

---

---

# Ashland City Council

---

## MINUTES FOR THE REGULAR SESSION OF COUNCIL Tuesday, July 16, 2013 at 7:00 p.m. Council Chambers

---

---

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

### ROLL CALL

Council-at-Large & President: Stephen L. Stuart	Present
Ward 1: Duane R. Fishpaw	Present
Ward 2: Robert M. Valentine	Present
Ward 3: Ruth Detrow	Present
Ward 4: Sandra Tunnell	Present

### PLEDGE OF ALLEGIANCE

### PRESENTATION OF MINUTES

**Moved** by Mrs. Tunnell and seconded by Mr. Fishpaw that the minutes of the Regular Session of City Council held Tuesday, July 2, 2013 be accepted as corrected.

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

### LEGISLATION

#### Ordinance Number 40-13

#### Item a):

**AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$7,950,000 FOR THE PURPOSE OF REFUNDING AT A LOWER INTEREST COST CERTAIN OF THE CITY'S OUTSTANDING VARIOUS PURPOSE IMPROVEMENT BONDS, SERIES 2003, DATED AS OF NOVEMBER 15, 2003, 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. Paxton presented to Council a Supplemental Fiscal Officer's Certificate for the Bonds. He then introduced Eric Prall from Ross Sinclair, the underwriters who are assisting the City in refunding the bonds. Mr. Eric Prall distributed a booklet called the "Series 2013 Refunding Presentation" and reviewed it as follows:

A new bond issue will be done at lower interest rates. The current blended rate of all the outstanding bonds is 4.57 percent interest. The current market is under 3 percent. The optional redemption is a "call" feature. When initially sold, there was a call feature option that now allows the City to refund them at a certain date. That date is within 90 days of December of 2013. The exact price of sale and closing will be September.

Mrs Detrow stated that if the interest rates continue to rise, the savings and interest will be less than what is being presented, but will be better than it currently is.

Mr. Prall stated it is subject to the market which changes daily. The cost of issuance is included in the gross savings of \$708,833.19 provided in this presentation. It includes the bond attorney fees.

Mr. Paxton had asked Mr. Prall to conservatively estimate the percentage of interest the City will save since it does fluctuate daily and the sale of the bonds will not happen until September. The projection is based on a higher rate than currently available to avoid over estimating the savings.

Mr. Paxton stated the refunding includes the Municipal water and sewer bonds and the Justice Center financing. He stated the majority of the bonds are utility driven.

The Ordinance before Council, Mr. Paxton explained, was prepared by the City's counsel of Squires, Sanders in Cleveland.

**Moved** by Dr. Stuart and seconded by Mrs. Tunnell that the Fiscal Officer's Certificate be accepted.

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

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

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

#### **Ordinance Number 41-13**

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

**AN ORDINANCE ADOPTING THE TAX COMMISSION BUDGET OF THE CITY OF ASHLAND, OHIO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2014; SUBMITTING THE SAME TO THE COUNTY AUDITOR; 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. Paxton stated this is the Tax Budget for which we had the Public Hearing at the July 2<sup>nd</sup> Council Meeting. The numbers have been adjusted. Two things impact the budget. The calculation of the income tax is calculated for 2014 at the same rate as 2013, \$8.1 million. Things that impacted the tax budget in the general fund is that Mr. Paxton is estimating a lower cash carryover to 2014. The previous budget had a \$900,000 cash carryover. This one has \$750,000 cash carryover. There are increases in operational expenses that have not been present in 2013 because of previously signed contracts. There is a built-in 1.5 percent increase in operating expenses. The General Fund budget is short \$892,000. He noted again, this is the Tax Budget, not the appropriations. The Police and Fire Pension plans will have stress on them. The Tax Budget does not include transfers to any department or additional funds; therefore, the pool and golf course will be strained in the next tax budget if

it goes from budget to appropriations. If Council authorizes this legislation, it will be presented to the County Auditor and to the Tax Budget Commission.

Dr. Stuart stated for Tax Budget purposes, our spending is \$1.5 million more than our revenues.

Mr. Paxton stated that is corrected and noted some of the Tax Budget is projection and estimate, but it will require more "belt tightening".

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

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

### **Ordinance Number 42-13**

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

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ENTER INTO A CONTRACT FOR PROFESSIONAL CONSULTING ENGINEERING SERVICES RELATED TO AN IMPACT STUDY AND DESIGN OF UTILITY SERVICE EXTENSIONS ALONG US-250; 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: Dr. Stuart, Mr. Fishpaw, Mr. Valentine, Mrs. Detrow, Mrs. Tunnell

Mr. Kremser stated this is a contract for permission to enter into a contract. The company is one chosen after the Selection Committee had gone through a qualification-based selection procedure outlined by the State. EMHT was the most qualified. The requested impact study will provide a cost for putting sewer and water on the east side of I-71. Currently, there are environmental issues with businesses on the east side. Assessments will be done for the impact to the sewer and water and sanitary sewer system and what improvements will be needed in the future to accommodate future development.

Mrs. Tunnell asked how the path for this water/sewer line was decided and by whom, since there has been discussion about the difficulty due to the bridge and the highway.

Mr. Kremser stated he, with the City Officials and Engineering Department, had made the path decision. ODOT owns the right-of-way where the interchange is, and they will not allow utilities to be put under their ramps of the interchange. ODOT does not own the necessary easements so has no authority to grant permission to have utilities placed under the ramps.

Mr. Kremser stated there is an existing lift station and water line that was extended on Township Road 1575. He reminded Council that easements from property owners will be necessary. This Ordinance authorizes the start of the process.

Mrs. Detrow asked if there is a reason it is being done right now.

Mr. Kremser stated there is a developer that has inquired about public utilities and is willing to bear some of the costs of extending the utilities. Mr. Kremser added there are environmental issues with some of the off-site discharging septic systems that the existing businesses currently operate on the east side of 71.

Mr. Fishpaw asked where the money would come from.

Mrs. Tunnell read the line items for 601-6201-56017 Engineering Services and 611-7201-55014 Sanitary Sewer Engineering Services.

Mr. Paxton explained that those line items have those funds in the accounts to be shared for this project.

Mr. Valentine stated there was nothing in those line items a year before.

Mr. Paxton stated those accounting lines did not exist last year.

Mr. Valentine stated he wants to make sure we recoup the money by making this change. He stated he has seen other places go to expand, but they went the wrong way. He stated he has heard some of the businesses want to hook into the utilities and some do not, but all will have to hook in. He stated we are not in the business to make money, we are a City. We are in the business of being sustainable. He stated his concern is what money goes into the project needs to come back to the City.

Mr. Paxton stated that part of the discussion is how will the expense be recouped. He stated some of the utility lines need to be oversized because of the potential growth. At this point it is necessary to have an idea of what the project will cost. The funds have been appropriated by the utility departments. Mr. Hunter and Mr. Kremser have worked with Mr. Paxton and others to work through the process. The first thing needed is to see what the actual cost will be, and then grants can be investigated as to how to finance the project.

Mr. Kremser stated recouping the funds can be discussed further down the road, but One possible way is to set up tap-in fees based on linear frontage of the benefitting properties.

Mr. Valentine asked if there are still people on the west side of I-71 that are not hooked into City utilities.

Mr. Kremser stated he was not aware of any that are located in the City.

Mr. Valentine asked if water and sewer go out to the east side of I-71, will the City limits be extended.

Mr. Kremser stated those companies will have to agree to annex when they are contiguous. Mr. Kremser stated attempts have been made to contact the existing property owners that are not in the City on the west side.

Mr. Wolfe added that the properties are not contiguous if they are not using City utilities; if the utilities are available and the property is contiguous, the properties will be required to tap into the City system.

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

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

**Ordinance Number 43-13**

**Item d):**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ENTER INTO A CONSENT AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE UPGRADE AND COORDINATION OF FOUR SIGNALS WITHIN THE ASHLAND CITY CORPORATION LIMITS; 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. Kremser stated a Safety Study was performed for the corridor from East Liberty Street along East Main Street to just east of the Route 42 bridge. It had been rated as the 66<sup>th</sup> most dangerous route per lane mile in the State. The way to assess the dangers is being done differently now, so this is no longer the rating in the State. Regardless, this project will be done with ODOT Safety Funds.

On East Liberty there will be a warning light that will give advanced notice that there is a signal coming up at Main Street. We will have a new signal at Lee and Sloan Avenues. There will be a temporary 42 and 250 off-ramp signal. There will be coordination/synchronization done with the signal on the by-pass ramp on the east side of the bridge.

Mr. Kremser stated there are threshold rules about sole sourcing, so there will be a general bid item for preemption at Lee/Sloan. If there is a difference in cost between the preemption system the City is specifying and the base-bid for whatever system the contractor supplies the bid, that would be the only cost for the City. So the City was not able to use the preemption systems that were already installed on two other signals in the City.

Mr. Fishpaw stated the contract shows a summer bid for 2015. He noted that the 250 and 42 bypass is scheduled to be in around the time of summer of 2015.

Mr. Kremser stated they hope to have these signals in well before summer of 2015.

Mrs. Tunnell asked what would happen if the bridge project gets done sooner; there would be no need for the temporary light at Bob Evans. It seems to be a duplication of effort to put a temporary light in and then put a light in at a later time.

Mr. Kremser stated the funds come from the Safety Funds from the State.

Mrs. Tunnell asked about the side-mounted signal to warn of the signal at West Liberty and Main Street, which will be an additional signal 100 feet before the intersection.

Mr. Valentine stated it is like Moherman's Corner where there was no flashing light and now there is.

Mr. Kremser stated this has been a committee initiative and the installation of the lights meets the requirements of the Ohio Manual Uniform Traffic Control Devices. The warning signal should be where they propose to put it because it meets the current requirements. He noted this is an enhancement of safety according to Federal standards.

Mr. Fishpaw stated he agreed that you cannot see the light until you come around the curve at East Liberty Street.

Mrs. Tunnell stated she felt there are other signals that could be better served, noting though, she has not studied any specific areas in need.

**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. Valentine that the Ordinance be passed.

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

### **Ordinance Number 44-13**

**Item e):**

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

Mr. Paxton stated the exhibit attachment for the Ordinance was completed late due in part to be able to include the funding for an EMS grant that was received; it has been included into the Exhibit. Many of the numbers are transferred from one line to another within a department to meet the operational needs of that department. One of the directors that retired at the end of last year and the first payroll of this year, was being paid from the two funds 619-8001-51009 and 202-1001-51002, so additional appropriations needed to be requested.

Dr. Stuart asked how \$85,000 was arrived at for the director's position.

Mr. Paxton stated the line item was 84 percent complete from what was appropriated for 2013. The appropriations did not have enough money to cover the normal salary and then the payoff to the director for his retirement.

Dr. Stuart stated one fund was the Street Fund. He wondered how that fund was impacted by the retirement of a director.

Mr. Paxton stated the director of the Street Fund that had retired received a substantial amount of money as was required by the pay ordinance that he was paid by.

Dr. Stuart asked if that person that retired was associated with the Street Department.

Mr. Paxton stated he was and is the Director of the Street Department and is also shared by the Sanitation Department. In doing his retirement, the appropriated funds were not enough in that line item to cover his salary and the payoff.

Dr. Stuart asked about the \$3000 from the Band Shell.

Mr. Paxton stated the funds went from the Band Shell in the Park to general maintenance in the Park.

Mrs. Detrow stated \$3000 is going away from the Band Shell to the general fund of Park Maintenance.

The General Fund line can be used for the repairs and maintenance of the Band Shell, Mr. Paxton stated.

Mrs. Tunnell asked if the Labor Negotiation line is usually at zero or is this an addition.

Mr. Paxton stated we had to hire a labor attorney for the labor negotiations, so that line was adjusted.

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

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

### **Ordinance Number 45-13**

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

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH SIMONSON CONSTRUCTION SERVICES, INC. FOR THE EAST 8TH STREET CULVERT REPLACEMENT PROJECT 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 culvert became an emergency last week when there were heavy rains. This is an area that was planned to be replaced sometime in the future. It became necessary when the plates moved to the point of collapsing; East 8<sup>th</sup> Street was closed. The Engineering Department worked through a replacement to be done quickly. Quotes had been received prior, and even though the prices were over the bidding threshold, the emergency need required \$25,931 to jump to \$30,350 because the precast manholes requested could not be delivered on time. The manholes now will be formed and cast in place; therefore, increasing the price. The material costs will not be \$16,000 but will be \$9,350 for a precast, 48" x 36" elliptical 40-foot culvert; the culvert pieces are 8 feet. The preparation has been a scramble to get started as soon as the rains stop. This is an area where a considerable amount of drainage runs through. 8<sup>th</sup> Street is still closed.

Mr. Wolfe stated this project has been designated as an emergency situation. There may be a need for supplemental legislation, but this needs to be started and finished quickly. Mr. Wolfe stated the threshold cost has stayed below the original estimate.

Mrs. Tunnell stated she received a call on Thursday morning and by Thursday afternoon they were addressing the issue. She appreciated the expediency.

**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. Valentine that the Ordinance be passed.

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

**Resolution Number 11-13**

**Item a)**

**A RESOLUTION AUTHORIZING AND RATIFYING THAT THE CITY OF ASHLAND MAKE APPLICATION FOR A GRANT FROM THE OHIO BUREAU OF WORKERS' COMPENSATION TRANSITIONAL WORK PROGRAM; 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. Fishpaw, Mr. Valentine, Mrs. Detrow, Mrs. Tunnell, Dr. Stuart

Mr. Burgess stated the BWC is offering a Transitional Work Program Grant. The program we use is approximately 12 years old. It needs to be upgraded. Our eligibility for this grant has been checked and approved. The City has 90 days from the approval of the grant on July 1<sup>st</sup> to implement and revise the program. MedCentral is the closest hospital to provide a developer for the program. He stated it is a reimbursement grant that will provide up to 75 percent reimbursement up to \$6300.

A purchase order will be written for the estimated amount under \$8400 and the money will be spent and Workers' Comp will reimburse up to \$6300. The City will be at risk for \$2100, and that money will come from the Workers' Comp fund. A rebate was provided from Workers' Comp that will more than adequately cover the expenditure.

**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 Mrs. Detrow that rules requiring the reading on three separate days be suspended and that the Resolution be passed on the second and third readings.

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

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

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

**Resolution Number 12-13**

**Item b)**

**A RESOLUTION AUTHORIZING THE CITY OF ASHLAND TO JOIN A REGIONAL COUNCIL OF GOVERNMENTS PURSUANT TO CHAPTER 167 OF THE OHIO REVISED CODE, 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: Dr. Stuart, Mr. Fishpaw, Mr. Valentine, Mrs. Detrow, Mrs. Tunnell

Mr. Wolfe stated this process to join a Regional Council of Governments has been in process for awhile. A letter was sent out providing the time frame over the next several months. This piece of legislation authorizes the City to get together with the City of Wooster and put together a draft of the agreement. There are meetings scheduled in September and work sessions for Council. By the second meeting in September it is the hope that the City will implement the program. This authorizes the City to proceed with the process. There was a meeting with the Mayors, Law Directors, Chiefs of Wooster and Ashland and an attorney that is putting this together. There are grant opportunities that will be helpful in the process.

Dr. Stuart asked if this follows the feasibility study that was done by Cleveland State. He noted all the forecasts of that study were based upon participation of municipalities and townships of Wayne and Ashland Counties. It changes significantly when the two entities involved are two Cities, Ashland and Wooster. Dr. Stuart stated he does not have a grasp of where that difference leads to equip and operate a facility.

Mr. Wolfe stated these things will be discussed in work sessions in September. One of the questions is how to accommodate other entities to enter into the plan. There is still the opportunity for discussion and there will be progress made at the work session in early September. Mayor Stewart's concerns were "savings and quality of service".

Dr. Stuart stated he does not see the reason or need for the Resolution at this stage of the plan.

Mr. Wolfe stated the purpose of the Resolution is to have Council express approval to develop a draft agreement that is hoped to be presented in September.

Dr. Stuart asked if the draft agreement can be presented without this Resolution.

Mr. Wolfe stated it could be. He reiterated this Resolution states this is what we're moving toward. Wooster has passed a similar Resolution and would like to parallel the efforts of the two cities.

**Moved** by Mrs. Tunnell seconded by Mr. Valentine 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. Detrow that rules requiring the reading on three separate days be suspended and that the Resolution be passed on the second and third readings.

Ayes: 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, Mr. Fishpaw, Mr. Valentine

Nay: Dr. Stuart

**Resolution Number 13-13**

**c) A RESOLUTION AUTHORIZING THE SUBMITTAL OF THE 2014 PROPOSAL WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR GRANTS THROUGH THE U.S. DOT FEDERAL TRANSIT ADMINISTRATION (FTA), AS AUTHORIZED UNDER FEDERAL TRANSIT LAWS, AS CODIFIED, 49 USC SECTION 5311, FINANCIAL ASSISTANCE FOR OTHER AN URBANIZED AREAS AND FUNDS AVAILABLE FROM THE OHIO PUBLIC TRANSPORTATION GRANT PROGRAM AND EXECUTING A CONTRACT WITH THE OHIO DEPARMENT OF TRANSPORTATION UPON GRANT PROPOSAL ACCEPTANCE.**

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

Mr. Paxton stated this resolution has to do with the Transit to continue to receive funding through ODOT and the Federal Government. He stated it is a standard format and allows the City to continue to provide public transportation service to our community residents.

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

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

**OLD BUSINESS:** None

**NEW BUSINESS:** Request for Council to schedule a special meeting for the purpose of holding a Public Hearing pursuant to provisions of the Codified Ordinance 1181.1 regarding the creation of a non-conforming use.

Mr. Kremser stated the request is about the former Country Club clubhouse. The building was razed in the spring. Per the current R-L Zoning Ordinance, a golf course is a non-conforming use. The Zoning Ordinances do not allow the expansion or reconstruction of a non-conforming use; however, City Council can permit the expansion or reconstruction of a non-conforming use after a public hearing. The owners of the Ashland Golf Club (formerly the Country Club) are still finalizing their plans relative to the configuration and size of the new building. We hope to have those plans prior to the public hearing to be held at our next City Council meeting on September 3rd. It is required that Council provide a notification of the Public Hearing to all the adjacent property owners 30-days in advance. That will be done by the Council Clerk.

Mrs. Detrow asked for clarification, and it was stated that since the building was torn down, it cannot be rebuilt as it has been used.

Mr. Wolfe explained when it was built over 50 years ago, it was not consistent with the zoning it is currently in. Under the R-L zoning district there is a non-conforming use clause that does not allow the building to be rebuilt for the same non-conforming use. He stated there are two options. Rezoning is one, which is not desired or requested. The option of approving the change in this zoning district is short term, so Mr. Wolfe suggested Council consider a longer-term non-conforming use provision.

Mr. Valentine asked if the Public Hearing would be the first meeting in September, and that was agreed to by all Council members.

Mrs. Tunnell asked if the five-year amendment should be considered also at the Public Hearing, and Mr. Wolfe suggested it is something to be considered.

**Moved** by Mrs. Tunnell and seconded by Mr. Fishpaw that the Public Hearing be held during the first regular meeting on September 3<sup>rd</sup>.

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

**COUNCIL COMMENTS:**

Mrs. Tunnell again thanked Mr. Kremser and Mr. Hunter on their expediency in doing what needed to be done to get the 8<sup>th</sup> Street culvert project in motion.

Mrs. Detrow stated a request to fill a hole has been completed by Mr. Hunter; she thanked him. The graffiti problem, as had been discussed in a past meeting, has been resolved because it has been painted over.

Mr. Wolfe stated he spoke with Dan DeVille of FirstEnergy to request a cost for safety lighting in that narrow corridor between the Jenny Wade Bed and Breakfast and the abandoned movie theater building on Center Street. There is an existing pole at the rear of the property where there are possibilities for lighting. Mr. DeVille has provided an estimate of approximately \$300 per year for lighting that whole walkway. It will be presented to Council in the future to consider.

Mr. Fishpaw stated there were complaints about the barn at Brookside West which has deteriorated and there are picnic tables that are in bad condition. When Mr. Fishpaw went out to look at the area, he saw the condition of the picnic tables. Some were piled up as not usable at all.

Mr. Wolfe stated it would be brought to the attention of the Parks District to see if something can be done to resolve those concerns.

**FINANCE DIRECTOR'S COMMENTS:**

Mr. Paxton stated the post-audit has been completed with the State Auditor's Office. The audit will be filed directly. This payroll will have the pay raises going into effect. The retro-pay is still being calculated and will not be paid for awhile due to the complexity of those calculations.

**ACTING MAYOR'S COMMENTS (MR. WOLFE):**

Mayor Stewart was not present at the meeting.

Mr. Wolfe stated Mayor Stewart sends his regards while he is rehabilitating at Kingston from knee surgery. He was released from Kingston and is under restrictions at this time.

Mr. Wolfe asked for an Executive Session involving property acquisition.

**COMMENTS FROM THE AUDIENCE:**

Mr. Jim Sheppard, 210 Fairview Drive, stated he has had issues with the neighbor at 202 Fairview Drive parking campers and trailers in front of their property. According to the deed restrictions, Mr. Sheppard stated that is prohibited. He stated Mr. Wolfe is his neighbor and that Mr. Wolfe has sent the neighbors letters that it is against the City Ordinances. Mr. Sheppard stated it continues to be a problem. He presented pictures to Council showing the trailer sitting in the driveway with lawn equipment on it. The equipment, Mr. Sheppard stated, does not belong to the property owner. He said the lawn equipment is setting in and around the yard, which he stated is against the deed restrictions. He has called the police about the problem, who indicated they would check into the situation and get back to Mr. Sheppard; that contact with the police was three weeks ago. He stated Mrs. Schumaker had been helpful to him, and he thanked her.

Mr. Sheppard asked what the Ordinance is and what will be done about it. If he needs to seek personal counsel to get it resolved, he will do that. But his understanding is that the City Ordinance takes precedence. He stated it is a very nice neighborhood and things are kept up; he wants to keep it that way. He asked what needed to be done

Mr. Wolfe stated deed restrictions are a private matter, and the City does not enforce deed restrictions. Two years ago a letter was sent by Mr. Wolfe and the camper was removed. It comes back occasionally for a day or two.

Mr. Sheppard stated to Mr. Wolfe that when they had spoken, Mr. Wolfe stated unless somebody complains he doesn't see it. Mr. Sheppard stated he is complaining; he wants Mr. Wolfe to see it and do his job. He stated the camper comes back for weeks and noted that Mr. Wolfe is not observing what is happening. He stated letters have been sent to the neighbors by Mr. Wolfe at least twice.

Mr. Wolfe stated there is nothing wrong with a camper being parked temporarily in a driveway for a day or two; he stated it is not stored there. If it was left there and stored there, it would be a problem. The trailer with the mowing equipment is for lawn mowing.

Mr. Sheppard stated it was parked on the street for four days when he called the Police Department. He stated Mr. Wolfe told him the City Ordinance prohibits having that type of thing in front of their property; it can be stored in the side or back yard.

Mr. Wolfe felt the problem has been addressed, and he doesn't see a problem. He noted the trailer cannot be stored in the front yard.

Mr. Sheppard stated he had to call the Fire Department because they were burning trash in the back yard; it was not considered a problem by the Fire Department due to the fact that it was a cooking fire.

Mr. Sheppard asked to have the Ordinance sent to him to take to his attorney.

**ADJOURNMENT to executive session for the purpose of discussing potential sale of City property at 8:24 p.m.**

**Moved** by Dr. Stuart and seconded by Mrs. Tunnell to adjourn to executive session for the purpose of discussing potential sale of City property.

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

**ADJOURNMENT from executive session: 8:52 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: 8:53 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. Calhoun, Clerk of Council

(word-Mins-RS-7-16-13.doc)