

**MINUTES FOR THE SPECIAL SESSION OF COUNCIL**  
**Wednesday, December 31, 2014 at 12:00 p.m.**  
**Council Chambers**

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Council President Stephen Stuart called the meeting to order at 12:00 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, December 16, 2014 be accepted as submitted.

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

**LEGISLATION**

**Ordinance Number 82-14**

**Item a)**

**AN ORDINANCE PROVIDING FOR THE 2015 TEMPORARY APPROPRIATIONS FOR THE CITY OF ASHLAND, OHIO TO MEET THE ORDINARY OPERATING EXPENSES OF SAID CITY, PURSUANT TO THE AUTHORITY OF THE OHIO REVISED CODE SECTION 5705.38; 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: Dr. Stuart, Mr. Fishpaw, Mr. Valentine, Mrs. Detrow, Mrs. Tunnell

City Finance Director, Larry Paxton, provided testimony on behalf of the Ordinance, which he explained was a temporary operating budget.

Director Paxton shared that all of the numbers included within the attachment, except for the General Fund numbers, are taken straight out of the tax budget Council passed earlier this year.

Director Paxton explained that the attachment includes information involving revenues and expenses for the City of Ashland.

The Director also added that he confirmed with the County Auditor that the City is allowed to pass a budget that does not exceed the tax budget from last year.

Director Paxton stated that the General Fund is the only fund that is different from the previously passed tax budget, which includes a decrease in the expenditures due to an imbalance.

Director Paxton emphasized that this temporary budget is balanced and is merely an instrument which will only get the City back in business and pay necessary bills.

Dr. Stuart commented that it is important for everyone to recognize that this is a temporary budget as we approach the start of the fiscal year.

Dr. Stuart stated that the items included within the lines of appropriations are not final figures.

Director Paxton concurred with Dr. Stuart and added that the final figures within the lines of appropriations may be more or may be less.

Dr. Stuart asked if there were any questions for the Finance Director.

There were none.

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

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

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

#### **Ordinance Number 83-14**

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

**AN ORDINANCE ESTABLISHING LIMITS FOR WAGES AND SALARIES RELATIVE TO POSITIONS OF EMPLOYMENT OF PERSONNEL NOT COVERED BY A COLLECTIVE BARGAINING AGREEMENT 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: Dr. Stuart, Mr. Fishpaw, Mr. Valentine, Mrs. Detrow, Mrs. Tunnell

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

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

#### **Ordinance Number 84-14**

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

**AN ORDINANCE TRANSFERRING APPROPRIATIONS WITHIN A FUND FROM ONE LINE TO ANOTHER; AND DECLARING AN EMERGENCY.**

**Moved** by Mrs. Tunnell and seconded by Mr. Valentine to invoke Section 113.01 of the Codified Ordinances as the distribution of this Ordinance has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

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

The City Finance Director, Larry Paxton, spoke on behalf of the ordinance, which he explained would enable the City of Ashland to finish out the year and transfer funds from one line to another and fund obligated expenditures.

Director Paxton explained the attachment included with the Ordinance and added that some of the obligated expenditures include health insurance and Medicare expenditures that have occurred over the last few weeks.

Director Paxton stated that none of the expenses are really out of the ordinary.

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

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

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

#### **Ordinance Number 85-14**

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

#### **AN ORDINANCE AUTHORIZING THE ISSUING OF A "THEN AND NOW" CERTIFICATE FOR THE FOLLOWING ATTACHED EXPENDITURES FOR 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: Dr. Stuart, Mr. Fishpaw, Mr. Valentine, Mrs. Detrow, Mrs. Tunnell

Director Paxton provided testimony on behalf of the ordinance, which would allow payment for the attached invoices.

Director Paxton explained that the purchase orders were not created prior to receiving the invoices for services, which is the reason for the issuing of the ordinance.

Mrs. Detrow asked if the invoices were for work already done.

Director Paxton confirmed with Mrs. Detrow that the invoices were for work already done or items purchased within various departments throughout the City.

Director Paxton stated that one of the expenses involves annual maintenance of software for the court system, which was agreed upon in a past contract.

Mrs. Tunnell asked about the cost related to outside counsel for the "COG", also known as the Wooster-Ashland Council of Governments.

Director Paxton stated that the City has incurred expenses for the creation of the COG as well as the ongoing issues.

Mrs. Tunnell asked if the City cuts the COG a check every time they need money.

Director Paxton responded that the City has issued purchase orders in anticipation of the expenses.

Mayor Stewart responded to Mrs. Tunnell and stated that when the COG incurs expenses from counsel, Wooster and Ashland are obligated to split the fees.

Mayor Stewart stated that the anticipated costs were not budgeted out early on.

Director Paxton stated that, unfortunately, the City couldn't get the purchase order written before the invoice.

Mrs. Tunnell expressed her concerns about the City paying an attorney thirty-five thousand dollars, who has gotten the City in trouble on the State level and who hasn't delivered what he promised us.

Director Paxton shared that the City of Wooster has also received an invoice.

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

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

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

Nay: Mrs. Tunnell

#### **Ordinance Number 86-14**

##### **Item e)**

#### **AN ORDINANCE AMENDING ORDINANCE NO. 72-13, RELATIVE TO POSITIONS OF EMPLOYMENT OF ALL OTHER PERSONNEL FOR AREAS NOT INCLUDED IN ANOTHER WAGE OR SALARY ORDINANCE IN THE CITY OF ASHLAND, OHIO; AND DECLARING AN EMERGENCY.**

Dr. Stuart announced that since the agenda was developed for this afternoon, there is an additional Ordinance that will need to be presented and read.

The Ordinance was read by City Finance Director, Larry Paxton, as follows:

**WHEREAS**, the City of Ashland, Ohio has authorized the attached expenditures and as such work has been completed; and

**WHEREAS**, the Ohio Revised Code Section 5705.41(D) requires a certificate of the fiscal officer of the subdivision be issued before expenditures are incurred; and

**WHEREAS**, the attached invoices for the payment of work that was completed before a purchase order with a certificate could be issued for said encumbrance; and

**WHEREAS**, the attached invoice exceeds the three thousand dollar threshold amount the Director of Finance can issue; and

**WHEREAS**, this Council desires to affirm, and ratify such expenditure and authorize the issuing of a "Then and Now" certificate for said expenditure; and

**WHEREAS**, for the above reason, this Ordinance is hereby declared to be an emergency measure necessary for the immediately preservation of the public peace, property, health, safety and welfare of said City of Ashland, Ohio; now therefore,

**BE IT ORDAINED** by the Council of the City of Ashland, State of Ohio \_ members thereto concurring:

**Section 1.** That the Director of Finance be, and is hereby, authorized to issue a “Then and Now” certificate on behalf of the City Council of the City of Ashland, Ohio and in doing so pay said invoices.

**Section 2.** That for that reason it is necessary to provide authorization for the issuing of the “Then and Now” certificate and payment of said invoice, this Ordinance is declared to be an emergency measure, immediate necessary for the preservation of the public peace, property, health, safety and welfare of said City of Ashland.

**Section 3.** That this Ordinance shall take effect and be in force from and after its passage by Council and approval pursuant to Section 12 of the Charter of the City of Ashland, Ohio.

Dr. Stuart thanked Director Paxton for his reading.

City Law Director, Richard Wolfe, spoke to Council on behalf of the ordinance.

Director Wolfe explained that the Municipal Judge wants to restructure his usage of the Magistrate and include the function of what is called “Mediator”.

The Director stated that this will be a structured program where people can have their disputes mediated rather than taking the case through court.

Director Wolfe added that the program includes a revenue function as well and the person carrying out the Magistrate work will also carry out the work of Mediator.

Mrs. Tunnell asked if the City has had a Mediator before and Director Wolfe replied that it did not.

The Director explained that costs would be covered by a Special Projects Fund, so there would be no increase in funds from City or from the General Fund.

Director Wolfe stated that the judges have scheduled this service to begin in 2015 and added that this should be beneficial for the people of Ashland.

Mrs. Detrow asked for Director Wolfe to explain the function of the Mediator and how it would benefit the City.

Mrs. Tunnell asked if the addition of Mediator would require additional training and/or licensure.

Director Wolfe stated that he either has it or is scheduled to have it.

Director Wolfe stated that it is also a service encouraged by the Supreme Court.

There were no further questions.

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

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

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

**Ordinance Number 87-14**

**Item f)**

**AN ORDINANCE CREATING ADDITIONAL APPROPRIATIONS; AND DECLARING AN EMERGENCY.**

Dr. Stuart announced that since the agenda was developed for this afternoon, this Ordinance will need to be presented and read.

The Ordinance was read by City Finance Director, Larry Paxton, as follows:

**WHEREAS**, it is necessary, in order to meet the immediate financial needs of the City of Ashland, Ohio for the calendar year 2014, to make certain additional appropriations; now therefore,

**BE IT ORDAINED**, by the Council of the City of Ashland, State of Ohio, \_\_\_\_ members thereto concurring:

**Section 1.** That additional appropriations for the calendar year 2014 for the City of Ashland, Ohio, be, and the same are hereby approved, as follows:

**Creating Additional Appropriations – Exhibit attached**

**Section 2.** That in order to meet the immediate financial needs of the City of Ashland, Ohio this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, property, health and welfare of said City of Ashland, Ohio.

**Section 3.** That this Ordinance shall take effect and be in force from and after its passage by Council and approval pursuant to Section 12 of the Charter of the City of Ashland, Ohio.

Dr. Stuart thanked Director Paxton for his reading.

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

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

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

**OLD BUSINESS: None**

**NEW BUSINESS: None**

**COUNCIL COMMENTS:**

Council wished everyone a happy New Year.

**MAYOR'S COMMENTS:**

Mayor Stewart wished everyone a happy New Year.

**COMMENTS FROM THE AUDIENCE:**

Steve Workman, of First Merit Bank, asked for further clarification of the attorney fees and if the fees incurred were for the proposed dispatch.

Mayor Stewart responded to Mr. Workman and stated that the fees were a result of the proposed dispatch.

The City Finance Director also made note that beginning of this year's appropriations we had seventy-four hundred dollars left and through the cooperation of various departments and the additional revenues we have taken in, we will end the year with over five hundred thousand dollars in the General Fund.

Dr. Stuart commented that the City has also spent over three hundred thousand dollars more than what we had taken in in 2014.

The Finance Director confirmed that Dr. Stuart was correct.

**ADJOURNMENT FROM SPECIAL SESSION: 12:23 p.m.**

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

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

Respectfully Submitted by  
Lindsey M. Gardiner, Clerk of Council