

**MINUTES FOR THE REGULAR SESSION OF COUNCIL**  
**Tuesday, March 4, 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**

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 18, 2014 be accepted as submitted.

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

**LEGISLATION**

**Ordinance Number 10-14**

**Item a)**

**AN ORDINANCE ESTABLISHING CERTAIN FUNDS TO DEPOSIT AND EXPEND MONIES FOR THE PURPOSES SPECIFIED; 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

City Finance Director, Larry Paxton, testified on behalf of the Ordinance which he explained will establish the Wooster Ashland Regional Council and Government Fund and the East Main Street Improvement Fund.

The Director stated that later in the year, when the City plans to proceed with the process, it will be pertinent for the City to accumulate resources either through a note, or some other fashion in order to pay for the initial costs to start the project.

Director Paxton explained to the Council the East Main Street Improvement Fund is necessary as the City moves towards the replacement of the bridge at Interstate 96 and U.S. Rt. 42.

Director Paxton stated that the fund will receive monies through a grant and a loan with the Ohio Department of Transportation; however, the grant money itself will still have to be receded into the City's books even though the grant money will come directly from the Ohio Public Works Commission to the Ohio Department of Transportation- we still have to expense that money, which is why we need to create these funds.

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

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

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

### **Alley Vacation Hearing – West Walnut Street**

Dr. Stuart asked if there was anyone present in the audience to testify on behalf of the alley vacation, which there was no one.

Dr. Stuart requested that City Engineer, Shane Kremser, share some information regarding the West Walnut Street Alley Vacation to Council.

Mr. Kremser shared with Council members that the alley runs behind 523 Claremont Avenue, and along-side 407 West Walnut Street, which is where the alley outlets. Mr. Kremser referenced a map containing the details of the alley, which had been previously distributed to Council members along with their meeting packets.

Mr. Kremser stated that the City submitted an application to vacate this particular alley because of the location, where it outlets, and the usage of the alley.

Mr. Valentine brought forward a letter he received from Ned Sponsler regarding his concerns for the water that runs off the alley.

Mr. Valentine mentioned that within the letter from Mr. Sponsler, the Water Department had confirmed the water contained traces of chlorine.

Mr. Valentine asked Mr. Kremser whether or not the City has followed up about the chlorine in the water runoff.

Mr. Kremser stated that he has followed up with the Water Department and learned that there is no waterline in the alley, and that the water is storm water runoff from the abutting property. Mr. Kremser added that the alley is not paved, which also impacts the amount of runoff that occurs in the alley.

Mr. Kremser also stated that he asked Mr. Sponsler, who was unable to attend the hearing, if he would like him to present any questions to Council.

Mrs. Detrow asked Mr. Kremser about where the chlorine contained within the water could be coming from.

Mr. Kremser responded and said that after speaking with the Water Department, there is no known test conducted by the City.

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

Dr. Stuart added that since there are no further questions regarding the alley, it is up to the Board to recommend the vacation of the West Walnut Street alley in the form of an Ordinance at the next City Council meeting.

**Rezoning Hearing – N.W. Corner of Sugarbush Drive and Eagle Way Intersection**

Dr. Stuart asked the audience if there was anyone present to testify on behalf of the rezoning.

City Engineer, Shane Kremser, stepped forward to share with Council that the current property owner requests the rezoning of this particular undeveloped parcel of land from an “M-4” Industrial and Business Park to an “M-1” Light Industrial District.

Mr. Kremser stated that the property owner’s zoning request is contiguous with the district designation as the West of the property are the Eagle View Apartments.

Dr. Stuart stated that since there is no one present to testify, upon approval by the Board, the request to rezone the parcel of land will be submitted to Council in the form of an Ordinance at the next City Council meeting.

**Ordinance Number 11-14**

**Item b)**

**AN ORDINANCE AMENDING ORDINANCE NO. 7-11, RELATIVE TO SECTION 221.05 OF THE CODIFIED ORDINANCES OF THE CITY OF ASHLAND, OHIO, RELATIVE TO THE ALLOCATION OF MUNICIPAL INCOME TAX FUNDS; 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

City Finance Director, Larry Paxton, testified on behalf of the Ordinance which makes changes relative to the allocation of income tax revenue.

Director Paxton stated that the changes would include the General Fund receive 87% of income tax collected, the Street Division receive 6.25%, and Parks to receive 6.75% of collected income tax revenue.

The Director added that there is no cap to the allocation, and if more revenue is collected than anticipated, the departments would share that revenue as well.

Dr. Stuart stated that the Ordinance obviously has serious implications for the Street Fund and the Park Fund, but it is also a reflection of the desperate situation the City is in with the General Fund.

Director Paxton agreed with Dr. Stuart’s statement and expressed that the changes do indicate a need for additional resources.

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

Mrs. Detrow expressed her dislike of the changes, but added that the City has no other choice.

Dr. Stuart asked Council if there was a motion.

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

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

#### **Ordinance Number 12-14**

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

#### **AN ORDINANCE TO MAKE PERMANENT APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF ASHLAND, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2014 AND REPEALING ALL TEMPORARY APPROPRIATIONS; 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. Tunnell Dr. Stuart, Mr. Fishpaw, Mr. Valentine, Mrs. Detrow

City Finance Director, Larry Paxton, testified on behalf of the Ordinance which he shared with Council has taken about three months to complete. The Director added that it has taken a lot of hard work from a lot of dedicated employees of the City as well as elected officials, Mayor's office, the Law Director, Judges and Judges' staff as well.

Director Paxton commented that the line item appropriations have taken a certain amount of resourcefulness to find a balance between a relatively flat revenue stream and increased costs of operation.

The Director added that the appropriations before Council today is balanced, somewhat with the help of the reallocation of services rendered for all operating departments, and the agreed distribution of income tax that was just passed in the previous Ordinance.

Director Paxton stated that revenue projections are obtainable, but it will take most of the year for that to be reached.

He added that resources are and will remain tight for most the year, so expenditures will require the City to keep this in mind.

The Director offered to answer any questions the Council may have, but requested to emphasize the nature of the funds discussed in the previous Council meeting.

Director Paxton stated that a report written in the last Council meeting specified the City had 3.8 million dollars, and although that number was correct, he wanted to clarify that those are restricted funds driven by specific revenue enterprise, Trusts, or judiciary funds. He added that the 3.8 million dollars is now 4.5 million dollars after tweaking the budget some more.

Director Paxton emphasized that these funds are restricted, and cannot be moved from one fund to another.

The Director stated that if expenditures and revenue go the same as they did last year, there will be \$43,580 left in the General Fund.

Director Paxton stated that beginning in 2014, the City started with approximately \$807,000 so the budget remains very tight.

Mayor Stewart asked if the \$800,000 is actually necessary to make payroll for the first three months of the City's operation.

Director Paxton responded saying it is a "rule of thumb" for appropriations to carry over enough funds to supply about three payrolls into the next year, as well as fund basic costs necessary for the City's operation.

Dr. Stuart commented on the desperate situation the City has faced so far in the year, and speculated on possible struggles that will arise throughout the remainder of the year, and years to come.

Director Paxton agreed with Dr. Stuart's observation.

Mayor Stewart commented about his involvement throughout the process of creating this report, and stated that several weeks ago, the City had a deficit of nearly \$488,000. The Mayor asked if his number was correct?

The Director confirmed that the City was in fact \$488,000 in "red".

Mayor Stewart went on to say that the City has been able to balance this year's budget, but only after taking funds away from various places. He added that this was not an easy task.

Mr. Fishpaw asked the Director about the carryover a year ago.

Director Paxton responded to Mr. Fishpaw's question with \$984,000.

Dr. Stuart asked if the report's projection for the City to carryover \$11,528 to the Street Fund and \$5,756 to the Park Fund was correct.

Director Paxton confirmed that the projections were correct.

There were no further questions.

Dr. Stuart expressed his appreciation for all of the hard work Director Paxton, Mayor Stewart, and all of the Department heads put into making the balanced budget possible.

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

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

**Moved** by Dr. Stuart and seconded by Mrs. Detrow that rules requiring the reading on three separate days be suspended and that the Ordinance be passed on the second and third readings.

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

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

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

**Resolution Number 07-14**

**Item a)**

**A RESOLUTION DIRECTING THAT THE PROCEEDS FROM THE SALE OF CERTAIN PROPERTY CONSISTING OF APPROXIMATELY 64.2 ACRES BE DISTRIBUTED EQUALLY FOR GOLF COURSE CAPITAL IMPROVEMENTS AND GOLF COURSE OPERATIONS; AND DECLARING AN EMERGENCY.**

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

City Finance Director, Larry Paxton, provided testimony on behalf of the Ordinance, which enables the City to sell the adjoining property and distribute the revenue equally among the Golf Course Capital Improvements Fund and Golf Course Operations Fund.

Director Paxton shared that when the Golf Course Capital Improvements Fund was originally crafted, the City discussed the ability to sell the adjoining property and depositing the resulting revenue in the Fund; however, it has become clear that it is in the City's best interest to deposit half of the money in the Golf Course Operations Fund as well, which is designated to support the operation of the golf course.

Dr. Stuart noted that the initial resolution designating 100% of the revenue to go to the Golf Course Capital Improvements Fund was done two years ago, which was a very different economic environment than the City is experiencing today. He stated that due to economic changes and the struggling golf market, designating the money to one fund is no longer possible.

Mayor Stewart mentioned that it is also important to note that this is undeveloped property, not part of the course itself. He emphasized that no changes would be made to the golf course.

Mrs. Detrow asked when the sale of the land would occur.

Dr. Stuart replied that the sale would occur tomorrow at 5:00 p.m. at the site.

There were no further questions.

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

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

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

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

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

**OLD BUSINESS: None**

**NEW BUSINESS: Approval of Liquor License for Buehler's Food Market**

Dr. Stuart asked if there were any comments regarding Buehler's request to acquire a liquor license.

There were none.

Moved by Mrs. Detrow and seconded by Mrs. Tunnell that City Council requests no hearing be heard on behalf of the application of the liquor license.

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

**COUNCIL COMMENTS: None**

**MAYOR'S COMMENTS:**

Mayor Stewart commented about the awesome winter the City has had to endure and mentioned that the City has been fortunate enough to maintain a salt supply necessary to keep roads safe for the remainder of the season; however, this year's consumption of salt has consumed the remainder of the salt contract.

The Mayor stated that the current contract allows the City to go 20% over the initial agreement, and stated that that amount has been met, and that it does not appear necessary, nor is it in the City's best interest to make any alterations to the current contract.

Mayor Stewart also commented about the repair and maintenance of potholes throughout the City, and how over 100 tons of cold mix has been used to repair them.

The Mayor added that it is unfortunate how the freezing weather has only contributed to making the repairs more difficult, but emphasized that potholes are an issue that cities throughout the State are facing.

**COMMENTS FROM THE AUDIENCE:**

A member from the audience, Judge Good, of the Ashland Municipal Court requested to share with Council an annual report for 2013.

Judge Good distributed a copy of the Court's 2013 Annual Report and Financial Statement to all members of the Council, as well as the Mayor and Law Director. He noted that this report is available to the public online at [www.ashlandmunicourt.com](http://www.ashlandmunicourt.com).

Judge Good pointed out some of the highlights contained within the report, which includes record level collection of revenue, which has put over 1.32 million dollars back into the City's pocket. He added that this number is about \$100,000 more than last year.

Judge Good added that the report includes further details about the costs required for the Court's operation.

Judge Good commented that the Court heard over 14,000 Federal cases last year, and that for the 19<sup>th</sup> consecutive year, no case has been delinquent.

City Council and the audience applauded the Court for their impressive track record.

Judge Good expressed his appreciation for all of the hard work and dedication Director Paxton has demonstrated as head of the Finance Department.

Judge Good closed with reminding the City that the Court continues to maintain a frugal budget and unceasingly strives to be as self-sufficient as possible.

Dr. Stuart thanked Judge Good for sharing the report regarding the City's Municipal Court.

**ADJOURNMENT FROM REGULAR SESSION TO EXECUTIVE SESSION for the purpose of discussing the sale and the purchase of property involving the City of Ashland, as well as the employment of public employee: 7:40 p.m.**

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

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

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

**ADJOURNMENT FROM REGULAR SESSION:**

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

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

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