
Ashland City Council

MINUTES FOR THE REGULAR SESSION OF COUNCIL Tuesday, May 7, 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

PRESENTATION OF MINUTES

Moved by Mr. Valentine and seconded by Mr. Fishpaw that the minutes for the **Regular Session** of City Council held Tuesday, April 16, 2013 be accepted as written.

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

Abstain: Mrs. Tunnell

LEGISLATION

Ordinance Number 15-13

Item a):

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF CHAPTER 925 OF THE CODIFIED ORDINANCES OF THE CITY OF ASHLAND, OHIO, RELATIVE TO SANITATION COLLECTION.

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

Mayor Stewart stated the City will permit approved, registered, private sanitation service providers to enter into private contracts for the removal of garbage and rubbish from within the City of Ashland for commercial and industrial facilities. This provision shall exclude all households and residential structures and complexes of less than seven (7) units and all mobile home parks, which shall continue to be the sole and exclusive responsibility of the City. He stated this is a major change proposed to Council this evening.

Mr. Wolfe stated this is something that has been looked at for a long period of time. There have been encroachments that have either been allowed or the City has not had the capability to handle some of the jobs. The evolution of the past discussions is to make a clear-cut division as to where the City will allow private carriers to be involved. With the sanitation changes that have come about in the last decade, there will be need for a rate structure reassessment and new

equipment. This is the first of more steps to follow. It is the culmination of comments regarding pricing, competition, savings that residents feel they can gain by using a private sanitation company.

Mayor Stewart added that the City will continue to pick up at any of the commercial and industrial facilities if those companies choose to have us do so.

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

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

Moved by Dr. 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. Tunnell, Dr. Stuart, Mr. Fishpaw, Mr. Valentine, Mrs. Detrow

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

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

Ord Number 16-13

Item b):

AN ORDINANCE ENACTING CHAPTER 315 OF THE CODIFIED ORDINANCES OF THE CITY OF ASHLAND, OHIO, RELATIVE TO MAINTENANCE OF TRAFFIC (LAW ENFORCEMENT OFFICER); AND DECLARING AN EMERGENCY.

Moved by Mrs. Detrow and seconded by Mr. Valentine that the ordinance be tabled.

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

Mr. Kremser stated the Ordinance refers to work performed within a signalized or non-signalized intersection or at the discretion of the Mayor, Director of Public Servants. Should there be a need for traffic control when a device is not working during construction, the contractor performing the work must hire a local city law enforcement officer (LEO) at their own expense. The Police Chief can approve alternate agencies if manpower from the City is not available.

Mayor Stewart stated this is to ensure that traffic control is afforded to the community while the various contractors are performing the necessary work to improve our community.

Mr. Fishpaw asked if this ordinance requirement would be added to the requirements of the bid process.

Mr. Kremser stated that if there is a project that the City does and it is specified that a LEO be utilized, the LEO will be from the Ashland Police Department.

Mr. Wolfe stated bidders would understand that provision.

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

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

Moved by Dr. 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, Dr. Stuart, Mr. Fishpaw, Mr. Valentine

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

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

Ordinance Item c): (To be read two additional times.)

AN ORDINANCE ENACTING CHAPTER 1331 OF THE CODIFIED ORDINANCES OF THE CITY OF ASHLAND, OHIO, RELATIVE TO CONTRACTOR REGISTRATION; 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: Dr. Stuart, Mr. Fishpaw, Mr. Valentine, Mrs. Detrow, Mrs. Tunnell

Mr. Kremser stated the Ordinance will require contractor registration for any work done over \$500 within the City limits. He indicated it is a common practice for registration to be a requirement.

Mrs. Detrow stated she agreed this is important and that she feels our contractors will be taking an interest in this ordinance.

Mr. Kremser agreed and stated he has spoken with many contractors that are in complete agreement with the registration. He stated it will help with recordkeeping, insurance, Workers' Comp, Income Tax, et cetera.

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

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

Dr. Stuart stated there would be no further action on this ordinance; there will be a second and third reading on this ordinance.

Ordinance Number 17-13

Item d):

AN ORDINANCE ESTABLISHING CERTAIN FUNDS TO DEPOSIT AND EXPEND MONIES FOR THE PURPOSES SPECIFIED; 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: Mrs. Tunnell, Dr. Stuart, Mr. Fishpaw, Mr. Valentine, Mrs. Detrow

Mr. Paxton asked Council to adopt the ordinance to create funds. He stated the City has applied for two Public Works Grants for paving new state highways. The City has to receipt the payment to the contractors on behalf of the grants and then it has to be expensed. In order to keep the books in order, the funds 466 (Sandusky Street Paving Fund) and 467 (US Rt. 42 Paving Fund) have to be established.

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

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

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

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

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

Ordinance Number 18-13

Item e):

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ADVERTISE FOR BIDS AND TO ENTER INTO A CONTRACT FOR THE CENTER STREET CULVERT REPLACEMENT PROJECT IN THE CITY OF ASHLAND, OHIO; 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 Ordinance has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

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

Mr. Kremser stated the Ordinance is to request permission to publically bid the Center Street culvert replacement. The location is just north of Countryside and just south of Dale Roy School. There are currently metal plates on the street. The box culvert bottom has deteriorated; it is in need of full replacement. A 6' x 6' box, the same size as currently, will be used.

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

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

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

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

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

Resolution Number 8-13

Item a)

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 US-42 PAVEMENT REPAIR, RESURFACING AND MARKING PROJECT WITHIN THE CITY CORPORATION LIMITS; TO BE FUNDED BY ACCOUNT NO. 202-1001-56019 WITH AN ESTIMATED COST OF \$29,736.00; 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. Valentine, Mrs. Detrow, Mrs. Tunnell, Dr. Stuart, Mr. Fishpaw

Mr. Kremser stated this is the US 42 Urban Paving Project. The current State Route 96 Urban Paving Project is ongoing. The application for the Issue I project utilized the district's preliminary estimates. Central office performs the final estimate. The increase has put the estimate close to the threshold of the grant funding.

Mayor Stewart noted that our share of the more than \$528,000 project is \$29,737. \$498,280 is being covered by the grant.

Dr. Stuart asked if the bidding would be done in July.

Mr. Kremser stated the bids need to be in by the first of July and the paving is expected to be completed by the end of the year.

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

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

Moved by Dr. 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. Tunnell, Dr. Stuart, Mr. Fishpaw, Mr. Valentine, Mrs. Detrow

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

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

OLD BUSINESS:

Dr. Stuart introduced Cheryl Staron to present the Fair Housing training session.

Mrs. Staron provided a summation of events for the year from September up to May 7th. She stated she had received six calls from the City of Ashland on the 800 Fair Housing hotline. The calls have been tenant/landlord issues. Two calls had implications of fair housing discrimination, so additional information was made available to those callers.

NEW BUSINESS: None

COUNCIL COMMENTS:

Mr. Fishpaw stated he received a call about the removal of the painted street lines on Morgan Avenue; a resident had asked why they were not there anymore. With the painted line down the middle, the traffic does not squeeze the opposite side over to the parked car area.

Another comment was trucks that go to Snyders-Lance and miss their turn, the GPS takes them to Garfield and turning on to Harding. A truck has torn up a yard on Harding by doing this turnaround.

On East Walnut the cars are speeding down the street and not respecting the 35-mile-an-hour speed limit.

Mayor Stewart stated there is a Traffic Committee meeting scheduled for Friday, May 10th at 2:00.

Mr. Valentine received two calls from residents. A woman on the corner of Chestnut and Walnut, the City took dead trees out of her tree lawn and the sidewalks are now broken. Mr. Mack spoke with her first. Mr. Valentine stated he found out there is no money in the sidewalk line item. In the past there has been an arrangement for financial assistance for sidewalk replacement if trees broke the sidewalks.

The call from the lady on Ohio Street stated the same thing. Her sidewalk had been broken and wanted to know who would be fixing the sidewalk.

Mr. Valentine stated the repair of sidewalks needs to be reviewed.

Mrs. Detrow stated she had heard from a couple people that the City needs a dog park. She told of the City of Columbus that has successful dog parks and feels it is something to think about.

FINANCE DIRECTOR'S COMMENTS:

Mr. Paxton stated the tax year was good. Mrs. Skafec and her crew did a good job. He stated the City tax collection was down from a year ago for the last three or four months, but since April 15th, the balance has moved up a couple percentage points.

He stated the State audit continues and needs to be completed by the end of May to provide what is needed for future reports that ultimately will be filed with the State.

MAYOR'S COMMENTS:

Mayor Stewart stated there has been a lot of Economic Development activity regarding interest in businesses in our town.

The Mayor asked for an Executive Session to discuss the potential sale of land.

COMMENTS FROM THE AUDIENCE:

Steve Bemiller, 1136 East Bank Street spoke as follows: There is a concern about a street that has been put in between the Justice Complex and East Bank at the deadend. He stated he has spoken with the Mayor and Jerry Mack, the Sheriff's Department, the Police Department. When the Justice Complex (JC) was built, Mr. Bemiller was assured at that time that there would not be a connection as an exit or a thoroughfare from Main Street. Last fall Bartley and Bolin came by and connected the Justice Department to East Bank Street. At the time it was for emergency vehicle exits only. Its use was changed to emergency vehicles and all the staff at the JC.

After the street was put in consisting of rough-cut asphalt and gravel, there has yet to be paving. The exit is a narrow section through a narrow end of East Bank Street. Mr. Bemiller stated his family had turned it into a cul-de-sac thinking there would never be anything except the Siler property hooked into it.

At first there was two-way traffic; they have since put up a sign for one-way traffic. When two-way traffic went through, the Mayor was called and stated he would get it taken care of. After that there was speeding traffic. Bank Street is 18 feet wide with no sidewalks. It has been a playground for the area children to ride their bicycles. With the warmer traffic, there is more traffic at the Siler Farm and Jamison Creek. Now with the traffic added from the Justice Center, with shift changes, everybody comes out on to East Bank Street. Until last week, there were people speeding regularly. A neighbor was almost run over by a police cruiser.

Mr. Bemiller stated he has had more conversations with the Mayor; he stated a call was not returned. The message was left with the secretary. His concern is the narrowness of the street with barely room for people to pass. There are no sidewalks, no curbs, and no storm sewers; it is a stub of a street that was never completed. He agrees there is trouble getting out of the Justice Center Complex on East Main Street. He stated FedEx and UPS use the drive regularly. He feels somebody will be hurt some day.

Mayor Stewart stated he felt confident that every call that was made to his office had been addressed. He stated he has been through the drive three times and the ground asphalt would be difficult to speed on. He said he expects any City vehicles to be driving slowly on that road.

Mr. Bemiller stated they are now seeing through traffic of people that live on Sloan Avenue.

Judge Good stated it was the understanding at the courthouse that the employees could exit that way because there were safety concerns going out Main Street. He stated his staff has been told not to enter the JC via East Bank Street. He indicated there was zero tolerance for speeding on the lane. He stated his impression is that the addition of the drive would not be popular for anyone living on the street. To mitigate the concerns, Judge Good has arranged for a camera to be on the drive at the cost of having moved a camera from another area. After the camera was removed, there were some problems in the area from which the camera had been taken. He stated he would deal with concerns in a firm and strict way. If the residents wanted to keep a log, he would address anyone causing problems. He noted the use of the drive is for convenience. The police force is more important.

Chief Marcelli stated the officers are instructed to not run lights or sirens. He stated there should be no parking on an uncurbed street. Mr. Bemiller stated they have parked there since they have lived there. Chief stated there is a City Ordinance (Ord. 53-06) about no parking on an uncurbed street.

Mr. Bemiller asked if there is a City Ordinance against putting a road at the end of a cul-de-sac.

Mr. Wolfe stated East Bank is not a cul-de-sac, that it is the point at which the street ends and it adjoins the City property. What has been put in is an exit driveway. He stated it is no different than if there was a house put at the end of that area and a driveway was put in for a house. A cul-de-sac, he stated, has a turnaround and it is the end of a street. At some point, there could have been a street put through the end of East Bank Street.

Judge Good concurred with Mr. Wolfe that there are approximately 20 people that work in the building and park in the back. Not all the employees will go out the back of the building.

Mr. Wolfe stated he goes out the exit driveway a couple times a day, and he does not go faster than 15 mph. He stated he did not know that many of the Sheriff's Department people used the drive. He is also not aware of any FedEx or UPS drivers using that drive. If someone is using the drive as a cut-through to go to Sloan, they have trespassed and violated "Exit Only" signs. There are plans to improve the paving material for this driveway. There is also a possibility for street improvements. Mr. Wolfe asked the Bemillers to provide a log to the City officials of violators.

Mr. Dave Yanchunas, representing the Oakbrook Condominium Association, stated there are issues with gaps by the curbs in the area. He handed out pictures showing the corner of Kingwood and Pinebrook. In the photo is a ruler showing a 3-inch gap from the sidewalk to the street curb.

Mr. Kremser stated the issue is with the sidewalk because of the shrinkage of the sidewalks.

Mr. Yanchunas stated the original expansion material is lying in the gap. He also noted issues with the catch basins at Mifflin and Oakbrook. He stated that if there is no money in the "sidewalk" account for the City, there needs to be some funds put in to address some of the issues with sidewalks.

Mr. Kremser stated there are Codified Ordinances in Section 903 stating that property owners are responsible for maintaining their own walks.

Mr. Yanchunas stated he feels these sidewalks were not installed properly, and he stated the Condominium Association is going to be very unhappy if the responsibility is "dumped" on them. He stated the problem is the curb, not the sidewalk. The curb is part of the street, he stated.

Dr. Stuart asked who installed the sidewalks and noted it is not City property. He stated if there is a gap in his sidewalk at his home, it is his responsibility to take care of that gap.

Mr. Yanchunas did not know who had installed the sidewalks, but he felt the curbs are the problem. He wanted to know who installs curbs.

It was generally stated by those at the Council table that the developer would have installed the sidewalks.

Mr. Valentine stated \$7.00* is to be paid per foot for reimbursement of sidewalk replacement or repair.

Further discussion was had about the movement of the curb versus the movement of the sidewalk.

Mayor Stewart stated there would be a tour around the City to look at streets, and he stated he would add the area that Mr. Yanchunas was referencing. Mayor Stewart said there is no money in the budget to fix the sidewalk or curb.

Dr. Stuart stated it looks like the gap is not from the curb to the gutter, but is from the sidewalk. Mr. Yanchunas stated he would like to have them take a look at the problem.

ADJOURNMENT to executive session for the purpose of discussing sale of land: 8:00 p.m.

Moved by Dr. Stuart and seconded by Mrs. Tunnell to adjourn.

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

ADJOURNMENT from executive session: 8:48 p.m.

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

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

ADJOURNMENT from regular session: 8:49 p.m.

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

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

Respectfully Submitted by
Kimberly S. Calhoon, Clerk of Council

(word-Mins-RS-5-7-13.doc)

* Per Ordinance Number 84-06, CO 911, \$6.00 per foot for the installation of an integral curb and sidewalk (i.e. sidewalk is poured at the same time as the curb, like areas around AU), and \$10 per foot when it's a free-standing curb (i.e. there is a tree lawn). The installation has to be preapproved prior to reimbursement.