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# Ashland City Council

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## MINUTES FOR THE REGULAR SESSION OF COUNCIL Tuesday, May 21, 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 Mrs. Tunnell and seconded by Mr. Valentine that the minutes of the **Regular Session** of City Council held Tuesday, May 7, 2013 be accepted as corrected.

Mrs. Tunnell noted on page 2 of 8, the first motion for Ordinance 16-13 was not tabled but was passed on the first reading.

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

### LEGISLATION

#### Ordinance Number 19-13

#### Item a):

**AN ORDINANCE AMENDING SECTION 371.03 OF THE CODIFIED ORDINANCES OF THE CITY OF ASHLAND, OHIO, RELATIVE TO PEDESTRIAN CROSSING OF ROADWAY; 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

Mayor Stewart stated this ordinance is as a result of a Traffic Committee meeting and numerous calls and letters to the editor regarding jaywalking. The crossing between King Road at Claremont and Smith Road under current law is not jaywalking. If anyone crosses other than in the crosswalk in that stretch of Claremont Avenue, this ordinance states it will now be jaywalking if people cross a four-lane road anywhere but at a crosswalk. Mayor Stewart stated at County Fair time there will be temporarily designated crosswalks in the area for people to cross.

Mr. Fishpaw asked if this ordinance is voted on would it be a violation to cross with no crosswalks between Mifflin Avenue and Baney Road.

Mayor Stewart stated according to this ordinance that was the case.

Chief Marcelli stated at any intersection pedestrians can cross at marked crosswalks or any intersections on Claremont Avenue. They would be jaywalking if they were not at a crosswalk or at the intersection.

Mayor Stewart stated he had sent a copy of the ordinance to the university last week for their records.

**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. 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, 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 Item b):**

This Ordinance was tabled.

**AN ORDINANCE AMENDING THE CITY OF ASHLAND'S PURCHASING POLICY TO BE IN COMPLIANCE WITH R.C.§ 735.05; AND DECLARING AN EMERGENCY.**

**Moved** by Mr. Valentine and seconded by Mrs. Detrow that the ordinance 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. Paxton stated our current purchasing threshold is set at \$25,000. By keeping it at \$25,000 the City is incurring expense in delaying purchases. For instance the cost of fuel for one tankard truck is \$30,000. If the City can take advantage of the price of fuel at the time that the fuel is at a low price, money can be saved.

Mr. Kremser was asked to enlighten Council about the bidding process. He stated the \$25,000 threshold for public bids causes delays in the ability to get timely bids in. The \$50,000 matches the State's threshold.

Mayor Stewart offered that any project on the table of \$25,000 to \$50,000 that does not have to go through the bidding process, Council would be provided the information about the project. He also added that no money would be spent that is not appropriated. His hope is that the bidding process would be streamlined to bid for anything over \$25,000.

Dr. Stuart stated the wording of "policy to be in compliance with Revised Code 735.05" implies the City is in noncompliance now. It is not a requirement of the City to raise our bidding threshold. Dr. Stuart added that it is cumbersome at times to present the bids to Council, but he noted the whole purpose of bidding is to get the best price. Dr. Stuart suggested an amendment to forego the formal bidding requirements between \$25,000 and \$50,000 range. Foregoing the bidding would not be a requirement, but if it would expedite the process that can be done. Dr. Stuart would still require Council approval prior to obligating the vendor or supplier.

Mayor Stewart stated that is not the intent of the ordinance. He stated he understands the proposed amendment, but timing is an issue at times. He stated he would abide by anything Council passes.

Dr. Stuart stated the time frame is two weeks.

**Moved** by Dr. Stuart and seconded by Mrs. Tunnell to amend the ordinance as presented.

Mayor Stewart stated with that amendment, he would not be compelled to present to Council projects in process. He stated they would come before Council by ordinance.

Dr. Stuart concurred.

Mrs. Detrow stated the amendment would defeat the purpose of the ordinance.

Dr. Stuart stated he understands the issue to be the process of going through the whole formal bidding, preparing the specs, advertising the number of consecutive weeks, having the names 30 days before the original bid. He stated that Council rejected this request last September.

Mayor Stewart stated this was not exactly like the other one that was presented. He stated that one rejected raising the threshold to \$50,000 from \$25,000. He stated this is \$25,000 to \$50,000 to eliminate the bidding process, which he felt was different.

Mr. Valentine stated he felt money would be saved if they didn't have to do the plans portion of the bids. If a consultant is brought in, more money is spent. Mr. Valentine feels that the money saved would help the general fund.

Mrs. Tunnell stated she didn't feel anyone was questioning the integrity of anyone in the room. The question is that between \$25,000 and \$50,000 she wants to see the project and an ordinance requesting the funds in writing.

Mayor Stewart asked what part is written in stone. That it is presented by the Mayor or the amendment by Dr. Stuart. He stated if the ordinance is amended, any projects would not be presented to Council for approval of the expenditure of funds.

Dr. Stuart stated he is suggesting that the amendment would be the restriction on bidding would be lifted to \$50,000. Bidding still can be done between \$25,000 and \$50,000. But before any project is awarded between the \$25,000 and \$50,000 range, it must be first approved by Council. He asked if the ordinance should be tabled.

Mr. Paxton stated with regard to the bidding process language, he felt it would be his opinion that it would be best to table the ordinance so that it could be rewritten after a review of the purchasing policy to accurately address the bidding process.

**Moved** by Dr. Stuart seconded by Mr. Fishpaw that the Ordinance be tabled.

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

Nays: Mr. Valentine

### **Ordinance Number 20-13**

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

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ADVERTISE FOR BIDS AND TO ENTER INTO CONTRACTS FOR THE 2013 REPAIR AND RESURFACING OF VARIOUS STREETS IN THE CITY OF ASHLAND, OHIO, TOGETHER WITH ALL INCIDENTALS AND APPURTENANCES NECESSARY THERETO; AND DECLARING AN EMERGENCY.**

**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

Mr. Kremser stated this Ordinance is the annual paving project ordinance. Funds are lower than last year. He stated there is a lot of ODOT Urban Paving going on currently. He stated a committee of people, Mayor Stewart, Dr. Stuart, Jerry Mack and Mr. Kremser, had gone out to review the streets of the City and a list was compiled and prioritized based on the condition on the specific areas. When the committee meets again, they will review where to spend the funds.

Dr. Stuart stated this emphasizes the “desperate” shape of our infrastructure. He stated there are 115 lane miles within the City. The cost to do one lane mile is approximately \$90,000. The funds available for this year is doing less than three lane miles of the 115.

Mr. Kremser stated this year he and his department are going to do a pavement rating condition value on streets so the administration can know the amount needed for the future. The area would be rated based on many factors, including volume of traffic.

Mayor Stewart stated people would be seeing intermittent repaving.

**Moved** by Mrs. Tunnell 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. 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

Mrs. Calhoun, Clerk of Council, asked Dr. Stuart about a pending motion to amend the ordinance amending the City of Ashland’s purchasing policy to be in compliance with R.C.§ 735.05.

Mrs. Tunnell stated she felt the motion can be removed.

Mr. Stimpert, in attendance as the City Law Director, stated that the pending motion should be tabled for that ordinance.

**Moved** by Dr. Stuart and seconded by Mrs. Tunnell to table the motion to amend the ordinance “Amending the City of Ashland’s purchasing policy to be in compliance with R.C.§ 735.05; and declaring an emergency.”

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

Nays: Mr. Valentine

### **Ordinance Number 21-13**

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

**AN ORDINANCE REQUESTING CERTIFICATION TO ENFORCE THE OHIO BUILDING CODE WITHIN THE CITY OF ASHLAND; AND DECLARING AN EMERGENCY.**

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

Mr. Kremser stated this is a continuation of a process that was started last year. He stated that if the City is to have a certified building department, there needs to be a sub department for non-residential code plan review and enforcement. The sub department would be Richland County, per the agreement last year. The certification application has not yet been submitted due to a clarification that needed to be made. Mr. Kremser stated if Council chooses, there will be a City of Ashland Building Department as required by the State of Ohio. And the Richland County Building Department will serve as the sub department for the City of Ashland Building Department for non-residential code plan review and enforcement. The State will no longer be the default enforcement entity for the non-residential code within the City.

Mr. Fishpaw asked if someone builds a home in the City of Ashland now, what codes are being enforced.

Mr. Kremser stated the contractor has an obligation to follow the State Residential Code. If there is a dispute, it would be handled by the State. In order to enforce the State Building Code, an enforcing entity must be certified. Mr. Kremser stated the process makes sense, as he has worked in the private sector. The codes were consolidated from International Codes to State Codes and it is workable for cities to enforce. He stated for now, there is no permit for building a residential structure. We have zoning permits and engineering requirements for anything outside the building.

Mayor Stewart stated there are requirements that must be met, but they are not the building codes.

Mr. Fishpaw stated the current requirements are not for the actual building, but everything around it.

Mr. Kremser stated it is the same for commercial building as well, that anything outside the building is engineering. He stated before there is another surge in building, it is important to have a certified building department to ensure that another level of review is in place.

Mrs. Detrow asked if the approval is for non-residential, not for residential.

Mr. Kremser stated that is correct, this is non-residential building. He stated the State enforces the non-residential code, but they do not enforce a residential code.

Mrs. Detrow asked if the City is working toward a residential code.

Mr. Kremser stated we would enforce a residential code locally, but it is the State Residential code. He stated our old ordinances from 1986, for example, no longer are valid with the advent of the International Codes. The Uniform Building Code, the International Building Code, the Southern Building Code, BOCA-Building Officials Code Administration, all consolidated into the International Codes and the International Codes Council. There is only one building code now as states started adopting codes and got rid of the Local Rule Act Decision.

Mr. Fishpaw restated his understanding is that the Ohio Building Code is actually the International Building Code that was adopted to replace any other building codes.

Mr. Kremser stated the Board of Building Standards amended the International Code and adopted it for States. For example, the IC required sprinklers in all new homes. The State of Ohio did not adopt that portion of the IC. The result is it is more efficient and less expensive. Also, Mr. Kremser pointed out that because of the language of Richland County Building Department

being a Sub Department the agreement can be terminated by either party.

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

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

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

**Ordinance Number 22-13**

**Ordinance Item e):**

**AN ORDINANCE TO ESTABLISH THE CITY OF ASHLAND BUILDING DEPARTMENT;  
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. Detrow, Mrs. Tunnell, Dr. Stuart, Mr. Fishpaw, Mr. Valentine

Mr. Kremser stated the Ordinance is a requirement to apply for certification. There has to be the establishment of the City of Ashland Building Department by ordinance to be submitted as part of the application process to the State.

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

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

**Ordinance Number 23-13**

**Ordinance Item f):**

**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 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, Dr. Stuart, Mr. Fishpaw

Dr. Stuart stated this ordinance was on the last meeting's agenda. He asked if there is further discussion regarding this ordinance.

Mr. Kremser asked if Shaw Rader would speak about the Chamber of Commerce.

Mr. Rader stated he is a member of the Board of Directors of the Chamber of Commerce. He stated that a focus group has been formed of contractors that are members of the Chamber. Together they feel in agreement that contractors need to be registered to work within the city limits. He stated they felt it is time to protect the residents from poor-quality work. He stated the contractors in the area receive calls to make up for "shoddy" contractors. He noted that "every other city around here" has contractors registered to do work in their respective areas. The focus group is in favor of this registration requirement.

Mayor Stewart stated this has been a long process working with the Chamber and the Contractors and the Engineer to put together this plan and ordinance. He stated this registration process is long past due.

**Moved** by Mrs. Detrow 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. Tunnell that rules requiring the reading on two 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 Mr. Valentine that the Ordinance be passed.

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

#### **OLD BUSINESS:**

Mayor Stewart provided an update on the 250 and 42 intersection. He provided a short history of a previous meeting which explored proposed alternatives to the area popularly known as the Bob Evans intersection. One of the proposals for change was an at-grade intersection. It was deemed to be the most popular for those who were not involved in the trucking industry. When the Mayor received significant feedback from the business people in the Industrial Park that the traffic signal and an at-grade intersection caused truckers unnecessary delays and difficulty in moving the trucks from a complete stop, he decided to revisit the issue.

Mayor Stewart stated with the at-grade intersection, a traffic signal would be provided from all directions. The feedback was it did not satisfy the needs and desires from those in the trucking industry.

The Mayor went back to ODOT to ask for an alternative plan that would be "trucker friendly". The new alternative was displayed and reviewed as follows by the Mayor:

The "Additional Alternative" rebuilds the bridge. Mayor Stewart stated this is a maintenance issue for the City after the first 8-10 years. The bridge would be north and south on 42 and 250. Coming in on 250 in the direction of heading west, would be a ramp to go north on 42 and 250. The slip ramp would be close to a private driveway, which has been a concern.

Going south on the bypass there is a traffic signal located just past the bridge. There is an additional slip ramp allowing continuous movement to take you east to 71. There is no traffic signal on Main Street going east and west until out toward Home Depot.

The Alternate 1 at-grade alternative will cost \$8.7 million. The City has a portion to pay of that \$8.7 million, most of which the City has within its budget currently earmarked for the project. There is a cost of \$1.8 million in safety funds; the City's responsibility is \$180,000.

A Small City Grant has been applied for which can potentially offer \$2.5 million, 20 percent of which would be the City's portion. The Mayor indicated there are potentially other avenues to recover those costs. The Alternative was requested because of concerns by the trucking industry that this would be an additional stop signal adding to the numerous from 71 to the Industrial park. The truckers now are circumventing the lights on 250 by getting off by the Fin and taking Middle Rowsburg Road to the park. Middle Rowsburg Road is not a road built to accommodate excessive truck traffic.

The Safety Grant has been awarded for the at-grade site. If the decision is to go with the Additional Alternative proposal, the City will have to reapply for those funds with no guarantee of receiving those funds.

The estimate for the Additional Alternative proposal is \$10.4 million, a portion of which the City would have to pay.

Mayor Stewart stated there is an urgent need to keep this upgrade on the schedule. ODOT needs to know the desire of Council. He stated he did not know it would take from the first of March to the middle of May to have a more truck-friendly intersection designed.

Dr. Stuart noted there was a map of Alternative 8 that Council had received.

Mayor Stewart indicated this Alternative was one that was discounted earlier in the process.

Mr. Valentine stated this has been going on for a long time. He stated the meeting at the Sheriff's Annex proved to be a turning point for many who had not liked losing the bridge. After that meeting, when ODOT said what would work best and safest and most cost effective, he stated many people changed their minds as was presented in letters to the editor. Mr. Valentine stated by taking the traffic signal away from in front of Bob Evans and widening the lanes, the trucks should have no concerns with delays.

Mayor Stewart stated any at-grade intersection needs to be semi-truck friendly by providing a wide radius turn. He stated in any new construction that is the norm.

Mayor Stewart wanted everyone to know that not all the money is in the bank yet.

Dr. Stuart stated he appreciated Mr. Valentine's position on the at-grade intersection but that Mr. Valentine's opinion is not shared with a lot of Mr. Valentine's former colleagues from ODOT.

Mr. Valentine stated it is the position of anyone he has spoken with. He noted he worked with them 30 years. He agreed to disagree with Dr. Stuart.

Mayor Stewart asked Council to share the choice of Council for Mayor Stewart to convey their alternative selection to ODOT.

Mr. Fishpaw stated his opinion is to go with Alternative 1, the at-grade.

Mr. Paxton asked if there are written proposals for the alternatives at this point.

Mayor Stewart again stated the cost of each plan, Alternative 1 is \$8.7 million; the Additional Alternative is \$10.4 million.

Mr. Kremser stated the other alternatives were all around \$9 million. The Safety Grant the City received is \$1.8 million in construction and \$800,000 in right-of-way access. The Safety Grants are awarded as a "return on their investment". They analyze the number of crashes and what is being done to promote safety. They assign dollar values to that. Should the City decide to go with the Alternative, he does not know if the Safety Funds would still be awarded to the City. They would have to be re-applied for.

Mr. Valentine stated he was in favor of the at-grade alternative.

Dr. Stuart stated he favored the modified interchange in the Additional Alternative.

Mayor Stewart asked for a motion and vote.

**Moved** by Mr. Fishpaw and seconded by Mr. Valentine to decide Alternative 1 is the choice to convey to ODOT for the upgrade at the intersection of Route 250 and Route 42.

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

Nays: Mrs. Detrow, Dr. Stuart

Dr. Stuart stated the motion passed. He noted that this project looks 50 years into the future. He stated if at-grade intersections are the answer, he will be surprised.

Mr. Paxton asked if Council has just obligated itself to the project.

Mayor Stewart stated no.

Mr. Kremser stated there is legislation that will be required by ODOT that will be forthcoming.

**NEW BUSINESS:** Advertising on Private Property Permit Application: Senior Security Insurance Partners, Lori Nagy Agency

Ms. Nagy explained her project is about life insurance awareness and providing all the alternatives for life insurance options. She decided to have a single door hanger flyer and when she knocks on doors she will ask if they'd like to take a survey. She stated she never oversells what is needed by the individuals and she provides CDs and paperwork with the information.

It was noted that cremation is a less-expensive option she does not have on her advertising door hanger.

**COUNCIL COMMENTS:**

Mr. Fishpaw stated he has been receiving calls about high grass that needs mowed. He suggested perhaps something needs to be publicized that states that homeowners need to maintain their yards.

Mayor Stewart stated for two years the high grass has been handled by the Engineer's office. The address is provided and someone goes out and measures the height of the grass, takes a photo and send a note to the owner of record. If it is not mowed within five days, a contractor will mow it and the property owner will get an invoice. If they do not pay the bill, the money someday will be put on their taxes.

Mr. Fishpaw puts a card on the door and writes on the back that he's received complaints. It has worked for him and the lawns get mowed. He stated it takes care of an extra call to have the City have to take care of it.

Mrs. Tunnell stated her neighbor stated this is the first time he has not had a damp basement. She gave a hooray for the Storm Sewer Project.

Mr. Valentine stated there is high grass at a home that has no number on it. It is located two houses before Brookside Drive on the right on West Main Street.

Mrs. Nagy, an audience member, stated seniors can go to the Council on Aging and get their yards mowed.

Mr. Valentine stated it is usually not the seniors who are the offenders. It is usually the people that are non-resident owners that live out of state. Also foreclosures are left vacant.

Mrs. Detrow stated she had a complaint about long grass also, and Mrs. Detrow directed the call to the Mayor's office. She also had a complaint about debris around the pond in the park. The family of the caller had had a flag placed in the area in memory of their veteran father, and they were discouraged about the condition of the area. She asked Mrs. Detrow if there was a volunteer day because she and her family would go and help clean up the area. Mrs. Detrow stated she felt it

was a good idea to have volunteer day. She told the caller the City doesn't have money and when there is no money the City workers don't pick up debris in the park. Mrs. Detrow stated we are all proud of our City and we all need to volunteer and get it done.

Mayor Stewart agreed and stated he should proclaim Volunteer Day.

Mrs. Detrow stated she thought that was a great idea.

**FINANCE DIRECTOR'S COMMENTS:**

Mr. Paxton stated the financial statements for the City would be filed by the end of the month as required by the State Codes and laws. Two financial reports, GAAP and KAFR, have been sent for final review and then will be sent to the State Auditor's office for an opinion for 2012.

The 2003 Bonds that the City issued are utility and general obligation bonds were used to improve the water plant, to build sewer lines and to build the Justice Center. They have ten years of service in debt retirement. Mr. Paxton stated there is substantial savings and interest that the City can take advantage of by refinancing the remaining debt. The issuance was \$14,900,000 in bonds; the 2013 payments will be made regardless of the re-issue. The City proposes going back to the market and re-issuing \$7.5 million replacement bonds. It would be like refinancing a home. By doing this, the City would cut its interest payments and interest rate in half of what it would be paying. At the beginning of a bond, the interest rates are small because you are retiring more of your debt. At the end of the bond, you are retiring less principal, but paying a lot more interest in that term. The interest rate is 4.5 percent at the end of the term on the bonds. With the present value of money, there would be a savings of several hundreds of thousands of dollars that we would not have to pay if the loan was to be refinanced.

Mr. Paxton explained there are two ways to refinance. A regular re-issue would mean a principal payment would have to be made December 1<sup>st</sup>. There is a charge for this approach because it includes paperwork and an underwriter to help with issuing the bonds to guarantee all the bonds will be bought. In this approach we have to hope that the interest rates would hold through October.

Another approach is an advance re-issue. It's an expedient process that can help alleviate the concern that interest rates will go up. This provides substantial savings, but the cost is going to be \$100,000 plus to do the re-issue with either approach. The interest savings is greater for any of the approaches.

**MAYOR'S COMMENTS:**

Mayor Stewart stated there will be an Executive Session to discuss potential litigation and a negotiations update.

**COMMENTS FROM THE AUDIENCE:**

Mr. Howard Scanlon asked about the Charter Review coming up. Council stated it had not been addressed.

Mr. Scanlon stated he had someone come to his door about his utility bills and asked if he should have needed a permit. Mr. Scanlon did not want him at his door.

Mayor Stewart stated no one needs to show any utility bills to someone knocking at their door. If someone knocks on your door, a permit is not required unless they leave something at the door.

Mrs. Lila Koch asked about the high grass out on Davis Road beside the Baptist Church. She stated there was a lot of trash and vehicles and stated they burn trash out there as well. She asked if it was City or Township.

Mr. Kremser stated it is Township.

Mayor Stewart stated there was a call last year about the same property just north of the church property.

Mrs. Koch asked about finishing the tear-down of the houses on Cleveland Avenue beside the YMCA.

Mayor Stewart stated that process has started; the funds were awarded two weeks ago. It is administered by the County. The asbestos abatement is done first and the demolition will be done after.

Mrs. Koch asked how it gets so bad. Mayor Stewart said to ask the owners.

Mr. Valentine said there is a list of homes to tear down, but there are limited funds.

Mr. Kremser stated the process is that the owner of the property has to authorize the tear-down. He stated there was a list of 30 homes, but only 10 gave full authority. Some of the properties had easements.

Mayor Stewart stated the City was provided Federal funding to tear down the houses. The property owner retains the property. The process is that the government tears the house down, the City re-grades it. If the property owner wants to rebuild on that property, there may be a significant tax abatement on the property he builds there. No one has taken advantage of that proposal. The houses are in Community Reinvestment Areas.

**ADJOURNMENT to executive session for the purpose of discussing matters of potential litigation:** 8:22 p.m.

**Moved** by Dr. Stuart and seconded by Mrs. Detrow to adjourn.

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

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

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

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

**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