
Ashland City Council

MINUTES FOR THE REGULAR SESSION OF COUNCIL Tuesday, March 5, 2013 at 7:00 p.m. Council Chambers

Council President Stephen Stuart called the meeting to order at 7:00 p.m.

ROLL CALL

Council-at-Large & President:	Stephen L. Stuart	Present
Ward 1:	Duane R. Fishpaw	Present
Ward 2:	Robert M. Valentine	Present
Ward 3:	Ruth Detrow	Present
Ward 4:	Sandra Tunnell	Present

PLEDGE OF ALLEGIANCE

7:00 p.m. - **2nd Public Hearing** to consider the adoption of the 2013 annual appropriations

There were no questions about the appropriations.

Mayor Stewart stated it is a “tough” appropriation. Mr. Stuart stated it is a tight budget.

Mr. Fishpaw asked about the “Justification for Expenditure”. He stated it looks like the justification does not equal the appropriated amount.

Mayor Stewart stated he has not had the line-by-line discussion/conference with each of the division heads this year or last year because time ran out. The appropriations are what was spent last year, not what was appropriated. What was spent last year that is shown for 2013 as an appropriation was after year-end adjustments, so the appropriations for 2013 are “considerably less” than what was appropriated in 2012.

Mayor Stewart stated purchase orders are cancelled at the end of the year and rewritten after the first of the year. That is the process that is in place.

Mr. Stuart stated the original request for appropriations was in excess of \$1 million over the revenues available. So what ended up in the appropriations were salaries “frozen at the 2012 level”. Appropriations are at the expenditure level of 2012. He stated there are a couple of exceptions, but that is the general rule.

Mayor Stewart stated there are agreements written that include various step raises which are contractual obligations. These are not reflected in the salary budget.

Mr. Fishpaw stated the justifications (or reasons) are not actually for the amount of money that is listed in the appropriations.

Mayor Stewart said he tells his people that if they need something this year, put it in the appropriations. If it is not put in, they have no chance of getting the items. If it is put in, there may be an opportunity to get it. In many cases the justifications reflect a significantly higher amount than what was put into the appropriations.

Conclusion: 7:07 p.m.

The **2nd Public Hearing** to consider the adoption of the 2013 Annual Appropriations was concluded.

PRESENTATION OF MINUTES

Moved by Mrs. Tunnell and seconded by Mr. Valentine that the minutes for the **Regular Session** of City Council held Tuesday, February 19, 2013 be accepted as written.

Ayes: Mr. Fishpaw, Mr. Valentine, Mrs. Detrow, Mrs. Tunnell, Mr. Stuart

LEGISLATION

Ordinance Number 7-13

Item a):

AN ORDINANCE AUTHORIZING CERTAIN LAND BELONGING TO THE CITY OF ASHLAND, OHIO TO BE SOLD THROUGH THE COMMUNITY IMPROVEMENT CORPORATION; AND DECLARING AN EMERGENCY.

Moved by Mr. Valentine and seconded by Mrs. Tunnell 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: Mr. Valentine, Mrs. Detrow, Mrs. Tunnell, Mr. Stuart, Mr. Fishpaw

Mayor Stewart stated requesting the land is because of a need to expand their business. The land is 13.777 acres on the former Riley Farm. The Purchase Agreement includes a buy-back if the land isn't developed within a given time. There is sanitary sewer line with easements included so they cannot build over the sanitary sewer line.

If Council passes the legislation, CIC will be contacted to set up the final closing.

Moved by Mrs. Tunnell seconded by Mr. Fishpaw that the Ordinance be passed on the first reading.
Ayes: Mrs. Detrow, Mrs. Tunnell, Mr. Stuart, Mr. Fishpaw, Mr. Valentine

Moved by Mrs. Detrow and seconded by Mrs. Tunnell that rules requiring the reading on three separate days be suspended and that the ordinance be passed on the second and third readings.

Ayes: Mrs. Tunnell, Mr. Stuart, Mr. Fishpaw, Mr. Valentine, Mrs. Detrow

Moved by Mrs. Tunnell and seconded by Mr. Valentine that the Ordinance be passed.

Ayes: Mr. Stuart, Mr. Fishpaw, Mr. Valentine, Mrs. Detrow, Mrs. Tunnell

Resolution Number 3-13

Item a)

RESOLUTION AUTHORIZING FILING OF APPLICATION: PROJECT TITLE FY 2013 SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; AND DECLARING AN EMERGENCY.

Moved by Mrs. Tunnell and seconded by Mr. Valentine 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: Mr. Fishpaw, Mr. Valentine, Mrs. Detrow, Mrs. Tunnell, Mr. Stuart

Mr. Kremser stated this is our CDBG application. There have been modifications made to anticipate less funding. There is still uncertainty about the total funding that Ashland will get.

The number of small cities is 25 (Ashland being one) based on the amount of low-to-moderate percentage income (LMI). The minimum amount of money we would receive is \$75,000; in the past we have received \$90,000. The Ohio Consolidated Plan is being reviewed.

Moved by Mrs. Tunnell seconded by Mr. Valentine that the Resolution be passed on the first reading.

Ayes: Mr. Valentine, Mrs. Detrow, Mrs. Tunnell, Mr. Stuart, Mr. Fishpaw

Moved by Mr. Stuart and seconded by Mrs. Detrow that rules requiring the reading on three separate days be suspended and that the ordinance be passed on the second and third readings.

Ayes: Mrs. Detrow, Mrs. Tunnell, Mr. Stuart, Mr. Fishpaw, Mr. Valentine

Moved by Mrs. Detrow and seconded by Mr. Fishpaw that the Resolution be passed.

Ayes: Mrs. Tunnell, Mr. Stuart, Mr. Fishpaw, Mr. Valentine, Mrs. Detrow

Resolution Number 4-13

Item b)

A FINAL RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ENTER INTO A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE STATE RT 96 RESURFACING PROJECT; TO BE FUNDED BY ACCOUNT NO. 202-1001-55400 WITH AN ESTIMATED COST OF \$193,398.00; AND DECLARING AN EMERGENCY.

Moved by Mrs. Detrow and seconded by Mr. Valentine 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: Mr. Stuart, Mr. Fishpaw, Mr. Valentine, Mrs. Detrow, Mrs. Tunnell

Mr. Kremser stated this is the final resolution for the Sandusky Street repaving project. He prepared a summary for Council that was in their packets. The Ohio Public Works matching grant is covering the City's portion. The City will have no expense for this project. The project will be bid in a couple weeks and the construction will be coordinated in May of this year. He stated he wanted to get the storm sewer project complete.

Moved by Mr. Valentine seconded by Mrs. Tunnell that the Ordinance be passed on the first reading.

Ayes: Mr. Fishpaw, Mr. Valentine, Mrs. Detrow, Mrs. Tunnell, Mr. Stuart

Moved by Mr. Stuart and seconded by Mr. Fishpaw that rules requiring the reading on three separate days be suspended and that the ordinance be passed on the second and third readings.

Ayes: Mr. Valentine, Mrs. Detrow, Mrs. Tunnell, Mr. Stuart, Mr. Fishpaw

Moved by Mr. Stuart and seconded by Mrs. Detrow that the Ordinance be passed.

Ayes: Mr. Stuart, Mr. Fishpaw, Mr. Valentine, Mrs. Detrow

Abstain: Mrs. Tunnell

OLD BUSINESS: None

NEW BUSINESS:

a) Advertising on Private Property Permit Application - TruGreen Lawn Care

Mr. Jim Morris was in the audience as a representative of TruGreen Lawn Care to answer any questions. There were no questions.

Moved by Mrs. Tunnell seconded by Mr. Valentine that the permit be allowed.

Ayes: Mrs. Tunnell, Mr. Stuart, Mr. Fishpaw, Mr. Valentine, Mrs. Detrow

b) Request for New Liquor License – The Happy Grape Wine Bar, 47 East Main Street

Moved by Mr. Valentine seconded by Mrs. Detrow that there be no hearing.

Ayes: Mr. Stuart, Mr. Fishpaw, Mr. Valentine, Mrs. Detrow, Mrs. Tunnell

COUNCIL COMMENTS:

Mr. Fishpaw asked about the condition of College Boulevard and Park Street. He stated water appears to be pouring off one of the parking areas on the College Boulevard and is tearing up the street. Park Street water problems seemed to be due to the new waterline work being done from Samaritan to College Avenue.

Mr. Stuart stated he agreed that College Boulevard is showing the deterioration to the point of being torn up to the brick sublevel.

Mrs. Detrow stated a resident had spoken to her about the increase in the deer population in town. The resident is a landscaper and the deer come in and eat their lawn.

Chief Marcelli stated there is also a coyote problem in addition to the deer concern. It would not be something that can be taken care of by hunting without a proper permit. In the past there have been permits for hunting groundhogs and the alligator at Brookside West. The police have never issued a permit to hunt in the City for deer. One solution to the deer problem is to put human hair in stockings and lay it in the garden, and the deer will not bother the gardens. Chief Marcelli also suggested researching websites to see how to successfully keep nuisance animals from your property.

Mr. Valentine suggested barbed wire. Mr. Wolfe stated a permit was necessary for that.

FINANCE DIRECTOR'S COMMENTS:

Mr. Paxton was not at the meeting due to illness.

MAYOR'S COMMENTS:

The Mayor asked Jerry Mack to explain the schedule and guidelines for spring cleanup. The yard waste change is to request Council to allow the stickers to be \$1.25 per sticker, an increase of 25 cents.

Mr. Mack wants to have the dates and information in the next month's water bill to be out just prior to spring cleanup. TVs and electronics will be limited in that the property owner will be responsible for the condition of their electronics to be whole (not stripped or torn apart).

Mayor Stewart stated the yard waste collection is not "self sustaining", but it is taken to a compost site, so it is not put in the landfill. If the Council gives authority for an increase in stickers, they will not change colors. Old stickers purchased a year ago will be honored.

Mr. Fishpaw stated he understood the electronics request for wholeness, but to punish the property owner for something that someone else does seems like a policy that will potentially generate calls from concerned citizens. He suggested a place where the owners can take the TVs and electronics.

Mr. Mack stated the electronics could be taken to the Street Department facility.

Mrs. Tunnell asked if the 2013 instructions for spring cleanup could be edited; Mr. Mack stated that could easily be done. And if it is put in the newspaper, the public can be made aware in advance.

Council agreed to the changes in the directions for spring cleanup of TVs and drop-off point.

Moved by Mr. Stuart and seconded by Mrs. Tunnell to authorize the increase in cost of yard-waste pickup from \$1 to \$1.25.

Ayes: Mr. Valentine, Mrs. Detrow, Mrs. Tunnell, Mr. Stuart, Mr. Fishpaw

Mayor Stewart stated the Traffic Committee reviews traffic and street conditions and concerns. Codified Ordinances 305.01 and 02 specifically allow Chief Marcelli to make changes on traffic control, which includes speed limits. All changes are logged by the Chief. Mayor Stewart stated Traffic Committee is doing things according to the book.

Mr. Valentine just asked that if something new comes up, it would be appreciated if Council was told in advance.

Mayor Stewart will be meeting with ODOT on Wednesday to talk about options. The possibility of an extension from the Industrial Park to 71 would be a benefit to travelers going in many directions including Sandusky and the Industrial Park. It would also lessen traffic on the East Main Street extension.

Mr. Valentine stated he spent many years at ODOT as a bridge inspector. He stated he was in support of an at-grade intersection. He agrees with the engineers and he has felt the same way since the decision was first made. He feels the bridge serves as a barrier and when taken down it will serve to open up the area.

Mr. Stuart stated he felt the extension of the 250 by-pass is the right solution and is what is best. He stated he felt it should be something that is attempted. There are approaches to the State funds and potential funds from the turnpike bonding proposal in Northeastern Ohio. If that happened, the on-grade intersection would make sense. He stated there is a short-term fix when a light is installed at Bob Evans.

Mr. Valentine stated the extension of 250 is a 10- to 12-year fix.

Mr. Wolfe asked if going forward with one proposal precludes the other.

Mr. Stuart stated one does not preclude the other. He also said Alternate 1 is not the best choice if that is the only thing that happens. Mr. Cowen had commented that it was not desirable from his point of view as well.

Mayor Stewart asked what options Mr. Stuart feels are best. Mr. Stuart did not have the options in front of him.

Mr. Fishpaw stated if slip ramps were added, all the alternatives would have to be changed. He felt the current residents in the Industrial Park do not like the options because they all require stopping.

Mayor Stewart stated slip ramps still cause merge problems. He stated all the ramps have to be short due to private driveways or intersections. A trucking company spoke with the Mayor that if

the at-grade intersection was made “truck friendly” he did not have a problem with the proposal. “Truck friendly” means a wide turn radius per quadrant. Mayor Stewart stated he felt confident the wait at the at-grade intersection would be significantly less.

Mrs. Detrow stated she has been told that truckers take another route to avoid the underpass at Bob Evans.

Mr. Valentine stated he is much more concerned with car traffic than truck traffic because that is the most usage of the intersection.

Mrs. Detrow suggested to the Mayor that the one that ODOT suggested probably is the best. The others will take too much time and/or money.

Mrs. Tunnell and Mr. Fishpaw suggested Alternative 1 with the truck modifications.

Mr. Stuart stated ODOT seems to perceive Alternative 1 as truck friendly because the lanes have been widened. He stated there is not a consensus among Council for the Mayor to take to ODOT.

Mayor Stewart indicated he would talk to ODOT and ask their opinion as to what their thoughts were on the feedback of the Special Session on March 1. They need a direction, and Mayor Stewart felt he needed to provide input for that direction.

Mr. Wolfe clarified Mr. Stuart’s proposal that Alternative 1 would be the best with the option of extending the 250 by-pass. One alternative was not going to delay or stop another alternative. The suggestion was for two separate projects.

Mr. Stuart stated the big issue is the traffic in the east corridor. Whatever can be done to alleviate the traffic, needs to be considered. The automotive traffic is not the problem. The intersection needs to address the truck traffic.

Mr. Fishpaw stated none of the designs are truck friendly. He asked who comes up with a truck friendly design.

Mr. Stuart asked that the question be asked of ODOT: What would a truck friendly design look like.

Mr. Wolfe suggested Council provide a consensus as to which plan is thought to be best. By adding the request for truck friendly features, the Mayor can take that back to ODOT.

Mrs. Tunnell stated the consensus is we have questions.

Mr. Valentine added that Council would like it to be as truck friendly as possible.

Mayor Stewart stated he would ask ODOT two questions: Did last Friday’s feedback have an impact on their recommendation. Is there a truck friendly option that could be designed.

Mr. Valentine stated only two companies were in attendance on Friday’s Special Session.

Mayor Stewart stated there had been an earlier roundtable discussion Friday morning. The truck traffic was the center of the discussion and more companies were represented. The two that came in the afternoon had adjusted their schedule to get to the Special Session. They expressed the comments of the earlier meeting.

Mrs. Detrow stated she had received feedback regarding the access to the Industrial Park, and one individual stated he did not want to harm the success of the businesses or development in the Industrial Park.

Mayor Stewart stated someone from the Industrial Park in the morning roundtable discussion had stated a major distribution company had looked at the business park. The feedback was that due to the inaccessibility from the Industrial Park to I 71, they did not choose Ashland.

Mayor Stewart stated the direct access to the Industrial Park would solve this problem, but he stated it is a long way off.

Mr. Stuart asked Council if they were satisfied with the questions the Mayor would be taking to ODOT. Mr. Stuart stated the truck layout is more truck friendly if one is traveling northbound than the proposed intersection.

Mr. Valentine disagreed. Mayor Stewart stated the truckers say it is.

Mr. Fishpaw stated if you are going south and you come off the bridge/or the new proposed intersection, if the truck driver doesn't have to stop by using a proposed slip ramp, which will alleviate the problem.

Mr. Valentine indicated it would be a merge ramp. But it still has to be merged into other traffic, and that is where the issues come in.

Mayor Stewart stated he has direction to talk with ODOT.

On another subject, Mayor Stewart stated it is the City's intent to begin a sign enforcement policy enforcing the sign regulations the City has. He stated it would be "tough." The problem is the inconsistency of enforcing it in the past. Speaking for the Planning Commission, the City has sign ordinances that are enforced or they do away with them. The goal is to begin a progressive process for conformation. He stated there are many blatantly illegal, non-conforming signs. These are mostly the portable signs. He stated there are numerous signs that are "out of spec." The Mayor stated it is the City's intent to enforce the ordinances.

Mrs. Detrow asked if it would be done block by block. She stated there is an inspector employed by the City who can work on this.

Mayor Stewart told Mrs. Detrow that the "sign person" had been laid off four years ago. But, he stated, we have an inspector.

Mr. Kremser stated the building inspector is available to review signs.

Mrs. Detrow stated she is concerned because her ward is full of the most signs where people are ignoring the regulations.

Mayor Stewart stated the plan would be by corridors first by letter. The property business owner will receive a letter that they have a non-conforming sign. He stated Mr. Wolfe will be helping with the letters to the business owners.

Mrs. Detrow stated she predicts business owners will ask her directly if the sign they have is legal. She said she can send them to the law office or to the Engineer's Office.

Mayor Stewart suggested someone from the Engineer's Office could go out and review the sign.

Mr. Kremser stated a grace period would be allowed.

Mr. Fishpaw asked if there are exceptions to the rules.

Mr. Kremser stated there are variances, which are the exceptions.

Mr. Fishpaw asked if there were "a lot" of variances. Mr. Kremser stated there are a number of variances, and they are usually granted based on a demonstrated hardship.

Mayor Stewart stated that is the reason for the Planning Commission hearing process. A request for a variance goes to the Planning Commission. The Mayor stated that hopefully the process would be started in the near future.

Mayor Stewart stated he has not kept a Tree Commission staffed. It is now staffed with himself, Shane Kremser, Tim Clingan, Jerry Mack, and the City arborist, Brian Blessing. Duane Fishpaw, Paul Wertz, and Bob L. Valentine are volunteer participants. The Mayor stated there is a need to meet in the near future. There is a resident that has trees in his

tree lawn and he is opposed to cutting them down. The process would be to take that before the Tree Commission

COMMENTS FROM THE AUDIENCE: None.

The Mayor asked for adjournment to Executive Session in the Mayor's Office.

ADJOURNMENT to Executive Session: 8:11 p.m.

Executive Session was to be held in the Mayor's Office for the purpose of discussing the purchase of property and an update on the status of the labor negotiations.

(No action will be taken.)

Moved by Mr. Stuart and seconded by Mrs. Tunnell to adjourn to Executive Session.

Ayes: Mr. Valentine, Mrs. Detrow, Mrs. Tunnell, Mr. Stuart, Mr. Fishpaw

ADJOURNMENT from Executive Session: 8:34 p.m.

Moved by Mrs. Tunnell and seconded by Mr. Valentine to adjourn.

Ayes: Mr. Stuart, Mr. Fishpaw, Mr. Valentine, Mrs. Detrow, Mrs. Tunnell

ADJOURNMENT from Regular Session: 8:35 p.m.

Moved by Mrs. Tunnell and seconded by Mr. Valentine to adjourn.

Ayes: Mr. Stuart, Mr. Fishpaw, Mr. Valentine, Mrs. Detrow, Mrs. Tunnell

Respectfully Submitted by
Kimberly S. Calhoon, Clerk of Council