

**MINUTES FOR THE REGULAR SESSION OF COUNCIL**  
**Tuesday, November 19, 2013 at 7:00 p.m.**  
**Council Chambers**

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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 Mrs. Tunnell that the minutes of the **Regular Session** of City Council held Tuesday, November 5, 2013 be accepted as submitted.

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

Abstain: Mr. Fishpaw

**LEGISLATION**

**Ordinance Number 61-13**

**Item a)**

**AN ORDINANCE AMENDING ORDINANCE NO. 26-13 RELATIVE TO WAGES AND OTHER PROVISIONS FOR CLASSIFIED SUPERVISORY EMPLOYEES IN THE CITY OF ASHLAND, OHIO; AND DECLARING AN EMERGENCY.**

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

Chief Anderson stated this Ordinance addresses the assistant chiefs' base pays. The pay wage has historically been 10 percent over the captains' base pay. In this contract cycle, 2013-2015, a longevity pay and certification stipend was added to the captains' pays. The 10 percent difference was not calculated with the base including the longevity pay and certification stipend. This ordinance addresses the two additional increases into the base pay per the Collective Bargaining Agreement (2013-2015) to address the 10 percent gap.

Mrs. Detrow asked for clarification if there had been less than a 10 percent gap.

Chief Anderson stated the captains are under the Collective Bargaining Unit. Their contract ended 2012, and the new contract from 2013 through 2015 was to add longevity pay and certification stipends into their base pay. Because of that increase, the amount over the assistant chiefs' pays were no longer 10 percent over the captains' pays. This ordinance corrects the discrepancy.

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

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

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

7:05 p.m. Public Hearing for rezoning from M-2 Heavy Industrial to M-1 Light Industrial

Mandi Ross, Executive Director of the Ashland Christian Health Center in the Miller Building on Miller and East 4<sup>th</sup> Street, spoke as follows: The building was purchased in 2008. The building has had drainage issues from the vacant land that seeps into their basement. They have had to pay for new drainage lines to the City hookup to reduce the water penetrating in their basement. She asked if the City could provide a holding pond for water or create new drainage for the water when a tenant builds on the land. Ms. Ross is in favor of the rezoning.

Mayor Stewart asked if she had history that there was no water coming into the building prior to the land being vacated and leveled.

Ms. Ross stated there is a maintenance man that worked for Hospira and had been in their building for maintenance. He has stated there was no water in the basement of the ACHC prior to the land being vacated and leveled.

Dr. Stuart asked how the water situation is relevant to the proposed rezoning.

Ms. Ross stated if the land is rezoned, a tenant/owner of the land can develop on the land and redo the drainage lines.

Mr. Hal Sheaffer, Treasure of Community Improvement Corporation, stated CIC is the owner of the property. He stated this rezoning would be beneficial for development on the property.

Lila Koch asked if anyone was interested in the property at this time.

Mayor Stewart stated there is no specific interest that he is aware of.

Mr. Sheaffer stated there is a potential buyer for a small parcel on Miller Street. He was not aware of any other interest at this time. Mr. Sheaffer asked if the City owns the strip of land north of Miller on the rail-road track.

The Mayor stated he was not aware that the City owns that piece of land.

7:10 p.m. The Public Hearing was concluded.

### **Ordinance Number 62-13**

#### **Item b)**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO PROCURE AND ENTER INTO A CONTRACT FOR THE REMOVAL AND DISPOSAL OF EMERALD ASH TREES LOCATED WITHIN PUBLIC LANDS 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: Mr. Valentine, Mrs. Detrow, Mrs. Tunnell, Dr. Stuart, Mr. Fishpaw

Mr. Kremser stated this Ordinance is the follow-up to Resolution 17-13 for the ODNR removal grant. The ODNR authorized a 50 percent labor match; thereafter, \$35,000 was awarded to contract with a certified International Society of Arboriculture (ISA) arborist to assist with the removal of some of the ash trees on public land. An inventory and ash tree management plan was completed.

The plan is to procure a qualified contractor to assist with the ash tree removal. ODOT's Cooperative Purchasing has vendors that competitively bid for ODOT tree removal contracts. The Ordinance authorizes the process to proceed.

Mayor Stewart stated this does not take care of all of the 200 plus ash trees in the area.

Mr. Kremser stated this would take care of 30 to 35 trees. The removal of the trees is assessed on an hourly rate.

Mr. Fishpaw asked if the trees will be sold for firewood.

Mr. Kremser stated, yes, the firewood will be sold. The contractor will cut the ash trees into firewood and stack it on site. Our arborist and/or Street Department will haul it away and be able to sell it. The contractor will chip the brush and bring it to the nursery; the arborist will do the stump grinding and restoration work.

Mrs. Tunnell asked if there is an account number for this as is noted in the Ordinance and left blank.

Mr. Paxton stated there is not yet an account number for this.

Mr. Kremser stated the reimbursement will be done after completion.

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

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

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

### **Ordinance Number 63-13**

#### **Item c):**

#### **AN ORDINANCE REZONING A CERTAIN AREA OF THE CITY OF ASHLAND, OHIO FROM "M-2" HEAVY INDUSTRIAL DISTRICT TO "M-1" LIGHT INDUSTRIAL DISTRICT.**

**Moved** by Mrs. Tunnell 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

Dr. Stuart stated the Public Hearing was just concluded and there was no opposition to the rezoning.

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

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

### **Ordinance Number 64-13**

#### **Item d):**

#### **AN ORDINANCE CREATING ADDITIONAL APPROPRIATIONS, MAKING TRANSFERS WITHIN A FUND AND MAKING TRANSFERS FROM ONE FUND TO ANOTHER; 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: Dr. Stuart, Mr. Fishpaw Mr. Valentine, Mrs. Detrow, Mrs. Tunnell

Mr. Paxton stated this is a transfer ordinance within a fund from one line to another to cover operating expenses. The exhibit is attached to the Ordinance; the money has been appropriated.

Dr. Stuart asked if was transferred from one fund to another or is it strictly transferring appropriations within a fund.

Mr. Paxton stated the transfers are from within a fund.

Mr. Wolfe stated the ordinance more accurately would be stated that we are transferring from within a fund.

Dr. Stuart clarified to Council that by acting on this Ordinance, they are acting on an Ordinance that is making transfers within a fund.

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

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

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

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

### **Ordinance Number 65-13**

#### **e) AN ORDINANCE TO APPROVE AND ADOPT CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.**

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

Mr. Wolfe stated this ordinance is presented every year to bring our ordinances up to date to be consistent with changes that occur in state law. This past summer there were meetings involving the Mayor, Dr. Stuart, Chief Marcelli, Judge Good that reviewed additions and deletions to bring ordinances up to date. The legislation had been provided to Council a few months ago. They have had an opportunity to review the changes in the Codified Ordinances even though it was not mailed with the packet. The Ordinance lists by title the ordinances that are being edited or rewritten.

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

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

**Ordinance Number 66-13**

**f) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO OBVIATE BIDDING AND TO ENTER INTO A CONTRACT FOR THE PURCHASE OF SECURITY SYSTEM REPLACEMENT AND/OR REPAIR PARTS FOR THE ASHLAND JUSTICE CENTER IN THE CITY OF ASHLAND, OHIO; AND DECLARING AN EMERGENCY**

**(The Ordinance was read aloud by the Council Clerk.)**

**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

Mayor Stewart stated there had been a power surge on July 10<sup>th</sup> and there was a supply failure. The backup generator failed to start after this and it smoked. The equipment is old and the repair parts and wiring need to be redone, and the system needs to be replaced. Six of the 13 security cameras partially work.

Dr. Stuart asked why there is a question as to insurance coverage.

Mayor Stewart stated the exact cause of the surge is not known.

Mr. Fishpaw asked about FirstEnergy's responsibility if there was a power/electrical surge. If there is a downed power line and a surge went through the building, Mr. Fishpaw felt the electric company would have some responsibility for the damage.

Mayor Stewart stated the insurance company has the report from FirstEnergy's study of the problem. At first the City had been told it was due to an automobile accident.

Mrs. Green stated the surge protection was not able to handle the electricity that went through the generator. The full power went through the system and ruined the circuits, servers, computer boards. To prevent this, the generator has to work; it failed. It did not absorb or filter the initial shock. She stated circuit breakers are geared to handle a light load.

Mr. Valentine asked if the generator had been checked.

Mayor Stewart stated, and Chief Marcelli concurred, the generator gets checked every Monday. The battery exploded in the generator; that has been fixed and the generator is working.

Mr. Paxton has provided the information to the insurance company and filed a claim. It was necessary first to gather an estimate of the cost of the damage to present to the insurance. Mr. Paxton hopes to get some of the cost back. Regardless, it needs to be fixed, and the City would be reimbursed what is ultimately decided. The estimate is \$65,000.

Mr. Paxton stated he would provide to Mr. Fishpaw the report. Mr. Fishpaw asked detailed questions that Mr. Paxton was unable to answer.

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

**OLD BUSINESS:**

a) Appointment of City's members to Board of Directors of Wooster/Ashland Council of Governments  
Mr. Wolfe stated there is a Grant Application that is due in early December. He recommends the appointment of the Board members and ratify them through any actions taken by the Wooster Council the evening before, November 18<sup>th</sup>.

**Moved** by Dr. Stuart and seconded by Mrs. Tunnell to recommend that Council appoint to the Board of Directors of Wooster/Ashland Council of Governments as follows: The Mayor as the elected representative to the Council; the police and fire chiefs, two non-elected members. The President of Council will serve as an alternate for the Mayor. The next in command in the police and fire divisions be alternates for their respective chiefs.

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

Mr. Wolfe stated the above-appointed people were in attendance at the November 18<sup>th</sup> Council meeting in Wooster. He suggested a motion be made to ratify and approve the actions taken at that meeting.

**Moved** by Dr. Stuart and seconded by Mrs. Tunnell to ratify and approve the actions taken at the November 18<sup>th</sup> Wooster City Council meeting.

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

**NEW BUSINESS:**

New Business:

a) Request for Advertising on Private Property Permit – National Cash Advance

**Moved** by Dr. Stuart seconded by Mrs. Detrow to approve the request to advertise on private property.

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

Nay: Mrs. Tunnell

b) Request for Advertising on Private Property Permit - Advance America

**Moved** by Mr. Valentinet seconded by Dr. Stuart to grant the request to advertise on private property.

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

Nay: Mrs. Tunnell

**COUNCIL COMMENTS:**

**Mr. Fishpaw** stated the lights are now working at 250 and 42. There had been a problem with the electrical system. He had had several complaints about the outage of the lights in that area.

Mayor Stewart stated there is a problem with the power supplying the system; FirstEnergy has addressed the problem.

Mr. Fishpaw stated he had received calls about the lack of timely removal of advertising signs for event sales. The signs stay for a long period of time.

Mayor Stewart stated he has seen the signs and believes their removal is the same as election signs. They are not to be in the right-of-way and are to be removed after an event.

Mr. Wolfe stated the signs are likely improper in the first place. He stated they are placed regularly in the area and it is a problem.

Mr. Valentine stated there is an irregular surface on the newly surfaced State Route 42. It was agreed that the grooving is the cause of vehicle sounds when driving over the area, although you cannot see the irregularity on the surface. ODOT has stated it should resolve itself with warm weather in the spring, but the surface meets specifications. There is nothing that addresses “micro-grooves”. It is the result of an improper compaction in the rollers. It would have to be micro-milled at a cost to the City.

Mr. Kremser stated it is a rare phenomenon.

#### **FINANCE DIRECTOR’S COMMENTS:**

Mr. Paxton stated auditing bids will be sent out by the State for the City audits for the next three years (2013 – 2015).

He indicated there will likely be a special meeting on Tuesday, December 31, 2013.

Dr. Stuart asked about the status of HB5.

Mr. Paxton stated HB5 is an income tax reform bill and has been passed in the House and is now in the Senate. Dave Hall, our own representative, voted in favor of this bill knowing and having our data in his hand as to how harmfully impacted our City would be by the passage of this bill.

If this bill passes the Senate, our tax codes will need to be modified to reflect the changes required in HB5. The net operating loss carried forward will bring about a great loss of income to Ashland. If you don’t make money, you don’t pay. The NOL can be carried forward for five years until it is consumed. Our City will lose income of \$185,000 loss if this bill passes. In the next five years, it will be a \$400,000 loss. This will come into effect in 2017.

The other aspect of HB5 is 20 days before you have to start reporting taxes when working for a short-time in the City of Ashland. It used to be 12 days.

#### **MAYOR’S COMMENTS:**

Mayor Stewart stated the newspaper was incorrect in that it stated that the Council of Governments will cost the City money. He stated he talked to the reporter about this. There is \$7500 that will cost the City and additional expenses will be needed to get the COG started.

Globally Harmonized System (GHS) is requiring training for all City employees on various hazardous materials and other updates. Mark Burgess will be doing the training. The deadline for training is December 15, 2013.

Mayor Stewart asked for Council’s input on enforcing time limits on downtown parking for all people or removing signs and having no time limits since it is not enforced. He is not in favor of enforcing it seasonally, but if enforced, the enforcement should be year-round. The Mayor asked for feedback individually from Council after giving it some thought.

The trick-or-treat article was from the same individual that asked to expand the time limits via a letter to the Mayor that was read a few meetings ago. He asked that Council give that thought to see if any changes should be made before fall 2014.

Mayor Stewart stated there needs to be a Charter Review Committee established. He stated it is a multi-month task. If there are changes, they need to be submitted to the Board of Elections by August to be put on the November ballot.

Mayor Stewart stated the next meeting might have to have legislation read since it needs to be in early prior to Thanksgiving.

Mr. Wolfe recognized Mayor Stewart and Dr. Stuart for longevity of service in five-year increments. They were recognized for their service to the City.

Mayor Stewart noted that the recognition pins have been handed out to the Police and Fire Divisions and will continue to be presented in the next week. He and Mr. Burgess have been handing the pins out. He handed out a 30-year pin and a 35-year pin.

**COMMENTS FROM THE AUDIENCE: None**

**ADJOURNMENT TO EXECUTIVE SESSION: 8:00 p.m.**

**Moved** by Dr. Stuart and seconded by Mrs. Tunnell to adjourn to executive session for the purpose of discussing personnel issues.

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

**ADJOURNMENT FROM EXECUTIVE SESSION: 8:45 p.m.**

**Moved** by Mrs. Tunnell and seconded by Mr. Valentine to adjourn from executive session.

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

**ADJOURNMENT TO EXECUTIVE SESSION: 8:46 p.m.**

**Moved** by Mrs. Tunnell and seconded by Mr. Valentine to adjourn from regular session.

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

Respectfully Submitted by  
Kimberly S. Calhoon, Clerk of Council