
Ashland City Council

MINUTES FOR THE REGULAR SESSION OF COUNCIL Tuesday, July 7, 2009 Council Chambers Conference Room 3rd floor 7:00 p.m.

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/President: | 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) Special/Executive Session 6/12/09

(b) Regular Session 6/16/09

(c) Special Session 6/23/09

Correction or Additions to the minutes?

Robert L. Valentine W1: Since I wasn't here for the Executive Session, could we take them separately, because I cannot vote on the first one?

Special/Executive Session of 6/12/09, any additions or corrections?

Motion to accept minutes of 6/12/09 by Paul Wertz, moved by Robert M. Valentine W2, seconded by Ruth Detrow.

Ayes: Robert M. Valentine W2, Ruth Detrow, Paul Wertz

Abstain: Stephen Stuart; Robert L. Valentine W1

No corrections.

Regular Session 6/16/09 and 6/23/09 any additions or corrections?

Motion to accept minutes of 6/16/09 by Paul Wertz, moved by Stephen Stuart, seconded by Robert L. Valentine W1.

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

No corrections or additions.

Paul Wertz: The first Ordinance we have to skip until that Public Hearing at 7:10 on that.

LEGISLATION:

Ordinances:

Ord. No. 52-09

Item (b) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE US RT 42 PAVEMENT REPAIRS, BRIDGE MAINTENANCE AND RESURFACING PROJECT; AND DECLARING AN EMERGENCY.

Moved by Robert M. Valentine W2, seconded by Ruth Detrow to invoke Section 113.01 of the Codified Ordinances as the distribution of this Ordinance has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

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

Mayor Stewart: This amounts to .16 miles of paving. It is inside of the city, part of the project is the State is undertaking from South coming towards the city and it will terminate .16 miles into our pavement. We pay 20% of that and the State pays 80%. That is about all I can tell you about it.

Stephen Stuart: The estimated cost of the project is ...

Mayor Stewart: I should have that here somewhere, I do not see it. Shane do you by any chance have any cost on that.

Shane Kremser, City Engineer: Yes, I made a phone call to ODOT and they are estimating about 15,000.00 our cost. But I will probably be giving you more than that. Maybe even up to like \$25,000.

Mayor Stewart: For less than a quarter of a mile?

Shane Kremser: Well they are saying in here.

Mayor Stewart: Yes, we get tagged with the Bridgework on that.

Shane Kremser: Right, the State is responsible for 100%.

Richard P. Wolfe II: That is all in the city up there, Center Street and 42 is that part of it?

Mayor Stewart: No, this is coming in from the south. Fleming Falls Road in Richland County to Baney Road in Ashland County. Maintenance of the overpasses.

Questions or discussion?

Moved by Robert M. Valentine W2, seconded by Robert L. Valentine W1 that the Ordinance be passed on the first reading.

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

Moved by Ruth Detrow, seconded by Robert L. Valentine W1 that the rules requiring the reading on three separate days be suspended and that the Ordinance be passed on the second and third readings.

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

Moved by Robert M. Valentine W21 and seconded by Robert L. Valentine W1 that the Ordinance be passed.

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

Ord. No. 53-09

Item (c) AN ORDINANCE ESTABLISHING AN AUDIT COMMITTEE FOR THE CITY OF ASHLAND, OHIO.

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

Paul Wertz: As Council, the Audit last year, the State Auditors said that we needed to have an Audit Committee for the Finance Department and as Council, asked Rick to draw this up and this is what he came up with.

Questions or comments?

Robert L. Valentine W1: It consists of the Mayor, Finance Director and 2 Councilmen appointed by Council and 1 person who the Mayor makes a recommendation to Council. That is the procedure.

Robert L. Valentine W1: Rick proposed two things at that time. This was one. He didn't propose it, we asked him to come up with something and someone did on Council and this is what

he came up with. The paper asked me and I believe in oversight and I think that is what this is, oversight.

Ruth Detrow: We did also have a draft Ordinance for comments, questions and so on and this is the finished product.

Richard P. Wolfe II: You had samples from several different cities and this is the one Mr. Wertz indicated to me that Council favored and so this is it.

Moved by Robert L. Valentine W1, seconded by Stephen Stuart that the Ordinance be passed on the first reading.

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

Moved by Paul Wertz and seconded by Ruth Detrow that the rules requiring the reading on three separate days be suspended and that the Ordinance be passed on the second and third readings.

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

Moved by Ruth Detrow, seconded by Robert L. Valentine W1 that the Ordinance be passed.

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

Motion to move to Public Hearing by Paul Wertz, moved by Stephen Stuart, seconded by Robert M. Valentine W2.

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

Public Hearing 7:10 p.m. – Certain areas of the city to be zoned M-1 Light Industrial (Riley Farm).

Paul Wertz: Certain areas of the city to be zoned M-1 Light Industrial (Riley Farm).

Mayor Stewart: It is the completion of the Riley Farm that was not zoned M-1 in the early stages. This will take the rest of the farmland and move it into M-1 which part of the farm was M-1 particularly along Ford Road and Faultless Drive, but the interior part had not be rezoned.

Richard P. Wolfe II: Well, I think it is more accurate to say it is the Industrial Park. Part of the Industrial Park land is already zoned M-1 and this is making the unzoned area consistent with the area that is zoned.

Questions or discussion?

Audience member: Are there any plans for industry moving to any of the areas currently zoned?

Ruth Detrow: Who is this?

Audience member: I am the neighbor; the one they put in the newspaper about how the city contacted all the neighbors about the fire that nobody ever contacted the neighbor and the fire ended up killing two horses from smoke inhalation.

Paul Wertz: You need to discuss that when....

Audience member: This is the Riley Farm in your Industrial Park; they raise the elevation of that, and I would say I would not have any problems with that if they want to build an Industrial Park if they guarantee to quit raising the elevation on it. Myself and the neighbors are being flooded. Because ODOT raised the elevation and changed elevation with the 250 bypass, our drainage went to pot. The City of Ashland widened Westlake Drive. They cut off drain tiles that serviced our homes in 1930 when they were built and now we have no drainage what so ever and run sump pumps to keep from getting flooded. They have been dumping truckload after truckload, after truckload prior to the planting of the corn. They are raising the elevation of the existing Riley Farm, which has caused more water for both the neighbors and myself. We get flooded up there.

Robert Kinney: We have lived there for 60 years. We get a lot of water. I have had the Engineer out there twice. I didn't figure they would do anything about it. I don't expect them to help our land but they can defer that water someplace else. We get pools of it, big pools of water clear down there along the road and it stays there until the drains will catch up and then it will drain out. This happens at every big rain. It is getting worse and worse.

Ruth Detrow: And this is on your property where the pools of water are?

Robert Kinney: Just down from our lot, is where the pond is. There is water all along the road.

Ruth Detrow: What I was thinking of and I am sorry to hit you with this without any warning but I am quite sure in the Industrial Park we have plans for places for the water to be in a pond until it drains.

Shane Kremser: Right, as things get developed, it is required. There is storm water management, that is correct.

Richard P. Wolfe II, Law Director: These are two different issues because first of all what we are here at the Public Hearing is to determine the zoning of this area. That is all we are talking about right now is the zoning. The area of the Industrial Park that is already zoned is M-1. We are trying to make the rest of the zoning consistent with M-1, which is less involved than M-2 or M-3. Other heavier industry that could go in there. So it is the kind of zoning that is consistent with an Industrial Park. So it is just simply a matter of zoning property that has come into the city that has not been zoned since it has been annexed and it is just a zoning question at this time. Issues as to drainage and those kinds of Engineering plans and so forth are separate issues from

the determination of zoning. Zoning isn't going to decide whether the drainage is proper or otherwise. The land needs to be zoned and this is part of the process to determine the appropriate zoning for that area. That is what this Hearing is all about and that is what the next piece of legislation is about.

Mayor Stewart: I would assure you that at the point in time on the Agenda for other issues, all of you will be heard.

Gary Weber, 1180 U.S. Rt. 250 North: If you change the zoning, it will have an impact on our drainage because if they put in a factory, it is going to change the elevation of the ground which they already have down there. They continue to do it and they ignore it and they keep saying "Well we will address that down the road". We will wait until they build another factory or build a facility and either change the drainage more and completely flood us out? Then they will say, well the next time we will address that.

Richard P. Wolfe II: Well it is not a matter of changing the zoning, it is a matter of determining the zoning and this is an Industrial Park and this is the appropriate zoning for the Industrial Park. All the rest of the Industrial Park that is zoned is zoned M-1 I believe. I don't know if we have any other zoning in that area.

Gary Weber: The Soil and Water Conservation department, I don't know whether you ever checked with them; but that is a flood plain. They drew up the plans for the property that I sold the City that I put up a small dam; I have a four to five acre lake in a matter of weeks. There is so much water that runs through there. Is that good for Industry that being in an area like that?

Richard P. Wolfe II: Well even it is a flood plain area; that is not incompatible with the zoning classification. Obviously if there are certain areas that can't be developed, then that is a restriction based on the flood plain determination. But the entire area needs to be zoned and it is presently, since it has come into the city, it hasn't been zoned. So I think we are talking about separate issues so I would urge Council.

Paul Wertz: We can talk about that tonight when the proper time comes.

Richard P. Wolfe II: Well, I don't know that Council can decide anything tonight but it is entirely appropriate to address those questions but the purpose of the Hearing tonight is to determine the zoning for that area and the zoning may still be subject to flood plain restrictions or whatever the case may be. So those two things go together.

Questions or discussion?

Richard P. Wolfe II: In fact, you just passed an Ordinance here a meeting or two ago about the flood damage prevention and the overall flood plan.

Robert L. Valentine W1: The possibility of getting Insurance, is that what you are talking about?

Richard P. Wolfe II: Yes, but it covered the whole city. You are also talking about areas that are inside the city and are outside the city right now too.

Gary Weber: Is that my property?

Richard P. Wolfe II: I am not talking about just anybody's property.

Delphine Kinney, 1174 Rt. 250 North: I do not hear well, but why were we invited? Just because we are adjacent to the property what was zoned?

Richard P. Wolfe II: You were given notice. You are required to be given notice because you are an adjacent properties and you are entitled to be aware of the that and the Ordinances require that adjoining property owners specifically be given notice.

Robert Kinney: The Weber's and us are the only ones that got notices. The rest didn't get it.

Mayor Stewart: Are they adjoining?

Gary Weber: Yes.

Mayor Stewart: You can't all be adjoining. There is only one side.

Gary Weber: If you look along the back at all those properties on the west side of Rt 250; there is 1, 2, 3, 4,5 properties total.

Richard P. Wolfe II: Well you have to look at the land that is subject to being rezoned.

Gary Weber: Yes. All of the new zoning land is abutting them.

Delphine Kinney: I wasn't aware until last night when I talked to my neighbor that they are zoned commercial, and the people in front of us are probably too. And I guess Gary is zoned commercial and I don't know what I am now.

Richard P. Wolfe II: Well, if there is zoning, township zoning; we have no control over that. You are not in the city Gary are you? And you are not either?

Gary Weber: No.

Delphine Kinney: No.

Richard P. Wolfe II: So the City zoning doesn't apply to you.

Delphine Kinney: But the County zoning applies to my neighbors doesn't it?

Richard P. Wolfe II: The only thing we have control over is what is in the city. And we are determining the appropriate zoning for land that has come into the city that is not presently zoned and so the rest of the industrial park is zoned M-1 and this is the proposal as to zone the rest of the area M-1. Which is, I believe reasonable and appropriate zoning for industrial park and it prohibits heavy industry. That is the issue before Council tonight.

Discussion or questions?

Motion to go back into Regular Session by Paul Wertz, moved by Stephen Stuart, seconded by Robert L. Valentine W1.

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

Ord. 54-09

Item (a) AN ORDINANCE ESTABLISHING THE APPROPRIATE ZONING DISTRICT OF A CERTAIN AREA OF THE CITY OF ASHLAND, OHIO (Riley Farm).

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

Comments.

Ruth Detrow: We were just talking about the same piece of land, correct?

Mayor Stewart: There are two parcels here now.

Ruth Detrow: Are they contiguous?

Richard P. Wolfe II: Oh absolutely. I don't think you look at it as parcels; you look at it as a total. When determining appropriate zoning for the whole area.

Questions or discussion?

Moved by Ruth Detrow, seconded by Stephen Stuart that the Ordinance be passed on the first reading.

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

Moved by Ruth Detrow, seconded by Robert L. Valentine W1 that the rules requiring the reading on three separate days be suspended and that the Ordinance be passed on the second and third readings.

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

Wertz.

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

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

Ord. 55-09

Item (d) AN ORDINANCE ADOPTING THE TAX COMMISSION BUDGET OF THE CITY OF ASHLAND, OHIO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2010, SUBMITTING THE SAME TO THE COUNTY AUDITOR; AND DECLARING AN EMERGENCY.

Moved 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.

Bill Strine, Finance: We had the Hearing today and there was one citizen there but there were no public comments. And I would urge Council to pass this so we can pass it on to the County Auditor. Thank you.

Mayor Stewart: I think it is appropriate for me to share with you, the General Public; Mr. Strine has worked diligently to get this prepared. It is not the customary thick book that we have always had and that is my doing. I have asked our Department heads to work through their line items and prepare their perceived needs for 2010. And Mr. Strine has gathered up the revenues of the sources that he has to put the revenues together. This is a document to support what is necessary for the tax budget. I can assure you that when we come to the final or the appropriation request and the full budget; the budget that we have to live within for the year, it will be a highly detailed budget that you are accustomed to. But when my department heads asked me about what we needed, I told them to prepare for themselves what they needed to come up with the totals for personnel, and the totals for other issues and submit them and that is what we are working with.

Robert L. Valentine W1: I asked that question too. Do we anticipate when we will have it?

Mayor Stewart: When we start the 2010 budget for actual appropriation requests. We are not doing it for the tax budget. It is an exercise that the departments have the detail that they need to come up with their requests and then that is what they will be working from to back into the revenues we have available when we give them those revenues later this year. It is a procedural requirement that we go through this. This budget as you can see has some deficit spending on it, which we are not allowed to do. But it projects the needs and if there was a need that was strong enough, it would support anything that we might choose to put on the ballot to support and bring these back from a deficit spending. In other words, if we wanted to put a tax issue on to bring some of these lines back into a balanced condition as they are submitted, this supports the need

for that. And I am certainly not saying at this point in time that we are going to ask for any tax increases. What I am saying is that I ask the people of the departments to go through, build their budget, give us the line items, the bottom lines and that is what we are presenting.

Robert L. Valentine W1: I am not disagreeing with what you are saying; I am just asking when will all that be done?

Mayor Stewart: When did you get it last year Bob? We got it in January right? I would hope that we can do that well this year. Seriously, the revenues won't be established until after the first; the final revenues.

Questions or discussion?

Mayor Stewart: I didn't want you to blame anybody but me for not having that big, thick line-by-line book. That was my decision.

Robert L. Valentine W1: Oh I understood what the situation is.

Mayor Stewart: It will be late this fall.

Robert L. Valentine W1: Okay, that was the question I asked.

Moved by Robert L. Valentine W1, seconded by Robert M. Valentine W2 that the Ordinance be passed on the first reading.

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

Moved by Ruth Detrow, seconded by Paul Wertz that the rules requiring the reading on three separate days be suspended and that the Ordinance be passed on the second and third readings.

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

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

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

Ward Reports:

At-Large: Stephen Stuart
No report

W2: Robert M. Valentine
No report.

W1: Robert L. Valentine

No report

W3: Ruth Detrow
No report.

W4/President: Paul Wertz
(a) High grass- 115 Wick Avenue.

Old Business: None

New Business:

(a) *Petition for Alley Vacation: Ashland University, Rick Ewing: a certain 12 foot wide, east-west alley, situated between Lot Nos. 894,895,896,897,898,907,908,909,910,and 911 S.A. to vacate alley from the east right of way line of Broad Street (60') to the east line of Lot Nos. 898 and 907, S.A.;*

Richard P. Wolfe II: This is a petition and we just need to set the Public Hearing.

Paul Wertz: Tuesday September 1. We don't meet in August. Unless you want a Special meeting

Robert M. Valentine W2: Last year we did not meet in August and we had 5 meetings.

Rick Ewing, AU: I guess my question would be, certainly not intending on directing instructions on this area but we do intend on building a Parking Lot. And I don't know that an alley vacation would prohibit the development of parking lots because it would still be accessible.

Richard P. Wolfe II: It wouldn't prohibit it but if we needed to get at it before it is vacated and dig it up, then it is your expense. So you proceed at your own risk. Procedurally, it is better to get this taken care of and that's why we are trying to do this by the numbers. I know there is a time concern.

Paul Wertz: Second Tuesday in August? That would make the 30 days. Do you want to have a Special meeting then or not? It is up to you.

Mayor Stewart: Not at 7:00 p.m. for my benefit. I have committed to City/County Health Department on the second Tuesdays.

Paul Wertz: We can always have it at 4:00 p.m.

Robert M. Valentine W2: What date is that?

Valarie Bishoff, Clerk: August 11.

Robert M. Valentine W2: If you don't need me, I will be in Cincinnati all weekend.

Stephen Stuart: I will be gone all week also.

Ruth Detrow: We can have it the first week.

Paul Wertz: The first week wouldn't give us 30 days.

Richard P. Wolfe II: If you anticipate that there is going to be other business that you may wish to address in August, you may want to move it back one more week later and then you can add other things on as you go. That way you will have a full compliment of Council.

Paul Wertz: On the 18th?

Richard P. Wolfe II: I don't think one week in that respect would make as much difference as three or four weeks into September.

Paul Wertz: Okay August 18th at 7:00 p.m. Okay with everyone?

Yes.

Robert M. Valentine W2: If anything else comes in, we will add it on.

Valarie Bishoff: Is that for both Alley Vacations or just one?

Paul Wertz: This one will be 7:10 p.m. for this one.

Rob Ward: Will that Public Hearing take care of the (inaudible). There is one house on the street, and I have been unsuccessful to get them to respond to me. I just want to make sure that Council is aware.

Richard P. Wolfe II: Is that included in the petition?

Valarie Bishoff: I don't see the name listed.

Richard P. Wolfe II: Is that parcel included? Is that part of the alley included in the petition? That is part of the reason why there is a requirement to the Public Hearing and Council can determine what portions of the alleys to vacate and so the entire area could be vacated and we can have legislation available the same night as the Public Hearing if you wish. You would entertain it after the Public Hearing.

Paul Wertz: Say, they own all of the property, with this property owner be notified that we are having a Public Hearing that day?

Richard P. Wolfe II: There are procedures for giving notice and as long as those procedures are followed then that notice is affective.

Rob Ward: I sent them a letter. I didn't do it Certified. I have been there six times.

Richard P. Wolfe II: Clerk of Council is aware of those procedures. If you want to check with her to identify what lot they are talking about to make sure. We are giving notice of the Public Hearing now.

Stephen Stuart: For clarity, there is nothing paved down in that area.

Rob Ward: It is all grass now. All the houses are down.

Richard P. Wolfe II: The issue is, if there is any reason, any utilities or any concern on Council's part that we need those rights of way, then we should retain them if they don't serve any public purpose, then they should be vacated. Larry, didn't we talk about this earlier as far as getting descriptions of all the alleys and making sure there were no utilities in any of the areas.

Robert M. Valentine W2: Isn't that what we did before Rick?

Rick Ewing: Well, we have not gotten through it. The next petition actually, there is a hang up on that. Because in researching those easements, they realized that although the Plat indicated the techs in the tax office didn't vacate it completely. So that is why the second petition is on there. Because that had to be done.

Richard P. Wolfe II: There is no record that it has ever been vacated.

Ruth Detrow: Doesn't the city retain the right to deal with any kind of utilities anyway?

Richard P. Wolfe II: We generally do. If there aren't any utilities in those areas, then it is not an issue.

Paul Wertz: That Hearing is set for 7:10 p.m.

(b) Petition for Alley Vacation: Ashland University, Rick Ewing: a certain 14 foot wide alley, situated adjacent to the rear of Lot Nos.: 828,829,830,831,832 and 833, South Ashland to vacate alley from the northerly line of Lot No. 828, South Ashland to the southerly line of Lot No. 833, South Ashland;

Paul Wertz: So we make the Hearing the same night as the other one?

Rick Ewing: Yes, since there are not any other adjacent properties other than the University, is the 30-day period still necessary?

Richard P. Wolfe II: Yes.

Paul Wertz: So we will make that at 7:20 p.m.?

Richard P. Wolfe II: That makes it a lot less likely that there is anyone who objects.

(c) Pursuant to CO 1163.02(C) - to amend Chapter 1311 (Zoning Definitions), by enacting Section 1131.071, creating a definition for the term "Bottling Works" a Public Hearing is Requested. (See sample Ordinance-marked Informational only);

Richard P. Wolfe II: We just need to set the Public Hearing

Paul Wertz: Let's make that for 7:30.

Richard P. Wolfe II: And then you can entertain an Ordinance that night or another night if you wish. This is a reflection on the negotiations with Barbasol. They have asked for a specification

a definition of Bottling Works so that it is compatible with the activity. We have agreed to do that. So we are proceeding with that.

MAYOR'S COMMENTS:

Mayor Stewart: I wanted to share with you tonight that today four people, Our City Engineer and myself, Economic Development and Chamber attended a meeting in Columbus on the Ohio Rail Development Commissions Group and that is called the Cleveland, Columbus, Cincinnati high speed Rail workshop. There is a move to start a rail transportation network; guess maybe not network. It is basically to connect Cincinnati, Columbus and Cleveland. That is the three C's. Now obviously there are a lot of other communities that want to be involved in this. Dayton was very well represented. Akron was well represented. Mansfield and Ashland were represented and there are no identified routes specific to this process. They are proposing that it will be a two-phase process. Phase I will be a phase that will get transportation moving, not at a high rate of speed but it will be a speed not to exceed 79 mph. I don't know what is magic about 79 mph but that is the number that is spelled out. And it certainly has to do with regulations I am sure. At a later time, and time is not defined, what is later, I don't know that. And I don't know when the first phase of the 79 mph network will be started. The second phase will be the high-speed 110 mph or less. Now trains can go faster than that but it requires a lot of infrastructure. They can't cross a grade crossing at 111 mph. There are laws against that; you can't cross a grade crossing. So it is just to let you know that we were told there is eight billion dollars in the National Stimulus Package to research and in some cases initiate projects such as have been discussed. There is an established commission and this is their goal and today they took input from all the folks that were there. What do you see as advantages? What do you see as disadvantages? Any comments we wanted to make, we put them up, collected them all, about 125 people were there, and then after they were put up, we had little stickers and we voted on our favorite. It was a process. The actual commission meets Friday the 10th and I am anxious to see what their minutes show as to what if there was any of the outcome of this workshop that makes it to the actual commission minutes. It is just to let you know there is some thoughts pretty serious thoughts flying around of re-instituting some sort of rail transportation within the State. Some of the surrounding states are doing some very similar things. And there are some northeast coast areas that have successful rail transit. California has a successful rail transit. Ohio does not. That is what this commission has established to see how, if and when or if, how and when.

Unknown speaker: Are they using existing track? Did that come up in this?

Mayor Stewart: Rail has to meet a certain criteria to carry passengers on it. The plots that they have shown as possible routings are existing railroads.

Unknown speaker: We should have kept what we had.

Mayor Stewart: I don't disagree with you and we have given a lot of that right of way away too.

Ruth Detrow: Is this just passenger?

Mayor Stewart: Well, whatever is enhanced for passenger, there will be a significant ripple effect for freight. Because it is a rail, it may not prohibit freight from moving on it. But it could be light rail, which wouldn't move freight on it.

Robert L. Valentine W1: Well this has been going on for years and years talking about it and at one time they were talking about putting it where 71 is.

Mayor Stewart: Well, I brought that up and there are a lot of reasons why we shouldn't do that.

Robert L. Valentine W1: Well I am not agreeing or disagreeing.

Mayor Stewart: No I thought it was a pretty good idea, personally.

Robert L. Valentine W1: That is what they talked about.

Mayor Stewart: There is a lot of talk going on but there are apparently there are dollars that are released or will be released for this to spread over whatever states apply for it, as I understand it.

Robert L. Valentine W1: But they have no idea what the cost might be?

Mayor Stewart: Oh, no.

Robert L. Valentine W1: Is the eight billion just...

Mayor Stewart: Eight billion is a package from the Federal Stimulus budget, if you will, to cover anybody across the county that applies for it. It will not build Ohio a Railroad Network.

Unknown Speaker: From what I have seen on the Internet, it almost sounds like it is a done deal. It is going to go, it is just a matter of configuring, dotting all the I's and crossing t's.

Mayor Stewart: It will become in my opinion, not stated in the meeting, but it will become very political.

Unknown Speaker: A lot of it is good though, because talking about the elderly can go from Cleveland to Columbus Hospitals, plus for Medicaid/Medicare.

Mayor Stewart: There are all kinds of benefits if we can afford them.

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

Gary Weber, 1180 U.S. Rt. 250 N.: I want to express my disappointment to the city. I regret selling my land especially when I found out now what kind of neighbors the city has become. They put in the Ashland Times Gazette in November about they are going to have a practice fire, burning down a barn. To make a long story short; and I look around; I am the only neighbor that really abuts where that barn was. About 150, tops, away. And multiple Fire Departments down

there, as far as a practice all they did was squirt the back of Riley's home. I watched them that morning. After I looked at the weather report to see the winds coming from the south, and I was thinking, how am I supposed to move 14 equine? I have donkeys too. About 30 some goats within a matter of minutes, less than 1 hour because they are going to light the barn on fire. And the wind is coming from the south. After they put in the paper how all the neighbors had been contacted and only one representative of the city had the intelligence enough to say those horses are going crazy over there and came over to see if we could do anything, but with 14 horses and half of them running without halters on, and the smoke coming across, you cannot hardly see some of them when you look across the field, there was black smoke from asphalt shingles from one days fire and that very evening or the next day, Dr. Marni from Spring meadow was out trying to save two horses that died from smoke inhalation and I got the bill for that too. And I am not going to come after the city. I don't have the big money to fight the lawyers, and the saying is "You can't fight city hall". I believe that. I know how policies work and all. I was upset because no notification and he lied to me. If we can't be honest and good neighbors. The other issue was that one-day fire that they advertised turned into a 30-day fire until my wife called the Engineers office and said what is going on here. And they re-lighted the thing every day of the week except Saturdays or Sundays. They also burned down two other buildings. That is why I am concerned with the zoning and the elevation because everybody changes their mind. Just like big business, like AU here. They have done a lot for the community but they have had this planned for years and all of a sudden you have to rush rush rush to change zoning all of a sudden. Doesn't anyone think anything out? If I were a City taxpayer, I would be extremely upset when I see 10, 15 people from various departments out there taking chain saws cutting 16 foot boards so you can make 7 foot boards out of them to throw them back into the barn they are going to burn down and spend tons and tons of money with backhoes picking up 200-300 dollar hay feeders putting them; and I offered \$100.00 dollars a piece for them by the way and put them in the back of a truck so they could take them to Milliron to get 20 bucks out of them. It was a total waste. It just boggled my mind and since they did get the barns out; at least some of the department trucks can't hide out there during the day like they have been. But the water is a continuing problem out there; like I said earlier in my comments; ODOT started with the Bypass. When they changed the elevation, it changed the flow of water out there. My home was built in about the same year as my neighbor lady was born.

Delphine Kinney: Will you quit telling my age? 1927.

Gary Weber: They changed the elevation and they screwed with the water, then they turned around on Westlake and cut the drain that leads to my home. I had people check where my drain tile was. Those are my big concerns. The bypass and Westlake Drive and now tons and tons of soil brought in. I can't believe they are raising that elevation and compounding the problem. I am a little bit perturbed; multiple Fire Departments don't know the damage of smoke inhalation and what it does when they see it blowing and they look at the whether and they start a fire? How the wind is going to be blowing.

Mayor Stewart: I want to make a couple of comments. First off, there is a lot of dirt being brought out there today and there will be more brought out there and it is to be stored for further use in the fields behind where the barn site was. I want to work with you and I will bring our city

Engineer to work with you and you folks. I had no intention of increasing or hurting your property with the change of the flow of drainage. That was not intended outcome at all. I didn't know that. I learned that tonight. I couldn't be there last week. I assure you that Mr. Kremser and I will be in touch with you; we will do everything we can to make drainage proper. We are bringing more soil over there; there is no question about that. It is coming from a site where the Barbarosol plant is going to be. We are getting that dirt moved at no cost to the city because we are sharing some of the dirt. But we didn't want to waste that topsoil. I don't want to go into the fields at this point in time. Some of it is planted. We will work with you. Yes Maam?

Delphine Kinney: I just wanted to say, "I love what you just said", sincerely. I do feel you are concerned.

Mayor Stewart: Well, I mean it. Certainly we are concerned.

Delphine Kinney: Well I heard you say it, it meant a lot to me.

Mayor Stewart: Well, Thank you. It is our intent to be good neighbors. Are we always good neighbors? Maybe we are not good neighbors especially if we don't know we are a bad neighbor. Tell us. Thank you.

Howard Scanlan: What is the position of the Finance Director? I mean Mr. Strine is not going to stay forever. Have you guys looked at a new Finance Director to appoint?

Mayor Stewart: I am sorry; I didn't hear your question.

Howard Scanlan: If Mr. Strine is not going stay forever, as he has already said publicly; have you looked for a new Finance Director?

Mayor Stewart: I haven't set a timetable for that. There is no prescribed time. There has not been one specifically chosen.

Howard Scanlan: Just to go a little further on that. If the Charter is not changed from Elected to Appointed in the General Election; would you folks entertain another amendment to the Charter that would mirror Section 24? It has to do with the Mayor's terms and conditions. Off the top of my head, it says that the Mayor himself cannot hold two public positions. Seeing as what happened with our last Finance Director, if you mirrored all elected officials as the Mayor's terms and conditions, you wouldn't have that mess. That person would not have been able to hold two public offices. Do you know what I am saying?

Mayor Stewart: Yes, I hear what you are saying. I will not speak for what Council would like to do as far as that would go and I would certainly; that would be something that the Law Director would have to advise us on also. But I hear what you are saying.

Howard Scanlan: Yes, that would have eliminated the whole mess with the former Finance Director.

Ruth Detrow: It would eliminate that mess?

Howard Scanlan: Or in the future a mess of that sort.

Ruth Detrow: But it is kind of narrow, is what I am saying. As I first hear it. I hadn't heard it until right this minute. But it seems as though it is speaking to one little part of a big issue.

Questions or discussion?

Move to adjourn Regular Session 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.

Meeting was adjourned by Council at 7:50 p.m.

Submitted by
Valarie Bishoff
Clerk of Council