

**MINUTES FOR THE REGULAR SESSION OF COUNCIL**  
**Tuesday, February 18, 2014 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**

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|-------------------------------|---------------------|---------|
| 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. Valentine and seconded by Mrs. Tunnell that the minutes of the **Regular Session** of City Council held Tuesday, February 4, 2014 be accepted as submitted.

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

**LEGISLATION**

**Ordinance Number 08-14**

**Item a)**

**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 MUNICIPAL BRIDGE INSPECTION PROGRAM SERVICES PROJECT WITHIN THE CITY CORPORATION LIMITS; 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: Mr. Fishpaw, Mr. Valentine, Mrs. Detrow, Mrs. Tunnell, Dr. Stuart

The City Engineer, Shane Kremser, presented testimony on behalf of the Ordinance, which will authorize the Mayor and Director of Public Service to enter into a consent agreement with the Ohio Department of Transportation (ODOT) for the purpose of implementing the Municipal Bridge Inspection Program Services Project within the City of Ashland.

Mr. Kremser stated that this Ordinance includes the annual inspection of all bridges within the City that exceed ten feet to be inspected by ODOT, which would be at no cost to the City.

Mr. Kremser shared with the Council that the Ordinance also permits ODOT to hire an inspector, who would be tasked with the inspection of all bridges that meet the ten foot minimum qualification the State has set, and that the consultant would be responsible for inspections for the next three years.

Mr. Kremser expects the ten foot minimum to include the majority of the bridges within the City;

however, there are a number of pedestrian bridges that do not meet the requirement for inspection. Mr. Kremser stated that the City Engineering Department is looking into conducting the inspection of the remaining bridges in house.

City Law Director, Richard Wolfe, requested further clarification on some of the wording involving the eligible bridge inspection services, and asked if there are any identified features of the bridge inspection program that are not among the eligible bridge inspection services.

Mr. Kremser answered that there are none that that he is aware of.

Director Wolfe asked whether or not these specific bridge inspection services that could possibly impose costs on the City if a said bridge is found ineligible, are services that the City would most likely need to maintain the bridge.

Mr. Kremser answered that the language within the agreement that is included within this Ordinance states that ODOT will be responsible for the inspection and services of all bridges included within the program, and will be managed by the central office. Mr. Kremser said that within the program, all the necessary services of maintaining the bridges is implied, which means the City should not expect to incur any costs.

Director Wolfe thanked Mr. Kremser for answering his questions.

Dr. Stuart asked the Council if there were any other questions and if not if there was a motion.

There were no further questions from the Council.

**Moved** by Mrs. Tunnell and 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 09-14**

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

#### **AN ORDINANCE AMENDING SECTIONS 1191.03(C), 1191.03(D) AND 1191.10 OF THE CODIFIED ORDINANCES OF THE CITY OF ASHLAND, OHIO, RELATIVE TO THE HISTORIC PRESERVATION BOARD; 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

Council member, Ruth Detrow, testified on behalf of the Ordinance which will update three sections of the Codified Ordinances involving the Historic Preservation Board.

Mrs. Detrow commented that she has a vested interest in the Ordinance, which means that although she strongly supports the Ordinance, she will not be able to vote for its passage.

Mrs. Detrow stated that the three updates included within the Ordinance are required by the Ohio State Historic Preservation Board.

Mrs. Detrow shared with City Council the three amendments included within the Ordinance, will enable the Historic Preservation Commission and Center Street Historic Preservation Board to become a certified local government, allow the Board to fill any vacancy within the board, better educate members of the community of the importance of historic preservation, and enable the Board to store documents in a manner that will be available for public scrutiny at any time.

Mrs. Detrow went on to say that the City's Historic Preservation Commission and the Center Street Historic Preservation Board are both in favor of amending the Codified Ordinances and become a certified local government.

Mrs. Detrow stated that if this legislation is passed by City Council, then the Historic Preservation Board and Center Street Preservation Board will be ready for state certification.

Furthermore, the designation of "certified local government" is very practical as the Board will become eligible for various grants that will improve and educate the community, Mrs. Detrow added.

Mrs. Detrow asked if there were any questions from the Council.

Mayor Stewart asked Mrs. Detrow to explain the purpose of filing a petition to fill any vacancies within the Board, and to whom the petition would go to.

Mrs. Detrow responded to Mayor Stewart's question and said that filling certain positions, such as having an architect who resides within the City, is becoming increasingly more difficult. Having the ability to submit a petition on behalf of the City to the State Preservation Board to fill the position will aid the board in filling vacancies within the required timeframe.

Mayor Stewart also asked about a section within the Ordinance involving the education of Board members, and asked for further clarification regarding the funding for their education.

Mrs. Detrow stated that the Board will fund the required education of the members, and shared that the President of the Center Street Historic Preservation Board is in attendance and would be happy to answer that question.

Dr. Stuart also posed a question about the funding of cost associated with obtaining certain training as well as the funding of any staff that will produce the required annual report on behalf of the Board.

Mrs. Detrow introduced Rodney Mohr, President of the Center Street Historic District Association.

Mr. Mohr stated to the Council that the Association would be happy to make available any funding necessary for training.

Dr. Stuart stated that this Ordinance would require the Historic Preservation Board to meet certain qualifications, which would require funding from the Center Street Historic District Association.

Dr. Stuart addressed Mr. Mohr and asked him if his Association is willing to accept the requirements imposed by this Ordinance?

Mr. Mohr replied, “absolutely”.

Mrs. Detrow responded to the second part of Dr. Stuart’s question involving the annual report, and stated that the same person who records the Minutes for the Board is willing to write the report.

Mrs. Detrow also stated that City Engineer, Shane Kremser, is willing to store the Minutes for the Historic Preservation Board in his office, which is one simple solution to the public records requirement.

Mayor Stewart stated that he would be happy to work with Mrs. Detrow and the Board in figuring out where would be best to store the document.

Dr. Stuart asked the Council if there were any further questions.

Mr. Fishpaw asked Mrs. Detrow if there are any other requirements of the City to become a certified local government?

Mrs. Detrow responded and said that according to a letter from the Ohio State Historic Preservation Board, these three amendments are the only changes needed for the designation.

Director Wolfe brought forward one of his concerns about the Board being specified as a “City” entity and not private within the Codified Ordinances, which would make the City obligated to pay for the Board if there is no private funding.

Director Wolfe added that it is fine to establish this Board if it seeks private funding, but reminded the Council to remember that the Center Street Historic District Association is not required to provide funding.

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

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

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

Abstain: Mrs. Detrow

**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. Tunnell, Dr. Stuart, Mr. Fishpaw

Abstain: Mrs. Detrow

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

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

Abstain: Mrs. Detrow

## **Resolution Number 06-14**

### **Item a)**

#### **A RESOLUTION ADOPTING AND AUTHORIZING THE IMPLEMENTATION OF CITIZENS’ PARTICIPATION PLAN AS PART OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS (HOME) PROCEDURES.**

**Moved** by Mrs. Tunnell 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,

The City Engineer, Shane Kremser, presented testimony on behalf of the Resolution, which will enable

the public to participate in the implementation of Community Development Block Grant (CDBG) and Home Investment Partnerships Procedures.

Mr. Kremser stated the Citizen Participation Plan is required within the CDBG plan, which the City has already been doing.

Mrs. Tunnell asked about the frequency of the Public Participation Plan.

Mr. Kremser stated that the City looks into the Plan every five years.

Dr. Stuart asked the Council if there were any further questions, and if not if there is a motion.

There were no further questions.

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

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

## **2014 APPROPRIATIONS**

City Finance Director, Larry Paxton, presented to the Council and shared a packet with detailed information involving this year's appropriations.

The Director stated to the Council that Department has been working on the report for the last three months and intended to produce a finalized document of the 2014 Appropriations, but stated that the report is still a work in progress. Director Paxton explained that finalizing the report has been challenging as the appropriation process has been strained as a result of the economic environment.

Director Paxton shared a few of the details included within the report, including the first two summary pages, and the City's anticipated revenues and expenditures.

Director Paxton anticipates that the annual eight million dollar revenue will go down approximately three hundred thousand dollars, because of what he considers a one-time spike in profit tax by local businesses in 2013.

Director Paxton stated that he does not anticipate the level of local business profit tax for 2013 to repeat itself in 2014.

The Director stated that he is hopeful that the Department will be able to continue to tweak the 2014 Appropriations Report until the first meeting of March. It was then noted that the City's appropriation plan must be passed by the last week of March in order to comply with State law.

Dr. Stuart asked Director Paxton to explain some of the information under the 2013 items and 2014 items.

Director Paxton stated that the items under 2013 are costs that actually occurred and that the items under the current year are costs that the Department expects the City to incur.

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

Director Paxton added that if Members do not have questions now, the Department would be happy to answer any questions they may have in the future.

**OLD BUSINESS: None**

**NEW BUSINESS: Approval of Applications for Advertising Permits on Private Property**

- Approval of Application for an Advertising Permit for Title Max Title Loan

Dr. Stuart asked if anyone in the audience was present to represent Title Max Title Loan.

Lynda Benner presented to the Council on behalf of Title Max, and explained the reasons her business is in need of the permit. Ms. Benner stated that the business expects to be up and running very soon, and would like to have the ability to promote its business through advertising.

Ms. Benner stated that she would be happy to answer any questions Council might have.

Dr. Stuart asked when Title Max expects to be up and running.

Ms. Benner stated that they expect to open the week of March 10<sup>th</sup> this year.

After Ms. Benner shared information about the title loans her company can provide the community, there were no further questions from the Council.

Moved by Dr. Stuart and seconded by Mrs. Detrow that the Application for Title Max to Advertise on Private Property be approved.

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

Nays: Mrs. Tunnell

- Approval of Application for an Advertising Permit for Tru Green Lawn Care

Dr. Stuart asked if anyone in the audience was present to represent Tru Green Law Care.

Scott Jaros presented to the Council on behalf of Tru Green, and explained the reasons his business is in need of the permit. Mr. Jaros stated that his business has had a presence within the Ashland community for three to four years now, and would like to have the ability to promote its business through advertising.

Mr. Jaros stated that he would be happy to answer any questions Council might have.

After Mr. Jaros shared information about his company, there were no further questions from the Council.

Moved by Dr. Stuart and seconded by Mr. Fishpaw that the Application for Tru Green Law Care to Advertise on Private Property be approved.

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

**COUNCIL COMMENTS:**

Mrs. Tunnell brought forward a few concerns that residents within the community have brought to her attention, specifically the rate of speed snow plowing trucks are traveling. Mrs. Tunnell requested any comments City Services Director, Jerry Mack, might have in response to this complaint.

Director Mack responded to Mrs. Tunnell's comment and stated that even at the speed limit of 20 to 30 miles per hour, it can appear that snow plows are speeding. He assured the Council that up to his knowledge he is not aware of any snow plow crews speeding.

Councilman Fishpaw asked Director Mack if the City was still only salting intersections within City.

The Director answered Mr. Fishpaw stating that the City has been fortunate enough to receive a recent shipment of salt, which has made it possible to give a good salting on all of the City's streets.

Dr. Stuart asked if there were any further questions from the Council.

There were none.

**MAYOR'S COMMENTS:**

Mayor Stewart echoed the previous compliments given to the snow plow and their successful clearing of snow and ice on the streets.

Mayor Stewart also shared that his office has received numerous phone calls involving the condition of some of the sidewalks throughout town, and how they have not been cleared of snow by residents and business owners.

The Mayor stated that his office submitted over two hundred letters last week to the majority of residents and businesses located on Main Street requesting sidewalk maintenance. The Mayor stated that some residents have responded and some continue to complain.

Mayor Stewart added that although residents are required to maintain their sidewalks, he does not wish to hang a bunch of citations over any of the residents or business owners.

Mayor Stewart went on to say that so far it looks like there is also an issue with prolonged parking of vehicles on some of the City's main roads, which has impacted the ability for snow plows to effectively remove snow from roads. The Mayor noted that the longest any car can be parked on public roads is 48 hours.

**COMMENTS FROM THE AUDIENCE: None**

**ADJOURNMENT FROM REGULAR SESSION TO EXECUTIVE SESSION for the purpose of discussing the sale and the purchase of property involving the City: 7:47 p.m.**

**Moved** by Mrs. Tunnell and seconded by Mr. Fishpaw to adjourn from Regular Session to Executive Session. Ayes: Mr. Valentine, Mrs. Detrow, Mrs. Tunnell, Dr. Stuart, Mr. Fishpaw

**ADJOURNMENT FROM EXECUTIVE SESSION TO REGULAR SESSION:**

**Moved** by Mr. Valentine and seconded by Mrs. Tunnell to adjourn from Executive Session to Regular Session. Ayes: Mrs. Detrow, Mrs. Tunnell, Dr. Stuart, Mr. Fishpaw, Mr. Valentine

**ADJOURNMENT FROM REGULAR SESSION:**

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

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

Respectfully Submitted by  
Lindsey M. Queen, Interim Clerk of Council

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