. Not all the streets we looked at are on that list because we ran out of money before we could get them all down. Currently it does, and I have completed the map and it does show the different areas of town. One of the things Mayor Stewart wanted to emphasize are the thruways of the city in an effort to try to maintain them as much as we could because we are spending about \$258,000 dollars this year in paving. Last year we spent \$478,000 dollars. It gives you a real good idea of what the amount of money that we are reducing in funding for the resurfacing program. At this point we have tried to space that out over the city so every particular area does get a portion of that resurfacing money. All of this being paid through either permissive tax or state highway funds. So that is where we are with the resurfacing and it gives you an idea of the cost of doing that. So if you would like to study that over and before the next Council meeting or if you have a Special Council meeting to act on that, whatever your pleasure would be will be fine with us. We wanted to get that information to you so that we can get this adopted and get it into contract for resurfacing.

Mayor Stewart: There are a couple of comments I would like to share that Larry didn't bring up. There is going to be a considerable amount of spot paving this year. In other words, for instance Cleveland Avenue, that I would call the south side, east side, whatever you want to call it, has had numerous holes. We have had to cut into it for water. At this point in time, we are going to pave one side of Cleveland Avenue for a stretch. Claremont Avenue out near Abers is completely falling apart out there. I don't know why. I don't know if it is the foundation or what it may be out there because it isn't that old.

Robert M. Valentine W2: It wasn't that long ago they did that. But nonetheless, that needs to be redone. Here going south on Claremont Avenue in front of the Marathon Station, it is really bad. Although you see it at traffic signals a lot of places. It is not on the northbound but on the southbound. The point I am trying to make is that don't read into these where it is highlighted that that street is going to be paved. As Larry has suggested here, look it over and if you have other questions or thoughts you are very welcome to share them with Larry or myself. If there are no other questions on that, I would like Larry to speak to Business Park Zoning.

Larry Paxton: When this Council and the city purchased the Riley property, one Faultless Drive and Ford Drive, lots will be 600 feet off the roadway ; that farmland is zoned M1. It left the rest of the farm un-zoned where the Riley farm homes are and all of that territory. It left about 113 acres un-zoned. And also the 250 exchange out there on Cottage Street, that was recently annexed. Even at that time, the Planning Commission has recommended this to be zoned M-1. I am not sure what happened but that information didn't get from the Planning Commission to the Council. And recently that was brought to our attention so we are trying to address that. Before you rezone this, you have to hold a [Public Hearing](#) on that so that is why we are presenting that information to you this evening so that we can proceed with that. If you don't have any questions.

Paul Wertz: Do you want to set the Public Hearing tonight?

Richard P. Wolfe II: Yes, go ahead and set it. 30 days.

Paul Wertz: So it will make it, on the 16th wouldn't be enough time. It would almost have to be in July. Unless you want to have a special meeting. July 7th, it has to wait 30 days.

Richard P. Wolfe II: That will be fine. You can set it at that date and entertain the legislation the same night.

Paul Wertz: On the 7th of July? 7:10 p.m.

Mayor Stewart: I have one more item that I would like to bring up under New Business.

NEW BUSINESS (cont'd)

- (c) Recycling. We are working toward the continuation of curbside recycling in the City of Ashland in a fashion very similar to what we are doing today and have been doing for several years. There will be some changes required. We have not found a recycler that will take glass. No one we have talked to, the county, they are not going to take it and recyclers in Mansfield are not going to take glass so that means that the recycling process eliminates the pick up of glass and it will go in your garbage. It will go to a landfill at this point in time. Steel cans, aluminum, no. 1 and no. 2 plastic can be co-mingled and put into a common bag and set it at the curb. Newspapers need to be bundled separately. I personally use a grocery bag. I don't know if that is acceptable or not. And that way the recycling person can get a pretty good idea where it is at because these are going to be semi-separated in our trucks. Magazines cannot go in with newspapers. It is a different paper, it doesn't recycle and the recycler can't sell it and if it is mixed it is a problem. So magazines will be picked up but they need to be in a separate bag and again a grocery bag will work fine. Corrugated Cardboard is to be separated out by itself also and tied in a bundle. It means that you could be putting out 4 separate bags. If you were to have corrugated cardboard, magazines, newspaper and steel and aluminum, plastic. That is the way we have got to move forward with anyone that we are talking to about allowing the city to continue recycling in a manner similar to what we have for many years. It is similar to what we are teaching our kids in school. This is not a done deal. But I can tell you that we are spending a lot time trying to do what we can to keep the recycling process going.

Robert L. Valentine W1: Financially, it will be pretty much, we don't know that?

Mayor Stewart: Well we have some preliminary figures. We have no contractual obligations. That doesn't tell you a lot does it? There is value in recycling. There is value to the earth. This is where we are. This is based on a meet-

ing that some of us met on this afternoon. I think there is a good chance that we are going to be able to move forward with this.

Robert L. Valentine W1: Well, I appreciate this.

Robert M. Valentine W2: Yes, I do too. My wife is great, she has all these cans in the garage.

Mayor Stewart: That could be construed to be a promise and it isn't. It is a threat and I am going to try and keep it going. We are, not I.

Comments of questions from the Audience: Items that are not included on the Agenda

John Chorpening: 1126 Overlook, Ashland Ohio: I was wondering about those sidewalks, because wasn't it two months ago you passed a ruling on it that if you had more than 70% sidewalks, then they were required to finish it?

Robert M. Valentine W2: Just one observation. Comments or questions from the Audience. Items not included in this agenda. I believe we talked about it in the Agenda right?

Paul Wertz: It is okay, he had a question about it.

Robert M. Valentine W2: I understand, that is usually the way we do it.

Paul Wertz: If you go by that rule and there are no sidewalks until sidewalks are 80%. There is only like one sidewalk on each side of the street.

Robert M. Valentine W2: Like I said, there is my neighbor, the neighbor over here. Three of us have sidewalk and then there is not any.

John Chorpening; All I was wondering is what the issue is when there are no sidewalks.

Paul Wertz: Well that was the issue that started with Condos. It cuts up to that property.

Richard P. Wolfe II: The issue here was that there was a subdivision two different times. Pre 1998 and post 1988 so there is a difference in that area. But there are a lot of topographical issues there that enter into the picture as well so there is a distinction.

Motion to adjourn the Regular Session meeting by Paul Wertz, moved by Robert M. Valentine W2, seconded by Robert L. Valentine W1, Ruth Detrow, Paul Wertz.

Ayes: Stephen Stuart, Robert L. Valentine W1, Robert M. Valentine 2, Ruth Detrow, Paul Wertz

ADJOURNMENT AT 8:05 P.M.

Submitted by
Valarie Bishoff
Clerk of Council