
Ashland City Council

MINUTES FOR THE REGULAR SESSION OF COUNCIL Tuesday, June 18, 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. Fishpaw and seconded by Mr. Valentine that the minutes of the **Regular Session** of City Council held Tuesday, June 4, 2013 be accepted.

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

LEGISLATION

Resolution Number 9-13

Item a):

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR THE OHIO DEVELOPMENT SERVICES AGENCY'S FY 2013 DOWNTOWN REVITALIZATION GRANT PROGRAM; 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 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 Council's approval of this Resolution allows the City to submit an application. The grant would provide funding within the boundaries of the stipulations in the grant. The offer is a one-to-one match to a private owner/developer wanting to provide façade improvements or corrective action for code deficiencies. This grant provides the funds to match that investment. Mr. Kremser stated this grant has been provided in the past but the application process has been reconfigured this past year.

Mayor Stewart asked if this grant impacts the "traditional" CDBG funds.

Mr. Kremser stated it would not have an impact. They are separate programs, but they all use HUD money.

Dr. Stuart stated this has potential to be a very exciting funding source to help with the revitalization of our downtown area.

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

Ayes: Mrs. Detrow, Mrs. Tunnell [see below; Mrs. Tunnell's vote was changed to Abstain.], 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 Resolution 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

Abstain: Mrs. Tunnell

Ord Number 35-13

Item a):

ORDINANCE ADOPTING AND AGREEING TO THE ADHERENCE OF THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION APPLICABLE TO GRANT FUNDS RECEIVED THROUGH THE OHIO DEVELOPMENT SERVICES AGENCY'S DOWNTOWN REVITALIZATION GRANT PROGRAM WITHIN THE PROPOSED TARGET AREA; AND DECLARING AN EMERGENCY.

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

Mr. Kremser stated this Ordinance followed the Resolution because it pertains to the application resolution. Whenever HUD money is spent, there must be a historic preservation element. The Secretary of the Interior Standards for Rehabilitation is the de facto standard for historic preservation and rehabilitation activities. The application will be considered with the passage of this Ordinance. This Ordinance only applies to grant funds that are utilized for a specific building.

Mayor Stewart asked if this impacts the contractor instructions for rehab work done with these funds, for instance wage laws.

Mr. Kremser stated the Federal requirements come into play to provide Federal prevailing wage; it all must be adhered to.

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

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

Abstain: Mrs. Tunnell

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

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

Abstain: Mrs. Tunnell

Mrs. Tunnell indicated she would like to change her vote on on the Resolution with regard to “Passing the Resolution on the first reading”. She asked to change her vote from “Aye” to “Abstain”.

OLD BUSINESS:

- a) Designation of Housing Officer to administer the Community Reinvestment Area program in the City of Ashland to Kathy Goon

Moved by Dr. Stuart and seconded by Mrs. Tunnell that Kathy Goon be designated as the Housing Officer to administer the Community Reinvestment Area program in the City.

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

NEW BUSINESS:

- a) **Ohio Division of Liquor Control – Transfer of ownership from Moran Foods, LLC (DBA Save A Lot) to J.A. Janes, Inc. (DBA Save A Lot), 161 Center Street, Ashland**

Moved by Mr. Valentine and seconded by Mrs. Tunnell that there be no hearing for the transfer of ownership from Moran Foods, LLC (DBA Save A Lot) to J.A. Janes, Inc. (DBA Save A Lot), 161 Center Street, Ashland

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

COUNCIL COMMENTS:

Mr. Valentine thanked Mr. Mack for taking care of a house by the park.

Mr. Fishpaw asked if any action had been taken on the yard at Goodfellows.

Mr. Kremser stated his office is in the process of addressing the former Goodfellows’ property.

Mrs. Detrow stated she had a complaint that yard waste had not been picked up; it was due to the fact that the resident had covered the paper yard-waste bags with plastic bags to avoid spillage from the damp bags breaking. The waste collectors were unable to see that the bags were yard-waste bags.

Mrs. Detrow also received a call about profane graffiti on the side of the old movie theater. The next-door neighbor resident that lives in and owns a bed and breakfast had called to complain about it. Mrs. Detrow stated she had consulted with the Law Director and found there is a law against graffiti and she would like to see that the laws will be enforced. It needs to be that the property owner is responsible for the property being maintained. The International Property Maintenance Code has an ordinance that speaks to the issue of property upkeep; the City of Ashland has not adopted that code. Mrs. Detrow suggested that if the City cannot adopt the whole maintenance code, perhaps parts of the code could be adopted and added as is necessary.

Mrs. Detrow stated she would like to see Council do something to help the Police Department enforce laws pertaining to these issues.

Mr. Wolfe stated he would look into the request and get back to Mrs. Detrow.

Mr. Kremser stated his department had done research and found that Ashland is one of only two towns that have not adopted a Property Maintenance Code.

Mayor Stewart stated a maintenance code is not going to catch the graffiti offenders. He stated the City does not need a law to stop the offenders because it will not work. He felt someone must see the individuals doing the work. He stated the graffiti appeared to have been done in daylight.

Mrs. Detrow stated she felt the property owner needs to be responsible for the property.

Dr. Stuart thanked Mark Burgess and Sandra Tunnell for their role in the collective bargaining. It was a lot of hours and hard work.

FINANCE DIRECTOR'S COMMENTS:

Mr. Paxton stated he has asked for a public hearing for the 2014 Tax Budget to be held at the July 2nd Council meeting. There will be no legislation to adopt until the following Council meeting. June 16th.

MAYOR'S COMMENTS:

Mayor Stewart state he had no additional comments.

COMMENTS FROM THE AUDIENCE:

Former Mayor, Doug Cellar, asked questions about the May 21st vote that determined the fate of the overpass on 42 and 250. He asked if Council had voted on a binding piece of legislation.

Mr. Wolfe stated it was a vote of Council's preference and the Mayor took it to ODOT officials.

Mr. Cellar asked what if people change their minds some months down the road and will there be an ordinance or resolution that specifically addresses the recommended intersection configuration plan.

Mr. Kremser stated there would be a resolution at some point like they do for all LPA projects of ODOT.

Mr. Cellar asked how much time is there until legislation is passed.

Mr. Kremser stated there is usually a preliminary resolution and a final resolution once ODOT has completed estimates.

Mr. Cellar asked who is ultimately responsible for deciding the plan.

Mr. Kremser stated Council has to vote on the decision.

Mr. Wolfe stated this is an ODOT project and options were presented and discussed at numerous meetings. ODOT had asked for Council's opinion as to what direction they felt the intersection should go.

Mr. Cellar asked what if the residents do not like the decision and decide to put a referendum on the legislation after it is approved. Mr. Cellar asked that Council go forward with approval in the form of a resolution so that the residents can express their opinion on that piece of legislation by way of a referendum.

Mr. Wolfe stated he would not recommend Council taking more legislative steps than required, but it would be their decision to make.

Mr. Cellar stated Council has done that in the past. In this situation, Mr. Cellar stated he would like Council to provide the opportunity for the people to express their opinions before the expense of making the intersection changes.

Mr. Kremser stated ODOT had two public hearings and they responded to the people's questions.

Mr. Cellar asked the Council members if they knew 96 hours prior to the May 21st Council meeting that they would be voting on the intersection configuration plan.

Mayor Stewart stated it was not a piece of legislation they voted on. He noted he and Mr. Cellar had already spoken about this.

Mrs. Tunnell stated they did not know there was going to be a vote. She restated it was not an ordinance and the vote was not binding, but a vote of confidence that ended up a 3-2 vote.

Mr. Cellar stated the vote could change in eight months with a change of leadership.

Mr. Kremser stated the change of a vote would lose the City \$2 million.

Mr. Paxton stated that he had asked the question if the vote was final and the answer was no; the vote was to express Council's opinion and to provide that opinion to ODOT.

Mr. Valentine stated scheduling had come into play, so the vote was taken.

Mr. Cellar stated that he hopes Council and the Mayor would have a vision that the Industrial Park and businesses in Ashland will be increasing and expanding. The long-term vision is to keep the bridge and make it so eventually a ramp would/could be put on the southeast corner of the intersection to alleviate traffic needing to stop. Just because it may not be needed now, the removal of the overpass provides no options for adding ramps in the future.

ADJOURNMENT from regular session: 7:32 p.m.

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

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

Respectfully Submitted by
Kimberly S. Calhoon, Clerk of Council