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# Ashland City Council

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## MINUTES FOR THE REGULAR SESSION OF COUNCIL Tuesday, September 3, 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 **Special Session** of City Council held Monday, August 19, 2013 be accepted as submitted.

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

**Moved** by Mrs. Tunnell and seconded by Mr. Valentine that the minutes of the **Regular Session** of City Council held Tuesday, July 16, 2013 be accepted as submitted.

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

### LEGISLATION

#### Ordinance Number 48-13

##### Item a):

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A RENEWAL CONTRACT FOR WASTE DISPOSAL; 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 a renewal with the Rumpke Corporation that manages the Noble Road Landfill where the City dumps waste. The contract shows a reduction in the base rate. The contract begins September 1, 2013 at the new rate which will save more than \$700 a month through December 31, 2015. The rate they have provided will be in addition \$14.70 plus the fuel surcharge. In 2016 the base rate will increase by 3 percent.

Mr. Wolfe noted Rumpke has begun the new lower rate by four months early.

Mrs. Detrow asked if we wanted out of the contract we can do so.

Mr. Wolfe asked why we would want out since they own the landfill. The existing contract allowed

for discussions for renewal nine months prior to the end of the current contract. A letter was sent in the spring that the City was interested in renewing and discussions were held with Mr. Chandler with Rumpke.

Mayor Stewart stated the rate is close to the rate the City would get if sanitation waste was hauled to another landfill facility.

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

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

### **7:06 p.m. Public Hearing on non-conforming use-Ashland Golf Club Facility**

Dr. Stuart noted the design of the Preliminary Site Plan that was attached to the packet.

Mr. Breslin McKnight, a guest in the audience, stated he has no information about the plans and asked that they be explained.

Dr. John Peck stated the existing clubhouse has been torn down. He currently is proposing to build a new one that is more efficient and smaller in scale. He noted there would be a restaurant that seats 30 to 35 inside. The outdoor seating area would be for 60.

Mr. McKnight asked about short and long-term plans for the Ashland Golf Club property.

Dr. Peck stated the short-term is that the golf club is public now. Long-term is to keep it a public golf course and build the new clubhouse.

Mr. McKnight asked if the Charter allowed other types of building, such as houses, on the golf course property.

Dr. Peck stated residential building could be done if they chose to do that; the land is zoned residential now.

Dr. Stuart explained that the clubhouse is non-conforming because it is not a residential facility that is being proposed.

Mr. McKnight asked about the timeline of the building of the facility.

Dr. Peck stated he hopes to break ground in late October and have it opened by April 1<sup>st</sup> of 2014.

Mr. McKnight asked if things were improving since the Country Club golf course has become a public golf course. Dr. Peck stated it is improving.

Mr. Paxton, 1025 Country Club Lane, stated he has a vested interest in the Ashland Golf Course as a resident on the course. He stated he and his wife are in favor of the request for non-conforming use.

Mr. McKnight asked how Brookside Golf Course was doing and he asked if they would be able to succeed as a result of having a second public golf course in Ashland.

Mayor Stewart stated there is very little difference in the number of rounds after the initial opening of the Ashland Golf Course when there was a dip in the number of rounds. It has leveled off and they are maintaining the same number of rounds at Brookside as in the past.

Mr. Wolfe pointed out that the request is not a change of use for the golf club facility. It is a continuation of the non-conforming use.

### **7:12 p.m. - The Public Hearing was concluded.**

**Ord Item b):**

**Ordinance Number 49-13**

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ASHLAND, OHIO, TO ENTER INTO A CONTRACT WITH THE FRATERNAL ORDER OF POLICE (POLICE CLERKS); 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. Fishpaw, Mr. Valentine, Mrs. Detrow, Mrs. Tunnell, Dr. Stuart

Mr. Burgess stated this ordinance is similar to the previous Wage Ordinances that were passed in July.

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

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

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

**Ord Item c):**

**Ordinance Number 50-13**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO CONTRACTS FOR RENEWAL OF THE HEALTH INSURANCE AND LIFE, DENTAL AND VOLUNTARY LIFE INSURANCE FOR THE CITY OF ASHLAND, OHIO, AND DECLARING AN EMERGENCY.**

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

Mr. Burgess stated this Ordinance is the same as is offered every year for the benefits to the employees. The goal is to have the information and provide a renewal earlier than usual so the employees can budget and know what their options are in December. It gives the City the opportunity to know what the premiums will be and how it will affect the budget. By working with Mr. Paxton, there can be actual numbers provided and not projections.

Dr. Stuart stated the process should be that the information and the company selected should be presented as a complete package with a recommendation made to Council for approval.

Mayor Stewart stated there are two Council members that sat in on the meetings with the companies that proposed a package to the City. He stated the package requested "mirrors" what is now available to the employees. The cost is unknown at this point, but they are requesting the exact same coverage.

Mr. Burgess stated one of the issues in the Collective Bargaining Agreements is that the coverage needs to be comparable. The comparable portion of the negotiations is the maximum out-of-pocket expense.

Dr. Stuart asked that Council have the final say on the recommendation.

Mayor Stewart stated two Council representatives were asked to attend the process of interviewing the various companies and did so. That selection of Council members to attend was done in June. The rates for insurance are not known and will not be known until the selection is made.

Dr. Stuart asked if the rates would influence the recommendation once they are known.

Mayor Stewart stated the rates would influence the recommendation.

Mr. Burgess stated the projected increase from the Office of Management and Budget at the Federal level is 2 to 4 percent for the Affordable Care Act taxes. The agents that presented to the City projected slightly more than that without looking at our claims history. The estimate is 10 percent or more increase on the premium.

Mrs. Tunnell stated the rates cannot be received before selecting the agent. The agents will not give estimates first. All of those present at the meeting provided their recommendations and the agencies were chosen with the goal of making the selection process as objective as possible.

Mr. Fishpaw stated they cannot bid against each other. The current agent has all the information, and anyone who bids on the insurance would have to go through that agency.

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

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 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 51-13**

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

**AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT FOR THE PURCHASE OF EQUIPMENT FOR THE SANITATION DEPARTMENT OF THE CITY OF ASHLAND, OHIO, OBVIATING FORMAL ADVERTISING AND BIDDING; 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. Mack stated this Ordinance would allow the Sanitation Department to purchase two packer trucks mounted on a Mack LE Chassis which is a walk-in cab with right-hand stand up drive. This is a heavy-duty commercial liner. Our stencils will be put on the trucks which will be ready to be

Mrs. Detrow stated the design of the truck is a big step into the future for the City.

Mayor Stewart stated there are many safety considerations for the sanitation collectors. This particular vehicle style is used in many cities and it is a step forward to what is provided today in reducing costs.

Mr. Mack stated the person on the back of the truck is in a dangerous position and precautions are taken to make sure they do not cross streets with a center lane.

Mrs. Tunnell asked who will be doing the maintenance.

Mr. Mack stated most of the maintenance will be done in the Sanitation Department shop. The dealership will be the Mack dealer in Norwalk who will be servicing the chassis. That service provider has to be designated when purchasing the vehicle. The Mack dealer has agreed to service the trucks and also provide on-road technicians if anything would happen.

Mayor Stewart sent letters to the local dealerships to quote a service contract for a right-hand drive, step-out truck. None of the dealership were able to bid the service.

Mr. Fishpaw asked if the driver would be helping load the truck.

Mr. Valentine stated the truck drivers will all be attaining their CDL and can coordinate their driving and loading responsibilities to reduce the fatigue of the manpower.

Mr. Mack stated the truck will have a reeving cylinder that allows the containers to be picked up.

Mayor Stewart stated this style of truck was the best choice for the City considering the width of the streets.

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

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

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

### **Ordinance Number 52-13**

#### **Ordinance Item e):**

#### **AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT FOR THE PURCHASE OF EQUIPMENT FOR THE DIVISION OF POLICE OF THE CITY OF ASHLAND, OHIO; 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. Detrow, Mrs. Tunnell, Dr. Stuart, Mr. Fishpaw, Mr. Valentine

Chief Marcelli stated the Ordinance is to purchase two new SUV vehicles for the Patrol Division. They are being used by the Supervisor and by the Lieutenant or Sergeant. The current vehicles are 2008 Chevy Tahoes. They have 160,000 and 150,000 miles on them. The Sergeant's vehicle is in use daily and the vehicles have been switched to even out the mileage put on the vehicles. The new vehicles are from Byers Chevrolet in Dublin. They honor the 2013 bid price on 2014 vehicles. One of the current vehicles will be out of service and the equipment will be switched over to that vehicle. It has the same in-cab design to support the equipment that will be transferred.

Two vehicles will be taken out of service; one will be used as a spare car. There are times when a third car will be handy. It will take close to three months to be built and delivered. Chief Marcelli is hoping the vehicles will be on the road in Ashland by the first of the year.

Chief explained that the vehicles will body wrapped in the gray area so that the vehicle is ready to be replaced; that wrap will come off and the vehicle can be repurposed.

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

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

### **Ordinance Number 53-13**

#### **Ordinance Item f):**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT FOR THE PURCHASE OF EQUIPMENT FOR THE DIVISION OF FIRE OF THE CITY OF ASHLAND, OHIO; 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

Chief Anderson stated this is a scheduled replacement for the Chief's vehicle. The current vehicle is a 2002 Dodge and has 110,000 miles on it. It will be replaced with a Ford Explorer through Germaine Ford. They are offering 2013 bid prices for a 2014 vehicle. The Fire Department does have a vehicle that will be taken out of service and the Dodge will be used for the school car when the firemen go to classes and training.

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

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

### **Ordinance Number 54-13**

#### **Ordinance Item g):**

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

Mr. Paxton stated this ordinance creates special appropriations for additional expenses incurred by the Health Department and fees from the County. Election Fees were paid to the County and Security for the City Building were paid. The pool electricity and flood insurance for the Income Tax Department were also paid.

Dr. Stuart stated he felt the flood insurance for the Income Tax Department was high.

Mr. Paxton stated the Income Tax building sets in a floodplain, and the coverage they have on the building is the minimum that will clean up the building should there be a flood. It will not replace anything inside or get the building back in operation. Mr. Paxton stated there is flood insurance on the Income Tax building and the City Building.

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

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

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

### **Resolution Number 14-13**

#### **Item a):**

**RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.**

**Moved** by Mrs. Detrow and seconded by Mr. Fishpaw 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

Mr. Paxton stated this is the annual Tax Budget for 2014. It is set by the Budget Commission of the County. He pointed out the inside millage approved by the Budget Commission and Outside millage from the Park levy.

Dr. Stuart asked how long the bond fund has been inside millage, non-voted millage. The amount of millage the City receives was likely determined in the late '20s or early '30s when it was shared with the County and school district. The fact that it is there for a bond retirement for something that was voted on is unusual. He stated the fire and police pensions were voted on as well.

Mr. Paxton stated he thought it was begun when the Justice Center was built; it may have been part of the ballot language. He also stated the State Legislature established when the millages were created, but they may have been initially voted on. They have been in existence for 20 years easily.

Mr. Wolfe stated the millage is within the limit of inside millage which is 10 mill. He stated it has been around a long time, but would have to look up to see the history of when it began.

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

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

### **Resolution Number 15-13**

#### **Item b):**

**A RESOLUTION AUTHORIZING THE CITY OF ASHLAND TO MAKE APPLICATION FOR A GRANT FROM THE ASHLAND COUNTY COMMUNITY FOUNDATION; 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 Resolution 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. Burgess stated this Resolution allows HR to apply for a grant to renovate the Council Room to make it conducive for information exchange and communication. A plan has been established by Engineering, Street Department, and Water Department to utilize in-house skills. The HR Committee has established the plan to take all the materials out and frame-in the room, drop the ceiling, improve the lighting, add technology – projection screens and audio systems to improve the acoustics. Some work will need to be hired outside the City. The deadline is September 15<sup>th</sup> to submit the grant.

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

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

### **Resolution Number 16-13**

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

**RESOLUTION AUTHORIZING THE MAYOR, DIRECTOR OF PUBLIC SERVICE OF THE CITY OF ASHLAND, TO FILE AN APPLICATION AND ENTER INTO AN AGREEMENT WITH THE OHIO PUBLIC WORKS COMMISSION FOR THE PURPOSE OF ACQUIRING FUNDS THROUGH THE STATE CAPITAL IMPROVEMENTS FUND AND THE LOCAL TRANSPORTATION IMPROVEMENT PROGRAM PURSUANT TO SECTION 164 OF THE OHIO REVISED CODE FOR THE COMPLETION OF CONSTRUCTION PROJECTS 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 Resolution 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 this is the annual Ohio Public Works Commission I grant application for which Engineering is seeking approval before he applies. Mr. Kremser is trying to coordinate work that is scheduled for 2015 with the 250/42 overpass improvements. Two grants have been awarded and both require a matching requirement. The Safety Fund grant has received \$2.1 million and the City is required to pay a 10 percent match. The Small Cities ODOT grant provided \$2.4 million; the City is required to pay a 20 percent match.

Dr. Stuart stated this all relates to the 42/250 intersection.

The grant agreement comes the July after the application. This is being done early enough that the agreement will be here July 2014. Mr. Kremser stated regardless of what the budget is, there are two grants that have to have match funding. The application is due September 27<sup>th</sup>.

Mr. Fishpaw asked if there were any changes to the schedule.

Mr. Kremser stated the District is assisting the City to move the project forward for 2015. He stated ODOT has been great to work with during this process. In the near future he hopes to have more information to provide a more detailed engineering estimate.

Mayor Stewart stated there was a move to change the start to 2016, but the District has made it possible to keep the start of construction in 2015.

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

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

Mr. Paxton stated there are no-interest loans that could be part of this application. Currently the City is paying off the 250 by-pass on the north side of town. The last payments will be made in 2015. At that time, money will be freed to make payments on the new 250/42 intersection work. Mr. Paxton wanted Council to be aware that that is part of the plan. A zero-interest loan will be applied for through the Ohio Public Works Commission. It will be added to the City's debt schedule. As one debt falls off the debt schedule, this new debt will be added.

Mr. Kremser added that the maximum grant would be \$500,000. Grants and loans are not separated so the matching total needed would potentially be \$690,000. If the City received the full \$500,000 grant, there would be a need of the zero-percent interest loan of \$190,000.

Dr. Stuart asked if the project continues to be the at-grade intersection.

Mr. Kremser stated that that is what ODOT is moving forward with that.

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

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

Nay: Dr. Stuart

**Resolution Number 17-13**

**Item d):**

**RESOLUTION AUTHORIZING THE MAYOR, DIRECTOR OF PUBLIC SERVICE OF THE CITY OF ASHLAND, TO FILE AN APPLICATION AND ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES, DIVISION OF FORESTRY, FOR THE PURPOSE OF ACQUIRING FUNDS THROUGH THE 2013 WESTERN LAKE ERIE BASIN ASH REMOVAL GRANT PROGRAM 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 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 the Ohio Department of Natural Resources, Division of Forestry, administers this grant. The Emerald ash borer is an invasive species that is killing Emerald ash trees. The street department and arborist did an impressive inventory of Ash trees in the public rights-of-way and the public lands, the parks, and golf course which concluded that we have approximately 200 Emerald ash trees. The grant provides \$50,000 to pay to procure a contractor to assist in removing some of the trees and to pay for in-kind labor use to remove the rest of the ash trees.

Mr. Fishpaw asked if the wood could be sold if a contractor is hired.

Mr. Kremser stated it could not be sold.

Mrs. Detrow asked if there was a plan to replace the trees.

Mr. Kremser stated this grant is for removal of Emerald ash trees. Another grant would be needed to assist with replacing the trees.

Mr. Fishpaw asked if there are a variety of ash trees that are not Emerald ash in our area.

Mr. Kremser stated he thought all ash trees were vulnerable to the Emerald ash borer.

Mr. Mack stated the Emerald ash trees are here because years ago Dutch elms were blighted and were replaced by ash trees. He stated this is the second round for these trees. A lot of the Emerald ash trees have been taken down over the past four or five years. More are dying now. The borer goes between the bark and the first layer and keeps the tree from growing.

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

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

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

**OLD BUSINESS:** None

**NEW BUSINESS:**

a) Ashland Public Transit-Disadvantaged Business Enterprise

Mr. Kremser stated that the City of Ashland Public Transit Service received over \$250,000 in Federal Transit (USDOT) funds. Per Federal Law, FTA recipients receiving planning, capital and/or operating assistance who will award prime contracts exceeding \$250,000 in FTA funds in a Federal fiscal year are required to implement a DBE Program. As such, the DBE utilization project goal was set to 3 percent of the awarded contract and was ultimately set by ODOT, who administers the FTA funds to local governments within the State.

b) New Liquor permit request – Gary Lee Adkins Sr. for Adkins 12<sup>th</sup> Street Market and More  
118 East 12<sup>th</sup> Street

**Moved** by Mr. Valentine and seconded by Mrs. Tunnell that a hearing not be requested.

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

**COUNCIL COMMENTS:**

Mr. Valentine thanked Mr. Hunter and Mr. Kremser for taking care of some resident problems promptly. He said the people were pleased with the outcomes.

Mr. Valentine spoke to the Special Council session on August 19<sup>th</sup>. He spoke to Dan Kubacki, the ATG reporter. He explained his side of the story regarding the disagreement that was reported in the paper on August 20<sup>th</sup>. He pointed out discrepancies in the article he had noted and stated he had been discouraged that the writer of the article had not waited a day to get both sides of the story. Mr. Valentine stated he got home late that night and had not been able to return the call to the reporter.

Mrs. Detrow stated she had received a call from a resident in her ward stating her water had been turned off because a tenant in the building had not paid their bill. Mrs. Detrow called the Police Department and other departments and people were called until ultimately Mr. Dennis Kitchen made the final call to the Water Treatment Plant that got the water turned on. The resident was happy. Mrs. Detrow stated Ashland is being special to everybody. She appreciated the effort.

Mayor Stewart had received three calls that evening, and he was away. He did not talk to the woman until after it was resolved.

Mr. Kitchen stated that has happened at times with duplexes. He was happy to help.

**COMMENTS FROM THE AUDIENCE: None**

**FINANCE DIRECTOR'S COMMENTS:**

Mr. Paxton handed out copies of Ordinance 20-13 and stated the County Permissive Tax fund indicated fund #206-1401-55501, the Infrastructure Fund, had \$100,000 in it. A Purchase Order was issued to use \$100,000 of the money rather than the stated \$79,125 that was stated in Ordinance 20-13. By adding these funds to this line item, the City budget saved \$20,875 that did not have to come out of the City's General Fund.

Mr. Paxton asked for a motion to accept the funds.

Dr. Stuart asked if it was necessary to authorize the additional funds.

Mr. Paxton stated he felt more comfortable if it was authorized by Council in some way.

Mr. Wolfe asked how the other figures change when this line item changes in terms of the accuracy of the Ordinance. There was discussion held and it was determined that Mr. Paxton would amend the Ordinance.

**MAYOR'S COMMENTS:**

Mayor Stewart stated he met with Traffic Committee where they discussed construction concerns at Middle Rowsburg Road where they are working on the bridge on 42 North. The signage had to be adjusted to allow cars to cross the bridges but not allow them to go east on Middle Rowsburg Road. A business called to express the fact that traffic could not get to their establishment. They placed a sign that the road is open on Middle Rowsburg.

Center Street culvert project has been started as of this date.

Mr. Wolfe asked that a Special Meeting or Work Session be held on Tuesday, September 10<sup>th</sup> at 5:00 pursuant to the June 4<sup>th</sup> letter to Council to discuss the proposed combined dispatch system and to review a proposed agreement and to discuss grant opportunities.

Mayor Stewart stated he would not be able to attend the meeting, but would like to.

Mr. Wolfe asked for a short Executive Session to discuss a matter of potential litigation.

**Moved** by Mrs. Tunnell seconded by Mr. Fishpaw to have a Special Meeting on Tuesday, September 10<sup>th</sup>.

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

**ADJOURNMENT to Executive Session:**

**Moved** by Dr. Stuart and seconded by Mrs. Tunnell to adjourn to Executive Session for the purpose of discussing matters of potential litigation. 8:25 p.m.

There will be no action taken.

**ADJOURNMENT from Executive Session: 8:45 p.m.**

**Moved** by Mrs. Tunnell and seconded by Mr. Fishpaw to adjourn from Executive Session. 8:45 p.m.

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

**ADJOURNMENT from Regular Session: 8:46 p.m.**

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

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

Respectfully Submitted by  
Kimberly S. Calhoon, Clerk of Council