
Ashland City Council

MINUTES FOR THE REGULAR SESSION OF COUNCIL Tuesday, October 6, 2009

Council President Paul Wertz called the meeting to order at 7:00 P.M.

ROLL CALL

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

PLEDGE OF ALLEGIANCE

MINUTES:

- (a) Regular Session 9/15/09
- (b) Executive Session 9/24/09
- (c) Public Hearing – CDBG Revision 9/29/09

No corrections.

Move to accept the minutes of Regular Session 9/15/09, by Robert L. Valentine W1, seconded by Ruth Detrow.

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

Move to accept the minutes of Executive Session 9/24/09, by Robert L. Valentine W1, seconded by Robert M. Valentine W2.

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

Abstain: Ruth Detrow

Public Hearing was conducted from Engineering Department. No need to approve.

Legislation:

Ordinances:

Ord. No. 74-09

Item (a) AN ORDINANCE ESTABLISHING SPECIAL FUNDS TO DEPOSIT AND EXPEND MONIES FOR THE PURPOSES SPECIFIED; AND DECLARING AN EMERGENCY.

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

Comments?

Larry Paxton: We worked with the Auditor's who just completed our annual audit for the city. And they suggested that we come up with a better way to report the city's employee share of the health insurance

that they pay and so the first fund on that is the Employee Payroll Deduction Fund that is creating that so all employee contributions that they pay as well as the expenses that they would pay would come out of this fund. The second fund is the Special Revenue Fund, I think it is a requirement of the Justice Assistance Grant that the city has applied for so that that money can be deposited into that, it is a Police Department grant that they have applied for. Just a separate fund to put that money into.

Richard P. Wolfe II, City Law Director: Pay into and pay out of and it tracks that money. In creating funds, I just put them both in one Ordinance.

Comments or questions?

Move the Ordinance be passed on the first reading by Ruth Detrow, seconded by Robert L. Valentine W1 to invoke Section 113.01 of the Codified Ordinances as the distribution of this Ordinance has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

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

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

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

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

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

Ord. No. 75-09

Item (b) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ENTER INTO A MODIFICATION OF THE BUCKEYE/MARLO SANITARY SEWER REPLACEMENT PROJECT- BUCKEYE EXCAVATING & CONSTRUCTION, INC. CONTRACT AUTHORIZED BY ORDINANCE NO. 18-09; AND DECLARING AN EMERGENCY.

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

Comments?

Shane Kremser, City Engineer: This was for Buckeye/Marlo Sanitary Sewer replacement project. There were some field modifications that had to be made that were unperceived; the largest of which was the Sanitary Sewer manhole, the actual structure that was tied into on Buckeye. It was structurally deficient and had to be replaced and then there was also an instance where a sanitary service lateral, they were actually combined for two different property owners so we had to put in new connections and do some adjustments to the sidewalk and other right of way restorations to accommodate that and then also in our estimate we appropriated so much money but when they got in and we did some of the connections on other manholes; we noticed some dilapidated pipe that they felt needed to be replaced and we concurred with that. The pipe was falling apart, so we thought since we had it open we would do it.

Robert L. Valentine W1: So Shane, some of these are probably what? Gosh knows how old, right?

Shane Kremser: Yes, this is very embarrassing.

Robert L. Valentine W1: Again, I commend you because may be we have done this before, but I went through all of these and everything is there. Thank you.

Shane Kremser: I will try to get you as much detail as possible.

Comments or questions?

Move the Ordinance be passed on the first reading by Robert M. Valentine W2, seconded by Robert L. Valentine W1t to invoke Section 113.01 of the Codified Ordinances as the distribution of this Ordinance has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

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

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

Move that the Ordinance be passed by Stephen Stuart, seconded by Ruth Detrow.

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

Resolutions:

Res. No. 19-09

Item (a) A RESOLUTION AUTHORIZING, PURSUANT TO CODIFIED ORDINANCE SECTION 521.07(b) THE USE OF BARBED WIRE WITHIN THE CORPORATE LIMITS OF THE CITY OF ASHLAND, OHIO; AND DECLARING AN EMERGENCY. 2ND READING (Lance/Archway)

Comments?

Richard P. Wolfe II: Motion to pass on the second reading is what is before you.

Robert L. Valentine W1: This isn't a dissertation; I would just like to make a statement. I think I had mentioned something about this before too, but I think maybe we like to read things, this way I will get across what my point is. Council needs to look into the current fence and barbed wire restrictions that we have. This is not a new problem. All we have to do is look around the city and see the inconsistencies of the height and use of the barbed wire. What is needed is uniformity to help resolve future problems. My suggestion to City Council, which I mentioned in the September meeting is that we research the fences we have in our city and then work with our Law Director to come up with a Resolution that can avoid any future misunderstandings. I think I mentioned that before, but I will mention it again; I don't know how the rest of Council feels about that but I think that is something that should be done. We may not have problems in the future. But I think we need some consistency here. That is my recommendation to Council.

Stephen Stuart: One year ago at this time, the Archway plant had closed. Today some 155 former Archway employees are back making cookies for Lance. The Lance Corporation has an outstanding reputation nationally and really worldwide and I think as a community, we are blessed to have them here. City Council and the entire city government must do everything we can to support businesses both large and small in this community and I imagine there are some folks at corporate headquarters down in Charlotte that are scratching their heads and wondering what is going on in Ashland Ohio. We need Lance and we need the type of leadership that Jeremy that you represent here in this community. So a barbed wire fence that faces outward should not be an issue for City Council.

Questions or Comments?

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

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

Move to suspend the rules, 3 separate meetings, 3 separate nights, by Ruth Detrow, seconded by Stephen Stuart to invoke Section 113.01 of the Codified Ordinances as the distribution of this Resolution has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

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

Move that the Resolution be passed by Stephen Stuart, seconded by Ruth Detrow.

Ayes: Ruth Detrow, Paul Wertz, Stephen Stuart.

Nays: Robert M Valentine W2, Robert L. Valentine W1

Paul Wertz: I think that Robert L. Valentine W1 had a good idea. Rick do we need to maybe put it before the Planning Commission regarding the barbed wire fence? What do you think Council? Have the Planning Commission come back with a plan for Industrial.

Richard P. Wolfe II: We had discussed this before; a year ago, as Mr. Stuart had mentioned or even beyond that I think one of the things that we need to know is what do we have; what are we dealing with? We need a survey of the barbed wire fencing that exists in the city and determine what has been approved and what hasn't been approved and whether they vary from how much variation there is from one to the other and once we know what we have, then we know how to approach the problem.

Robert L. Valentine W1: Well we do know we have inconsistencies.

Richard P. Wolfe II: But I don't know what the scope of it is.

Paul Wertz: Question Rick; let's say somebody decides to put a fence up and then comes before Council. Whose responsibility is it to come before Council for that fence? Who's responsibility is it to come before that; if somebody puts a fence up and they don't come before Council; and we discover it later on; who is at fault? Are we at fault for not checking it out?

Richard P. Wolfe II: No. How would we check something out that we don't know about? If we find out about it later on, then it is an unauthorized barbed wire fence and there are actions that can be taken.

Paul Wertz: We do not have anyone who checks for that; like Building and Zoning here.

Richard P. Wolfe II: We do not have a barbed wire fence inspector, no.

Paul Wertz: Wouldn't that be part of his job though?

Shane Kremser, Engineering: We do not have a full time guy in the field. And you know right now, Roger is helping, doing a lot to help the Engineering Department, even though building is down. But the Engineering Department, we don't have a full time guy. So in the future hopefully that is something that we can get. Someone who drives around the city looks at the construction sites and they can also be the eyes and ears of the Building and Zoning department.

Howard Scanlan: Would you entertain anything from the audience on this?

Paul Wertz: Yes.

Howard Scanlan: Suggesting Legislation, 8 foot fence minimum; vertical barbed wire, boom you got it, that's it. You need a permit for the 8-foot, you need a permit for the barbed wire, and there it is consistency.

Richard P. Wolfe II: It may come to that but I think before we make any Legislation or formulating on Legislation; we need to know exactly what the circumstances are and then get the input from the Planning

Commission, from Council, from the Administration and from the community as to what is recommended and then we will put that all together and we can come up with some rational Legislation; if we are going to go beyond what we already have.

Howard Scanlan: Both fences and barbed wire are deterrents. I know this for a fact because I have no trespassing signs and you can climb right over them. It is a deterrent; anyone with good snips; they don't care about the barbed wire; through the fence. There is your consistency.

Paul Wertz: Rick is right; we need to check all of the avenues. We will check out what it is now and then go to City Planning Commission and then have them come back with a plan and see if we all agree with it.

Robert L. Valentine W1; Who is going to check it out though?

Paul Wertz: City Engineer.

Shane Kremser: We will put something together.

Paul Wertz: Thank you Shane.

WARD REPORTS:

Ward 2: Robert M. Valentine

- (a) I had a problem; I talked to Shane; hopefully that is taken care of.

Shane Kremser: Yes there was some misunderstanding there and Roger talked with the gentleman; so I think we should be okay now.

Robert M. Valentine W2: I hope. We want them to fix things up. We do not want to put hurdles up.

Shane Kremser: I did talk to Roger about that. Roger is being torn because he is doing a lot for the Engineering Department. Even though building is down. We are utilizing Roger for our projects too. He is doing his best. I did talk to him about that and he got with the gentleman. It was a misunderstanding.

Robert M. Valentine W2: I appreciate it.

- (b) I called Larry Paxton a while back and he took care of another problem for me on Miller Street. I appreciate that.
- (c) I called Mr. Wolfe's office last week because down at General Latex; that closed factory at the corner of Cleveland and 9th. What happens is, they don't mow it and it gets high and then you cannot see around the corner. Cars come over that hill so I got a hold of Mr. Wolfe and then that afternoon I was driving my truck back into work and Jerry's guys were there with the mowers and they it cut it all around; I appreciate that Jerry.

Ward 1: Robert L. Valentine

- (a) No report.

Ward 3 : Ruth Detrow

- (a) Just one thing. There was concern this week about the Legislation that we passed maybe two years ago to make Center Street an Historic District and with special guidelines and so on. I guess the question that was asked to me was; who is checking to see whether or not people are following those guidelines which are stricter than the guidelines for the rest of our community.

Shane Kremser: That has been in the struggles because, yes, we don't have a full time person out there driving and doing inspections.

Ruth Detrow: While someone is out checking on fences, could that person cruise up and down Center Street? We have but just one Historic District and it is just a few blocks of Center Street. It is not a huge area but what caused this person's concern was the fact that someone is putting in replacement windows in a house in the Historic District and.

Richard P. Wolfe II: Why don't you make sure she has that address so he can go specifically to that location? There is no sense just cruising up and down looking at every property just to see if something is happening but if something comes to our attention then that is what we should look specifically at as well as generally. So if he has that well then we can check that. If there is an issue then we will bring it before the board.

Ward 4/President: Paul Wertz
(a) No report.

At-Large : Stephen Stuart
(a) No report.

OLD BUSINESS: None.

NEW BUSINESS:

- (a) **Liquor Permit Request:** City of Ashland, Ohio Municipal Corporation; DBA Brookside Municipal Golf Course, city of Ashland Park & Rec.; B, New, (D-1) ORC 4303.13 beer only for on-premises consumption or in sealed containers for carry-out.

Richard P. Wolfe II: This is our permit, so I presume that you don't require a hearing on it.

*Move to not request a hearing by Robert M. Valentine W2, seconded by Stephen Stuart.
Ayes: Robert L. Valentine W2, Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1.*

Richard P. Wolfe II: As you can see, the application process is proceeding.

- (b) **Liquor Permit Request:** From- Hook Super X LLC, DBA CVS Pharmacy 6167 418 E. Main Street, Ashland, Ohio 44805- C2, C2X, TO – Ohio CVS Stores LLC, DBA CVS Pharmacy 6167, 418 E. Main St., Ashland, Ohio 44805: B, Transfer C2, ORC 4303.12 wine and certain pre-packaged mixed drinks in sealed containers for carry out and C2X ORC 4303.121 beer in original sealed containers for carry out.

Richard P. Wolfe II: It is simply a transfer. Whether it is a name change or ownership change but they already sell beer and wine there now. It is just a transfer.

*Move to not request a hearing by Ruth Detrow, seconded by Paul Wertz.
Ayes: Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine W1.*

MAYOR'S COMMENTS:

- (a) **Richard P. Wolfe II, Law Director, Acting Mayor:** Everything is going fine. We are struggling in the absence of Mayor Stewart, but we are getting by.

Comments of questions from the Audience: Items that are not included on the Agenda
Stephen Stuart: Jerry, do you want to share anything about the auction last Saturday?

Jerry Mack: Yes I can. We had more people than I have ever seen at our auction. I think it went very well. Everything sold but seven hard hats. We give them a week to get it out. Come Friday, we will see what is left. I do have a few things that I know will have to be trashed. They buy a lot and don't take all of it. So we will have a little but of stuff to dispose of. But it went well. We had a real good auction. Larry was there.

Larry Paxton: Mr. Mack's crew did an excellent job of getting just a variety of knick-knack things that we probably kept for 20 years trying to get them organized. Which made the auction go a lot easier for everybody. The grand total was like \$58,198.00 dollars or something like that. We had to take the auctioneers expense out of it. That was really good for what we had going on.

Robert M. Valentine W2: Is this for the road fund?

Jerry Mack: It actually gets put back into whoever bought the stuff. They get the money back.

Richard P. Wolfe II: I think it goes back into the General Fund. Whether it goes back into an individual fund, there is a budget process. It goes to the General Fund. But the whole concept of this either vehicles that have been where we have gotten title to that have been impounded and abandoned or lost property that we cannot determine the owner or equipment that we have used that is either obsolete or has been replaced but it still has some utility. So it needs to be done periodically I think perhaps this time we might have gotten a little behind and now we are pretty well caught up. However Council should consider that where some of this stuff came from and maybe when there is a time to do amended appropriations, then you take that into consideration.

Comments or questions?

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

ADJOURNMENT AT 7:23 P.M.

Submitted by
Valarie F. Bishoff
Clerk of Council