

MINUTES FOR THE REGULAR SESSION OF COUNCIL
Tuesday, October 7 2014 at 7:00 p.m.
Council Chambers

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

ROLL CALL

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| 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 Mrs. Tunnell and seconded by Mr. Valentine that the minutes of the **Regular Session** of City Council held Tuesday, September 16, 2014 be accepted as submitted.

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

LEGISLATION

Ordinance Number 66-14

Item a)

AN ORDINANCE REZONING A CERTAIN AREA OF THE CITY OF ASHLAND, OHIO FROM AN R-A RESIDENTIAL DISTRICT TO AN R-L RESIDENTIAL DISTRICT.

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

City Engineer, Shane Kremser, provided testimony on behalf of the Ordinance and stated that this rezoning had a public hearing at the last City Council meeting and is in relation to Planning Commission's recommendation to rezone the parcels of land to better reflect what has developed, which is an RL single family district.

Dr. Stuart asked if there were any questions regarding the Ordinance.

Mr. Fishpaw asked Mr. Kremser to confirm whether or not the Ordinance will protect the area from any development of multi-family dwellings.

Mr. Kremser responded that the Ordinance was intended for that purpose.

Dr. Stuart added that the proposed rezoning is also consistent with the deeds of current property owners and Mr. Kremser concurred.

There were no further questions.

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

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

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

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

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

Ordinance Number 67-14

Item b)

AN ORDINANCE REZONING A CERTAIN AREA OF THE CITY OF ASHLAND, OHIO FROM AN RL-3 RESIDENTIAL DISTRICT TO AN R-L RESIDENTIAL DISTRICT.

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

City Engineer, Shane Kremser, presented on behalf of the Ordinance and stated that it rezones portions of land south of US-42 and on the east and west side of Mifflin Avenue, which was developed into single-family district.

Mr. Kremser stated that the area was originally zoned as RL-3, which allowed multi-family dwellings.

Mr. Kremser stated that the proposed rezoning intends to align the City's records with what has developed over time.

Dr. Stuart asked if there were any questions regarding the Ordinance.

There were no further questions.

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

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

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

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

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

Resolution Number 18-14

Item a)

RESOLUTION IN SUPPORT OF THE CITY OF ASHLAND'S 2013 COMPREHENSIVE DOWNTOWN REVITALIZATION PLAN.

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

City Engineer, Shane Kremser, provided testimony on behalf of the Resolution and stated that the City

has worked to gain more input from downtown business owners and added that the City's bicentennial has generated numerous generous donations for benches, hanging plants, and a variety of other items intended to revitalize the downtown area.

Mr. Kremser stated that the plan is not legal binding and only a framework for the City to work in.

Mr. Kremser added that the downtown committee has become very involved as it relates to funding and the design of the plan.

Mr. Kremser stated that if Ashland City Council chooses to move forward with the plan, the City can utilize the plan and follow it as a guide.

Dr. Stuart asked if there were any questions of Mr. Kremser.

Mayor Stewart asked about the fiscal response of the downtown property owners.

Shane responded that there are some business owners that have gotten involved that were not involved in the past and that generous donations have been given and various responsibilities taken up by some of the tenants downtown.

Shane shared that there are business owners who want to participate in the revitalization project and there are other business owners who do not.

Shane added that there are also business owners who are absent.

Mayor Stewart stated that there are varying degrees throughout the area of accepted responsibility and asked Mr. Kremser to confirm whether or not the responsibility level may be increasing.

Mr. Kremser responded affirmatively and added that the goal is to try to market the downtown and make it more appealing in regards to the beautification of the buildings and better access to parking downtown.

Mayor Stewart commented about a presentation regarding the project and stated that there are three downtown businesses that are showing sparks of life that we haven't seen for some period of time, along with other businesses.

Mayor Stewart stated that if there is a good time to kick-start revitalizing downtown it's definitely this year, especially with the bicentennial and the level of interest from downtown businesses.

Mr. Kremser emphasized the importance for successful businesses within the community to receive support from the community.

Mayor Stewart also added that the businesses that have expressed interest in participating in the revitalization of the downtown area have received assistance on multiple levels due to Councilmember Sandra Tunnell.

Mayor Stewart thanked Mrs. Tunnell for the role that she played in helping get the businesses downtown and commented about the importance for everyone to work as a team in bringing businesses to the community.

Mrs. Tunnell acknowledged the Mayor's appreciation.

Dr. Stuart asked if there were any further questions and there were none.

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

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

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

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

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

Abstain: Mrs. Tunnell

OLD BUSINESS: None

NEW BUSINESS: None

COUNCIL COMMENTS: None

FINANCE DIRECTOR'S COMMENTS:

Mr. Paxton shared that the Government Finance Officers Association issued a Certificate of Achievement for Excellence in Financial Reporting for the City of Ashland, Ohio for its Comprehensive Annual Financial Report for the Fiscal Year ended December 31, 2012.

Mr. Paxton also displayed a binder containing documents of the annual audit as well as the report that had to be submitted to the Government Finance Officers Association.

Mr. Paxton announced that his department has completed the audit and has filed it with the State and federal government.

Dr. Stuart thanked Mr. Paxton for his report and congratulated him for the recognition.

MAYOR'S COMMENTS

Mayor Stewart shared with the public that information regarding the public tax discussions is currently posted on TV Station 2.

Mayor Stewart stated that the meetings are being held in an effort to educate the public on the facts and reasons the City is proposing two new municipal income increases.

Mayor Stewart stated that both proposed levies are taxes on wage income only and that one of levy proposes an increase of 0.25 percent for the General Fund (indefinitely) and the second levy proposes an increase of 0.25 percent for street repairs (for a five year period).

Mayor Stewart stated that the City has a comprehensive program explaining the tax levies and added that the City has lost a total of over 900,000 dollars in revenue since 2008, the cost of living has increased 6.8 percent, and the inflation of commodities has increased significantly more than the cost of living.

Mayor Stewart added that the cost of street salt went from 38.00 dollars a ton last year to 57.00 dollars a ton this year.

The Mayor also stated that the cost of a new police cruiser (Crowne Victorian) in 2007, cost about 25,000 dollars and new Caprice this past year was 32,000 dollars; the numbers are astronomically high and the City does not have handle on them

The Mayor shared that the presentation encourages and is open for questions from the public, and that the actual content of the presentation is about sixteen minutes long.

COMMENTS FROM THE AUDIENCE:

City Engineer, Shane Kremser, announced that he invited a few residents of the community to attend tonight's Council meeting as he did not know how to resolve some of their property maintenance issues.

Mr. Kremser stated that he has received numerous calls regarding property maintenance issues and how they negatively impact neighboring properties.

Beverly Rishel, of 511 Virginia Avenue, advised Council of a house located by 17 Virginia Avenue on the corner of Marlo Avenue and Virginia Avenue that is in a dilapidated condition.

Ms. Rishel stated that the property has impacted her property value significantly and added that she is fed up with tolerating a building that is dangerous and caving in.

Ms. Rishel added that the property owner has done nothing with the home that is completely gutted and caving in on itself.

Ms. Rishel requested help from Council to address this issue once and for all.

Mr. Kremser commented that there is a structural deficiency as the structure is leaning and that his office has sent a letter to the owner for free demolition of their property as part of the Moving Ohio Forward Program.

Mr. Kremser stated that this property owner, along with other property owners, does not live within the City and does not have to live with the level of property maintenance issues they themselves are responsible for.

Another resident of the community, Mike Brubaker, of 513 Edgehill Avenue provided commentary regarding the drafting of legislation that will force property owners and landlords to keep their properties up so they don't become a detriment to the community.

Mr. Brubaker shared that he lives next to a dilapidated home that the landlord rents out to people and neglects to maintain the property.

Mr. Brubaker encouraged Council and the Mayor to get the ball rolling when it comes to holding negligent property owners accountable for maintenance issues.

Mr. Kremser stated that his office has contacted the landlord who was renting the home without any water and electricity.

Mr. Kremser stated that the person living within the home had no plumbing and was lighting the home via candlelight, which poses safety issues.

Mr. Kremser stated that after researching the City Ordinances, he discovered that there is no legislation addressing the issues of no electricity and potable water.

Mr. Valentine added that the City has torn down numerous dilapidated houses and Mr. Kremser responded that the City has only hit the tip of the iceberg when it comes to taking down dilapidated homes.

Dr. Stuart asked what kind of authority the City has when it comes to houses with structural issues, such as the one located on 511 Virginia Avenue.

Mr. Kremser responded that the City does not have an Ordinance addressing the issue, but the City can utilize the Ohio Revised Code.

Mr. Kremser also stated that in order for the City to address the blight and vacant properties the City is going to need to draft legislation.

Mrs. Tunnell asked if there is a way for the City to address the house located on Virginia Avenue.

Mr. Kremser stated that there is given the Ohio Revised Code.

Mrs. Detrow brought forward the fact that the City does not have codes for property maintenance due to the lack of support from the public and emphasized the importance for the community to support the City in establishing property maintenance codes.

Mayor Stewart suggested that Council begin sorting out where they would like to start when it comes to these maintenance codes.

Mayor Stewart and Mrs. Detrow brought forward the fact that the City is also going to need to take the possible cost of enforcing the possible Ordinance to address property maintenance issues.

Mayor Stewart asked Council if they are interested in sorting through their information and coming up with a suggestion for a property maintenance Ordinance?

Dr. Stuart stated that he believes the process should start with a recommendation from the Mayor, the Engineer's office and the City Finance Department as far as it goes for the level and need of the possible code.

Mr. Kremser stated that there is a possibility to appoint a committee to devise the aspects of the property maintenance codes.

Dr. Stuart stated that any community that allows blight is inevitably going to go down-hill; however, the Council also understands the financial implications of property maintenance and the impact on property owners.

Dr. Stuart added that the City has a very low tolerance level when it comes to landlords and property maintenance, and stated that he hopes the City can go ahead and begin to move forward with the homes that need to be demolished.

Mrs. Detrow asked Director Wolfe if the City is allowed to create Ordinances that forces property owners to fix up their property within a year and if not it has to be sold so the City can get its money back as a city.

Director Wolfe stated that the question is just too broad a question to answer at this point.

Two members from the audience, Bob Petit, along with Terry Mack, who live near State Route 511 announced to Council that they would like to request being incorporated into the City so they can utilize City

sewage.

Mr. Petit shared that the septic tank system of his neighborhood is beyond its expected lifespan and is in need of repair, which will cost 15,000 dollars.

Mr. Mack stated that the residents living in the area were intended to be annexed to the City when the Walmart was built; however, the community decided against the annexation due to various reasons.

Mr. Mack shared that the neighborhood uses City water and has all the amenities that the City; however, the members in his neighborhood have to pay twice as much as the City does since they have to use County water.

Mr. Mack stated that gas lines have been added near the road where the septic system will need to be repaired, which has led him to believe that installing a new system will be excessively complex.

Dr. Stuart asked how many members of their neighborhood would be interested in annexation.

Mr. Petit answered that everyone except for resident, who lives in China, has expressed support for the annexation.

Mayor Stewart stated that if the property owners petition to be annexed unanimously, then the process can be expedited and take a few months.

Mayor Stewart stated that it is up to the community that wants to be annexed to keep the ball rolling on the process and shared that the City is willing to help them with the annexation process.

There were no further comments from the audience.

City Law Director, Richard Wolfe, requested that Council move to Executive Session to discuss a couple matters of imminent litigation.

ADJOURNMENT TO EXECUTIVE SESSION: 7:56 p.m.

Moved by Dr. Stuart and seconded by Mrs. Detrow to adjourn to Executive Session to discuss imminent litigation.

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

ADJOURNMENT FROM EXECUTIVE SESSION TO REGULAR SESSION: 8:31p.m.

Moved by Mrs. Tunnell and seconded by Mr. Valentine to adjourn from Executive Session to Regular Session.

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

ADJOURNMENT FROM REGULAR SESSION: 8:32 p.m.

Moved by Mrs. Tunnell and seconded by Mr. Valentine to adjourn from Regular Session.

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

Respectfully Submitted by
Lindsey M. Gardiner, Clerk of Council