
Ashland City Council

MINUTES FOR THE REGULAR SESSION OF COUNCIL June 16, 2009

Note: The regular Clerk of Council, Valarie Bishoff was on vacation. Sitting in for Clerk of Council is Gail Crossen, Ashland County Clerk.

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

ROLL CALL

Ward 3:	Ruth Detrow	Present
Ward 4/President:	Paul Wertz	Present
At-large:	Stephen Stuart	Present
Ward 1:	Robert L. Valentine	Present
Ward 2:	Robert M. Valentine	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: 6/2/09*
- (b) *Special/Executive Session 6/2/09*

No Corrections or Comments.

*Motion to accept the Minutes by Paul Wertz, approved by Robert M. Valentine W2, seconded by Stephen Stuart.
Ayes: Ruth Detrow, Paul Wertz, Stephen Stuart, Robert M. Valentine W2.
Abstain: Robert L Valentine W1*

Paul Wertz: Next we have a presentation, a D.A.R.E. essay, Alex McMillen. Introduced by Jeff Shipper, D.A.R.E. Program advisor.

Jeff Shipper: Alex just recently graduated from the D.A.R.E. program from Taft school at our 100th D.A.R.E. graduation held the first of June and his essay was chosen among all of the essay winners from all 6th grade classes throughout the school year and so his essay has been chosen to represent all 6 graders for Ashland and so part of his honors is to read his essay this evening and he has just received the other part; he got Cedar Point tickets a couple of minutes ago.

[Presentation by Alex McMillen- D.A.R.E.:](#) Read by Alex. * See a copy of his speech.

Jeff Shipper: As you know the retirement is getting very close. So I just want to take this opportunity to personally thank some Council members and Mayor for your support of the last 16 years of D.A.R.E. and 26 years. It has been my privilege and my pleasure. Thank you.

Paul Wertz: Enjoy your retirement. After July, right?

Jeff Shipper: Well, another week of camp.

Stephen Stuart: Well what you have done for the children of Ashland over the years for the whole community has just been remarkable.

Jeff Shipper: Thank you.

LEGISLATION

Ord. No. 43-09

Item (a) AN ORDINANCE UPDATING THE PROVISIONS FOR FLOOD DAMAGE REDUCTION WITHIN THE CITY OF ASHLAND, RE-ENACTING CHAPTER 1333 OF THE CODIFIED ORDINANCES OF THE CITY OF ASHLAND; REPEALING THE EXISTING CHAPTER 1333; AND DECLARING AN EMERGENCY (2ND READING).

Questions or comments?

Richard P. Wolfe II: I think it would be helpful for Roger to give a quick overview as to why this is being done.

Roger Gordon: It is an update of our present flood ordinance and the last Ordinance we have on our books was passed in 1987 so this is 20 years in the making. We spent the last two years preparing for this and working with ODNR and FEMA and we have been through numerous different hearings and scoping meetings and preliminary path reviews and finally to the point that documentation is prepared. The State has spent the money to apply new areas of the entire state and we were fortunate enough to be on the right side of the money because the money is apparently running out. One of the things was the entire update, was the fact that there is a base map for a GIS system. All the things we are getting out of the package, probably that is the most valuable.

Richard P. Wolfe II: Why do you need this Roger?

Roger Gordon: Why do we need the update?

Richard P. Wolfe II: No, the Ordinance.

Roger Gordon: The update is mandatory. We really don't have much option. We cannot continue our Flood insurance program without it.

Richard P. Wolfe II: There is the key right there.

Paul Wertz: Flood insurance.

Robert L. Valentine W1: But there is no requirement that we have to do it a certain amount of times?

Richard P. Wolfe II: Yes there is; we have a time frame here and that is why we are kind of under the gun here.

Robert L. Valentine W1: What is the time frame?

Roger Gordon: We have to be done by July 18 and it won't be effective until August 18.

Richard P. Wolfe II: You can take another meeting if you wanted to.

Robert L. Valentine W1: I scanned through it because it was quite involved.

Richard P. Wolfe II: We need to move it by the second meeting in July at the latest. We put it over until tonight so Roger could help explain any significant changes we have had with an Ordinance like this in place for quite a long time. This is an update. Most of the direction for the update is coming from ODNR so in order to qualify the city for flood insurance, we need to move ahead with this. You don't have to do it tonight but you may if you wish.

Robert L. Valentine W1: So there is no requirement time wise when it has to be done. It is when we feel it should be done? How did they determine it had to be done by July?

Roger Gordon: Depending on where we were with meetings and the scoping and the map review. They reached a point where they felt that all the documentation we had supplied them as far as the map review. They give you a six-month time frame. You have to be done in that six-month time frame. So they have actually sent us a certified letter and they call the letter a final determination. So they are satisfied that what we are adopting is appropriate and will fit their needs and our needs. And we can qualify for flood insurance with that documentation. (Some is inaudible). 10 page document to about 26 page document which puts more accountability and more bookkeeping and more time for us. And hopefully they will abide by some of the things that they are spelling into their own adoptions as far as map changes, updates which we really couldn't get out even before. We have no guarantee they are going to do that but that is what they promised.

Robert L. Valentine W1: How does it help our citizens?

Roger Gordon: With the flood insurance; if we don't have it; they don't qualify for flood insurance.

Ruth Detrow: Then the maps, you hope will be available.

Roger Gordon: I have a set already but you cannot use them (inaudible).

Unknown speaker: You can look for them online. You go to FEMA, look at the updated map. You can look online for FEMA, go to flood maps, type in your address and the map will come up for Ashland. They pretty much stays updated with the maps. Like Roger said. They really do a good job at this. The Ordinance that we are going to adopt, that is a model Ordinance that is pretty much something they are pushing for every local municipality. A big part of it is they want to make sure that local municipalities are doing what they can to make sure that people are not building buildings below flood plain level within the flood line. That is a big part of it. But in order to maintain insurance they want all of these requirements in there. It is leverage.

Ruth Detrow: Well I am thinking that it is important for people who are buying and selling houses too.

Unknown Speaker: Yes, right. So typically, that will come up in the title search and survey if it is a flood plain. There are different zones, but the city, and Roger is the flood plain administrator so he will review that and there is all kinds of stipulations about building in a flood plain. There are different zones of a flood plain. There are certain requirements to build finish floor above a certain elevation that is mandatory on the flood map. If you are going to build within a certain zone. So that is pretty much something that Roger is going to do.

Roger Gordon: More bookkeeping, more credibility. You can actually go to that website and pull up and read what they call a permit and you can use that as a legal document for your flood determination.

Ruth Detrow: And it is Ohio EPA? Is that the website?

Roger Gordon: Actually fema.gov.

Unknown Speaker: Actually, the Ohio Department of Natural Resources is helping coordinating. It is kind of pushing this for FEMA. It is ODNR, it is overseeing in Ohio. They have a model Ordinance.

Questions or discussion?

*Moved by Stephen Stuart, seconded by Robert L. Valentine W1 that the Ordinance be passed on the second reading.
Ayes: Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1, Robert M. Valentine W2.*

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

*Move the Ordinance be passed by Ruth Detrow, seconded by Stephen Stuart.
Ayes: Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1, Robert M. Valentine W2.*

Ord. No. 44-09

Item (b) AN ORDINANCE TO PROVIDE FOR AN ELECTION ON THE ADOPTION OF PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF ASHLAND, OHIO; AND DECLARING AN EMERGENCY. (3, 10, 13, 19, 20, 23, 26, 30, 78, 79, 81, 84, 86, 92, 117, 120).

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

Richard P. Wolfe II, Director of Law: It is what Council has requested to a proposal that would change the position of Director of Finance from elected to appointed. In order to do that, you need to amend the Charter and this will do that. So the question before Council is whether you wish to adopt this and put it on the ballot and it will go on the November ballot and voters will decide.

Questions or comments?

Robert L. Valentine W1: I am curious. Does anyone have questions on any people. I would like to know. On this Charter, we had a committee that was selected and they made a proposal and of course the people voted for that and that takes place about every 5 to 7 years. I just wonder, I have had one email and wanted to know what I thought about this situation. I have always believed in oversight. We all have oversight. I think what is very obvious, what created this situation. I was just curious if there were any responses from anyone. The only response I got was a email. I was just wondering if anyone else had any response?

Robert M. Valentine W2: I had the same email.

Paul Wertz: That is the only one I got.

Ruth Detrow: I have had many people tell me that it is about time we did that. I am sure, and there is an upside and a downside to this. It definitely is. But when you were talking about the fact that this was done by a group; that was in the early 1900's when they decided to have a Charter and things have changed a great deal.

Robert L. Valentine W1: I was talking about the last Charter group.

Ruth Detrow: The last Charter group didn't say they wanted it put on the ballot, I don't believe.

Mayor Stewart: This was not voted on five years ago.

Robert M. Valentine W2: This is one of the things they talked about, but they didn't bring it up.

Mayor Stewart: It was not recommended as being one of those to go to the ballot.

Ruth Detrow: I think we do need to make it very, very clear that what we are doing is giving the people of Ashland the opportunity to consider this and to vote on this. We are not telling them it has to be a certain way. I imagine people know how I will vote. I don't mind telling you that I will vote in favor of this if Council passes it to have it on the ballot. I have no intention of campaigning for it however because it is the right of the people to make a decision on whether or not they want this issue to pass. I have heard a whole lot when that Charter commission was in existence about the fact that people were saying, and I am quoting. I am a former English teacher so when I say "If it aint broke don't fix it". I don't mean that I really think that is what is correct. That was from what I have heard sort of the attitude of that committee, it has worked beautifully all of these years and why make a change. However things have changed a great deal in all of the years since we first adopted a Charter in the Charter form of government. And now we have a rather ugly example of what can go wrong but the people who don't want this will have an opportunity to vote just as strong that says they don't want it. So it is entirely up to the people of Ashland. The only thing we are doing is giving them the opportunity to make a decision. And I think it is a fairly serious decision. As I said, I have heard lots of people say, "We should do this!" and I haven't really heard people say, yes, I have heard people say we shouldn't. I heard someone say that just a week ago. But it is up to you, not us.

Robert L. Valentine W1: Well, but I think some people are looking for some guidance too though as far as that goes.

John Chorpensing: Does it cost the city anything to put this on the ballot?

Mayor Stewart: Yes there is a cost. I don't know what the cost is. I cannot set here and not talk guys. I have lived through hell. I have lived it. And there has been literally hundreds, many, many people say, "Glen why don't you do something about it?" This is an opportunity to allow the Mayor to manage that part of that he has a major responsibility for the outcomes. Without this change, there is absolutely zero direction that the Mayor can give another elected official. Now, there are lots of opportunities for dialogue and here is a great example. Rick and I talk constantly, another elected official. I talk with the judicial people but this was tough and the audit of this city right now is ; we had to get a 60-day extension because of this situation and that is, you can go downstairs and see why but we cant let this go on. Now it worked for 85 years or 90 years or whatever the case is. It sure didn't work recently.

Stephen Stuart: And is really the first community in Ohio that I have lived that had the position as an elected official. So I have got to believe that for a city, we are a very small minority for that position to be an elected one.

Mayor Stewart: I concur with Ruth; there is an up and a downside.

Stephen Stuart: I don't see much in the way of the downside.

Richard P. Wolfe II: If I can come back to John's question; I am not sure that there is much cost as far as putting an issue on the general ballot. If there is, it is going to be minimal. If it is a special election, there is significant cost. This isn't any different then putting on a tax levy or other matters of that sort. So I can't tell you with certainty that there is no cost. I don't think it is significant.

Robert L. Valentine W1: I am not talking about favoring opposing. That is not what I am talking about. I just think it is good to have a discussion. I am trying to see how people felt.

Mayor Stewart: I have had lots of discussion.

Richard P. Wolfe II: You have got time. You don't have to pass this in its entirety tonight. You can put it on another meeting if you wish or extend it over several. August, it needs to get to the election board by August if it is going to be on the ballot. Latter part of August. So you have two more Regular meetings between now and then.

Ruth Detrow: Maybe we should have one meeting at least or people who want to. Anyone who has talked to me knows that this was coming up tonight. But a lot of people don't. So maybe they do need an opportunity to have their say.

Stephen Stuart: The people who have talked to me about this have been either very supportive of it or they have asked for my opinion.

Robert M. Valentine W2: Most people are aware of our ongoing saga anyway. It has ended now. It is common knowledge around town.

Robert L. Valentine W1: I think Ruth has a point possibly. I think the idea you want to hear it.

Ruth Detrow: That is why, one of the reasons we are in this mess because no one was willing to say, okay that is a good idea to have a Charter change and we should give that opportunity to the people. No one was; it was inertia. And it was as I said. It aint broke so don't fix it. Well now it is broke.

Stephen Stuart: I really don't see the advantage of deferring this to another meeting because again the decision is not being made by Council, it is a voter decision. It is strictly to put it on the ballot.

Robert M. Valentine W2: I agree with that.

Don Stout, 1017 Sandusky Street: I think that the voters I think will be very interested in deciding on this. The one thing I would say that probably would help the voters in terms of making decisions, but maybe having some framework around what the process would be if that Finance Director was performing inadequate, there would be a process that would lead to maybe replacing it because if it becomes a case where people think that if they disagree with the Mayor, that that person may be removed, now that is kind of a callous situation when we look at the Federal government but I would say that that might be something useful to inform the voters now at this point through that you have a plan for to conform this into determining whether someone was performing satisfactory or not.

Mayor Stewart: I hear you, and that may have a lot of merit.

Don Stout: From my perspective, I think most people would be very supportive of this. In many cases, many of the citizens are going to have a difficult time to really assess the qualifications of the candidates because they are not familiar with finance. So people need to be familiar with exactly what the Finance Director does besides cutting checks, that type of thing. So I think that it is difficult at times for us even if we are familiar with that position is understanding the qualifications of those individuals.

Richard P. Wolfe II: If I might address that, the only problem with that suggestion is that it is premature until it is known whether or not the proposal is approved by the voters. It would not be possible for Council to pass an Ordinance ahead of time saying, this is how we are going to do it because it would not be affective. Because the Charter change could be disapproved. So I have already sent a memo to Council advising that it would be incumbent on Council if the matter was put on the ballot and was approved that then in November they would have to establish criteria, you know guidelines, and this would be set up at that time. It is obviously, if it is not going to be elected and some type of appointment, whether it is appointment by the Mayor, appointment by Mayor approval of Council, that is something that is yet to be determined and it wouldn't be possible to put anything in place prior to the election.

Don Stout: I think your suggestion is perfect and just have to get all of the details worked out but that the voters would know that the process would be put in place then if it were going to be an appointed position as well.

Richard P. Wolfe II: As a matter of fact, I think Council already has samples from about 20 some other cities as to how it is structured so that they can at least be thinking about that in the event that the matter does pass, so it is something that is being looked at but it is just premature to do anything specifically in that regard at this time.

Robert L. Valentine W1: Rick, how does this, for instance, in the near future, if we appoint someone to this position which is an elected position now; how does that effect that, in any way?

Richard P. Wolfe II: Well, there are a couple of ways it could go. If the Charter change would become effective at the first of the year, if it is approved. If the position is vacant at that time, then the Charter change is effective immediately. If the position is occupied under the current plan, then the person would be entitled to serve out the remaining two years of the term. So there are a couple of ways it could go. It depends on what the circumstances are. So it will be effective but there is still 2 ½ years in the existing term that are remaining.

Robert L. Valentine W1: So otherwise if we appointed someone to that position....

Richard P. Wolfe II: Appointed permanently to fill that position, even if the Charter change was approved, that person would serve the remaining 2 ½ years.

Questions or discussion?

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

Move to suspend the rules, 3 separate meetings, 3 separate nights, by Ruth Detrow, seconded by Robert M. Valentine W2.

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

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

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

Ord. No. 45-09

Item (c) AN ORDINANCE TO PROVIDE FOR AN ELECTION ON THE ADOPTION OF PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF ASHLAND, OHIO; AND DECLARING AN EMERGENCY. (meeting dates- first Tuesday, Jan. 1 or Wed).

Move for non-reading in full by Robert M. Valentine W2, seconded by Ruth Detrow.

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

Comments:

Richard P. Wolfe II: This is simply a housekeeping matter. We discovered here in the last year or so, every once in a while, the first Tuesday in January falls on New Years Day and so but the Charter says we shall meet on the first Tuesday of January every two years to elect president of Council so while we are in the mode of putting an issue on the ballot, I just went ahead and prepared one to clear that up.

Robert L. Valentine W1: So we will have two of them on the ballot.

Richard P. Wolfe II: There will be two Charter issues on the ballot, yes; if you approve this.

Paul Wertz: This basically just says that if the first is on a Holiday, on a Tuesday, it will be the next.

Richard P. Wolfe II: You can make it whatever day you want it. I assumed you want to go to the next day and so I put in Wednesday.

Questions or discussion?

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

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

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

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

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

Ord. No. 46-09

Item (d) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A LEASE AGREEMENT FOR THE USE, BY THE ASHLAND AREA CHAMBER OF COMMERCE, OF CITY PROPERTY LOCATED AT 211 CLAREMONT AVENUE; AND DECLARING AN EMERGENCY.

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

Mayor Stewart: This Ordinance is before Council this evening to concur with or to weigh an agreement that is on the table between the city and the Chamber. The Chamber has been looking for space. We have been in the Domino affect of moving offices as I am sure everyone knows, the first move moved Human Resources people from the building across the street, 211, over here and they are occupying the office that I formerly occupied on the second floor and another room on the second floor of the building. That freed up a room over there for Economic Development moved out of the basement of this building or the first floor. They basically have two full time people and sometimes a second intern and they moved into a smaller space, which was occupied by Human Resources. The next move will happen next Wednesday the 24th. The billing department for the Water, sewer and sanitation will be coming from across the street into this building. There are reasons for that. They are safety issues. I believe they are better in this building then they are across the street and it frees up some space across the street in the front half of the existing building. It also accomplishes from my viewpoint another situation, not situation but other condition. The Economic Development department, the Chamber work very closely together in many aspects of selling our community, developing our community, etc. From my personal view, I think this is an opportunity to let those two almost. They are going to occupy again under the same roof. They are in separate facilities, but under the same roof. It will be a little easier for them to work together and it is not going to create a significant amount of income but it is going to reduce the burden of maintaining that building across the street through some rental agreed to in this agreement. This agreement is a five year agreement with a renewal option of an additional five years with a 5% increase in the rental.

Robert L. Valentine W1: I have a question on that. I see it is \$850.00 dollars and why do we want to make a condition after five years? What is the reason for that? Why do we want to raise it when Council ?

Mayor Stewart: Let me put that this way, why wouldn't you? In five years I suspect that the Rental values will be up significantly so I chose 5%.

Robert L. Valentine W1: Well, I am just saying, why couldn't we just leave it open and Council could make a decision and the Mayor could make a decision then?

Mayor Stewart: Well, Bob, there are many things we could have done. I put it together for your consideration and I know you have been away.

Robert L. Valentine W1: No I have read through the whole thing.

Mayor Stewart: Had there been a need to change it, I would have liked to have known it tonight and we could have addressed that but I think it is a fair agreement. It is not high, it is not low but it is fair. You all need to know, it includes the utilities, with the exception of the telephone and internet, it includes the heat, the light, snow removal, lawn mowing and some of that comes from the fact that we are committed for that for the Economic Development department until 2016.

Robert L. Valentine W1: The point is that, is it going to be separate?

Mayor Stewart: No, there is not. And it would be extremely costly to separate the utilities to serve the front half vs the back half of the building.

Robert L. Valentine W1: So we will pay a certain percentage then?

Mayor Stewart: No we are paying it all. That is part of the \$850.00 dollars, it includes the electric and the heat for the entire building. It includes whatever the share might be for the Chamber because we are already paying 100% for Economic Development and I didn't want to spend the money to go in and separate the utilities and the heat and the water and so on. The \$850.00 dollars; that includes that utility clause.

Stephen Stuart: Glen do you have any; and I should have asked this question before tonight; do you have any feel for what our heating costs are on that building?

Mayor Stewart: You know, I do have but I don't. Because we did some research on that. We did the research on the taxes, insurance, the heat, the lights and minimal maintenance Steve. I don't have it off the top of my head. It does put us in a tax position, a real estate tax position on the building once we start turning income.

Questions or discussion?

Ruth Detrow: I was thinking that it is going to make the Chamber and Economic Development really more accessible to the general public. It is definitely an advantage for them to be there. Advantage to the Community.

Mayor Stewart: Kind of like one stop shopping.

Robert L. Valentine W1: Now when they move the Water Department over here; they are not going to have the drive thru but they are going to have where you can drop off the bill?

Mayor Stewart: We are going to continue the drop box out here in this lot and it will be monitored just like the current box is for tampering, theft, etc. But we are not going to have the drive thru window. That drive thru window is used extensively. It also is a major time consumer. We don't have the bucks to do that right now. And the change/notification has been put in a recent utility bill. You have all gotten water and sewer bills, so did I, but I don't read them, my wife takes care of that. Was it in? Was the notice in? Does anybody know? Maybe it hasn't gone out yet. And the move will be next Wednesday. So the window will be open next Wednesday and Thursday. It will be closed Friday when they complete their move and then everything is over here.

Robert L. Valentine W1: Well, see, I went and paid my bill yesterday and I asked all of these questions to find out what was going to happen.

Paul Wertz: Are you going to block it off then?

Mayor Stewart: I don't know if we will block it off, but there will be a notification in the window, that way you don't have to back out you can go on through. There are people here from the Chamber that may want to comment on this, I don't know.

Marla Akridge, 1446 St. Rt. 96: It is a good partnership and a good way for us to work closely.

Robert L. Valentine W1: Is it going to be remodeled in there?

Mayor Stewart: Not significantly; I don't know what their plans may be but not significantly.

Questions or discussion:

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

Move to suspend the rules, 3 separate meetings, 3 separate nights, by Paul Wertz, seconded by Ruth Detrow.

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

Move the Ordinance be passed by Stephen Stuart, seconded by Robert L. Valentine W1.

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

WARD REPORTS

At-Large: Stephen Stuart

- (a) No report

Ward 2: Bob Valentine

- (a) I talked to Jerry about the call I had today.

Ward 1: Bob Valentine:

- (a) I talked to Jerry about the same phone call.
- (b) I had a couple of calls while I was gone, high grass, up in Southwood Drive. You know where the sidewalk ends and Garfield. For some strange reason they quit mowing that section right there that the city owns and it is about a foot and a half high.

Mayor Stewart: Do we own a lot up there?

Ward 1: Robert L. Valentine

(cont'd) Well my understanding when you put the sidewalk in, they were going to put a road in there at one time I think. I am not sure. You know Greenbriar goes into Southward, the address I am talking about is 1427 and they had always mowed that but this last 3-4 times they quit mowing it. So now it is up really high. I think it is city property.

Mayor Stewart: Is that a walk way, do a lot of people walk through there?

Ward 1: Robert L. Valentine

- (a) cont'd – One thing we talked about a couple of years ago, I think Glen when you were on Council about possibly putting in a sidewalk to finish that up to Garfield because so many people go. But we never did that. That would be a nice thing to look into. The question I am asking now is what do we do about the grass?

Mayor Stewart: Well we can put it on our list of our property to mow. We are well behind because, everything comes down to bucks. We are behind on that. Jerry, does that fall under parks or streets?

Jerry Mack: We will look at it and see who can get to it basically what happens. I don't believe, and I went out and looked the other day. When you come off the sidewalk, do they normally walk straight across or do they go around the corner? How did they do that?

Robert L. Valentine W1: What are you talking about?

Jerry Mack: Where the sidewalk stops and then you go to Garfield, do they just walk straight off the sidewalk, to go to Garfield?

Robert L. Valentine W1: Well no they don't go straight. They go around the fence and that needs to be; you worked on that a couple of years ago or someone did to make it better for people to walk.

Jerry Mack: In that case, I think the Park may have put some chips out there.

Robert L. Valentine W1: I think they did.

Jerry Mack: Right now there is a fence back there behind that one property. In fact you come off the sidewalk and you go south and you walk by that fence. Somebody has piled a ton of brush back there that is going to have to be cleaned up to. If in fact they come off the sidewalk and walk along that fence and over.

Robert L. Valentine W1: That is the way you go. Because I have walked there a number of times.

Jerry Mack: I thought they kind of walked along the fence.

Robert L. Valentine W1: But the irony of all of this is that the people who lived there always mowed it, all at once, this year they stopped.

Jerry Mack: There is going to be some pretty good significant clean up because there is a brush pile right now for somebody.

Ward 1: Robert L. Valentine

(b) I have another place at 1093 Gail Court. I had a couple of calls 3-4 weeks ago and then I got a call back that said well, they had mowed it. That was great. While I was gone I got another call and they hadn't mowed it.

Mayor Stewart: Is there a home there?

Robert L. Valentine W1: Yes it is a home.

Mayor Stewart: Is it a foreclosure?

Robert L. Valentine W1: No it isn't a foreclosure. Sometime we might want to look at the sidewalk to finish that. I don't know if that is more than 30-40 foot.

Mayor Stewart: Well that is the length of that lot and I used to live up there and we would walk down there and we paralleled the lot line.

Robert L. Valentine W1: They have sidewalk.

Mayor Stewart: To the rear of that lot. But not from the rear of the lot to Gail Court?

Robert L. Valentine W1: No.

Mayor Stewart: Or Garfield, sorry, Garfield.

Ward 1 Robert L. Valentine (cont'd)

(c) I guess this person called the Mayor's office and referred to the secretary and the secretary referred them to Council and what it was all about is the Amish horses.

Mayor Stewart: I got that call. I guess I would like to hear from Council if you want to enforce that, we will go to the Bishop and tell him what we expect and it is going to be a challenge. It will be a business challenge.

Cont'd (c) I want to bring it on the floor because she called me. This has been brought up before.

Ruth Detrow: We have an ordinance that speaks to that? Or not?

Mayor Stewart: Not to horses specifically.

Robert L. Valentine W1: It is to put bags on the buggy. That was the suggestion.

Mayor Stewart: And this is done in any town that has carriage rides.

Robert M. Valentine W2: Go to New Orleans, they put those bags on the horse.

Paul Wertz: Who is going to enforce it?

Mayor Stewart: The ordinance is there. All you have to do is catch a horse. The sad part is, it isn't funny when you drive through it and track it into your garage. It isn't funny when you drive through it out here.

Ruth Detrow: So our Ordinance is open enough that it would apply to any animal?

Richard P. Wolfe II: I would have to look at it to see. I do not have it memorized.

Jerry Mack: We get a lot of calls on that and at the time we get calls, the street sweeper pulls off and goes and sweeps it. If we get a complaint, that is what happens. Of course we are not looking for it but if it is there, it gets done. We do pull our sweeper off if we get a complaint and go sweep it. It is kind of a waist for the sweeper. But when we get a complaint, we take care of it.

Robert J. Valentine W1: Wayne County takes care of their own. I was just driving through there a couple of days ago and they got those roads on the side for the Amish to go back in. You can see it all there. That is no problem because the cars aren't going there.

Mayor Stewart: This is downtown, it is in the alleys and it is in the parking lots. It is a common situation throughout the community. The roads that are traveled in and out of the community such as West Main, 96, Sandusky, Smith Road. They all have their problems and the residents are all concerned about it and I share their concern.

Ruth Detrow: Yes, I think we should do something and as uncomfortable as it is going to be, I think we should.

Mayor Stewart: Is that the will of Council?

Stephen Stuart: I am not sure and opposing and sure not interested in Ashland Ohio being on CNN for enforcing an Ordinance like that.

Robert M. Valentine W2: Over the weekend we went Antiquing; my wife and I go antiquing on the weekends and we went to Berlin, Maumee and all of these places. Since you have horses in the area, you know where to dodge them.

Ruth Detrow: Could we approach the Bishop from the point of view of what do you suggest for a start?

Mayor Stewart: We can do that.

Paul Wertz: Well I think before you do that, Rick needs to make sure that our law covers that.

Mayor Stewart: I concur with Mr. Stuart, Dr. Stuart down there; We don't need any negative, but whatever the will of this Council is, in this case, I will pursue it and if you want me to, I don't know who the Bishop is or where he lives but I am sure someone does; probably Dr. Nethers is a good place to start. Okay, anything else?

Robert L. Valentine W1: That is all that I had. But when they call you, you have to respond.

Ward 3: Ruth Detrow

- (a) Nothing that I have needs to be done but I want to thank Mr. Paxton for being very quick in responding to a problem I had. If it is decided that it is necessary; we do use backflow preventers on the drains in basements so that the basements won't flood. I think that is a very useful thing and this particular person was extremely concerned because for one thing she wanted to sell her house and who is going to buy a house that sewage goes into the basement floor. So I appreciate the fact you were quick and took care of it. That's it.

Keith Ballantyne, 844 Hillcrest: I came back from Florida in April and since that time, I know you have a lot of potholes all around town, but there is one at the light at Sloan Avenue and East Main. It looks like they put gravel in there at one point but it is all washed out. I would like to suggest that is a pothole there. There is a lot of traffic there. I would like to see it taken care of personally.

Ruth Detrow: The guy in charge just nodded his head. That's a good sign.

Jerry Mack: Yes.

Ward 4/President: Paul Wertz

- (a) I received a couple of calls on high grass. Railroad tracks at Cottage Street, hasn't been mowed this year yet, right where the crossing is.
- (b) Alley at 125 W. 10th Street, that alley that was going to close but never did close because we didn't get it closed. The weeds in some spots are at least pretty high. On the alley side and on where the house is part of the alley.

Robert M. Valentine W2: Part of the house is on City property.

Mayor Stewart: That house is a foreclosure.

Robert M. Valentine W2: If this much of the house's side yard is city property, we ought to mow it. I was up there, Steve was up there and Paul has been up there in the last week.

Paul Wertz: And then the railroad tracks there. That's all.

OLD BUSINESS:

Robert L. Valentine W1: I haven't been here, what has happened on the recycling? Has anything transpired?

Mayor Stewart: I would like to share what has happened. There has not been a single day missed that was scheduled for recycling in the city of Ashland. We have continued without a hitch. The only change that has taken place is that we are now requesting that you do not put glass out for recycling. There are areas that, there are firms that will recycle glass; at this point in time, it is not practical for us to drive glass to their recycling facility so we are asking that you put your glass in with your regular trash. We have continued recycling. Jerry's people are doing a good job. We are not recycling through the County Recycling facility at this point and time. We sent out questionnaires to three firms including the County, asked them to tell us what they could do and how they wanted things sorted and what the cost would be and at this point in time, we are working with Milliron; not under contract; but we are working with them. Jerry is doing the sorting at your facility, is that correct Jerry?

Jerry Mack: Yes.

Mayor Stewart: And it is working pretty well and for the near term, I don't see any change in what our citizens will see. The recycling bins that were handled by the County recycling; I saw a sign at Buehler's that they are going to put those back in out at Buehler's in the next week or so. I don't know about it at Hawkins. I haven't heard that.

Robert L. Valentine W1: Well they didn't mention anything in the paper on that.

Mayor Stewart: So the citizens of Ashland should not have seen any change in their curbside recycling other than glass. And I am pleased about that because we had a tough situation and Jerry worked and was able to work through it and thank you for asking that Bob.

Paul Wertz: Any other OLD BUSINESS?

Richard P. Wolfe II: I have a couple of items. There are a couple of items that Council has asked about in the past, several members of Council have addressed these issues: 1) Establishment of an Audit Committee, Council President Wertz met with me and gave me material from a couple of other cities and kind of gave me some guidelines of what Council was desiring in that regard. I put together a draft of an Ordinance. If it isn't what you want, please advise and we will put it together in whatever form you desire, this is just a starting point for you. I think we need to address it here in the very near future. It is actually part of the last year's Audit recommendation and you indicated Mr. Wertz as to what you felt the consensus of Council was in this regard so that is what you have here, but it certainly can be added to or subtracted from whatever it is you wish. So there is that matter and I would urge that maybe we, you think about that, get comments back to me and I can have it ready for the next Council meeting if you are ready to go on that. 2) the other item is something that Council has also expressed an interest in and has asked me to address and that is our various insurances and members of Council have asked about re-bidding all the various insurances. I don't know which ones you want to look at; whether you want to look at Health, Property, Property and Casualty, Liability; all of them, some of them. It is your call. I think this might be something that would be appropriate for a Work Session, get the Mayor's input and various Division Directors who are involved with Insurance particularly Cherie Helterbridle Bailey from Human Resources. You may want to bring in some of the people who provide our insurances and get input from them as to the scope of the coverages and just what all is involved. But if you are going to look at this, you probably ought to start doing it now so it can be done in a deliberate fashion. 3) The other item as far as the Audit Committee, I think would be a good idea if we could probably act on that before the current Audit is completed and then we could show that we have acted on the last year's recommendation and again back to that one, if you have thoughts for additions, corrections, deletions; get that to me and on the others; proceed as you wish.

Paul Wertz: Thank you Rick.

NEW BUSINESS:

- (a) Request Expedited Type I Annexation: Petition for Annexation 3.171 acres, Montgomery Township (County Extension Office property)- 60-day waiting period).

Richard P. Wolfe II: The commissioners have approved it and we have received from Mrs. Crossen a notice from the Commissioners that they have approved it and we are now in the midst in the 60-day waiting period and it will probably be on the first meeting of September.

Robert L. Valentine W1: This is the Ag Center?

Paul Wertz: Yes.

- (b) Request for Establishment of Zoning: The Ashland City Planning Commission recommends that the area be zoned "M-1" Light Industrial (Riley Farm) Public Hearing 7/7/09 at 7:10 p.m.

Paul Wertz: There is a bicycle Ambassador for Special Olympics in Ashland 6/22/09, Monday at 2:p.m. at the County Courthouse, on the steps. All city Officials are invited and just to meet them. Junior Special Olympics.

Mayor Stewart: Bicycling throughout the state.

MAYOR'S COMMENTS:

I was asked today if I had any input or if I have received any comments on the change in our WNCO programming. I don't know that any of you have or you haven't but I said would poll Council to see if there had been any comments on that. They totally changed their programming.

I passed this out, you have this from a couple of months ago and you have it from 2006. The reason I am passing these out is that if there is a desire for this body to consider any other Organizational process for the City/County Health Department and Rick is going to have to help me on this but we are locked in to where we are at by Charter, is that accurate Rick?

Richard P. Wolfe II: Yes, as far as the structure goes. If we are going to change it, we need to have a Charter change. And I don't know, this is just a refresher of what we brought to this three years ago. After sitting on the Board, the City/County Health Board, there is a tremendous amount of redundancy from my view, the city votes on things and the County votes on things and most of it is very common. There are issues that are county issues and there are issues that are city issues. It could be a major challenge just in the funding. The county has a county tax, health tax. The city pays ours out of the General Fund. I am not prepared to tell you that one is equal to the other. I am just telling you that it is a different way of funding. So in 2006, the comments were made that, as I recall, that they couldn't quantify a dollars and cents savings. I think that has been re-evaluated to where there maybe some Quantification and some savings in dollars and cents. I don't have that, I haven't asked for that.

Robert L. Valentine W1: It was presented here a year or so ago too. I think when that was presented I think that kind of got Council to just say, what is the purpose?

Mayor Stewart: There is no savings.

Robert L. Valentine W1: Which to me didn't make a great deal of sense but then I am not close to it.

Mayor Stewart: I think if that question were asked again, it might be more Quantifiable in dollars and cents. I pass that out to you so that again, there is an August time frame to put anything else on the ballot if we were to choose to. It is not to put it on the ballot, yes we want to combine common health department. Right now we have no opportunity with the way the Charter is written to make a change. As I understand it, it wouldn't be a mandate that we make a change. It would give us the opportunity to make a change.

Richard P. Wolfe II: I need to check that as far as what the status is in the Charter. When the Mayor asked me about it this afternoon, I said well I need to refresh my recollection and I haven't had a chance to do that yet but I can overview this and get back to Council by the next meeting.

Robert L. Valentine W1: Another thing too, about duplications, is the concern I had. Now that you go to the meetings.

Mayor Stewart: If there is a significant amount of duplication, from my perspective.

Robert L. Valentine W1: And some of those people get their Insurance through us and some through the county don't they? Isn't that the way it is?

Cherie Helterbridle Bailey: I think the ones who are employed here, what they get is Worker's Comp coverage, like every other claim, one goes to the city and one goes to the county. But the health insurance is through the county.

Stephen Stuart: I think if we are to seriously consider this, this might merit a Work Session also for that topic.

Mayor Stewart: There has got to be more input into it with validated numbers. Am I hearing, you say you would like to have a Work Session? Or do you want to let me know next meeting?

Robert L. Valentine W1: I guess it is not a concern but we pretty much know the questions, could we get the answers? I doesn't justify having a meeting just for the sake of going through everything we have gone through before but, we need some answers. I am not talking about anyone here, I am talking about Mr. Sanders.

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

Paul Wertz: Before we leave, we have a Special Session at 12:00 p.m on Tuesday the 23rd to pass Legislation.

*Motion to adjourn meeting by Paul Wertz, moved by Robert L. Valentine W1, seconded by Robert Valentine W2.
Ayes: Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1, Robert L. Valentine W2.*

ADJOURNMENT AT 8:10 P.M.

Submitted by
Valarie Bishoff
Clerk of Council