

MINUTES FOR THE REGULAR SESSION OF COUNCIL
Tuesday, April 1, 2014 at 7:00 p.m.
Council Chambers

The Council meeting was called to order at 7:00 p.m.

ROLL CALL

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

COUNCIL PRESIDENT STEPHEN STUART EXCUSAL

Moved by Mrs. Detrow and seconded by Mrs. Tunnell that Stephen Stuart be excused from City Council, April 1, 2014.

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

PLEDGE OF ALLEGIANCE

PRESENTATION OF MINUTES

Moved by Mrs. Tunnell and seconded by Mrs. Detrow that the minutes of the **Regular Session** of City Council held Tuesday, March 18, 2014 be accepted as submitted.

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

LEGISLATION

Ordinance Number 17-14

Item a)

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; OBVIATING FORMAL ADVERTISING AND BIDDING; 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. Valentine, Mrs. Detrow, Mrs. Tunnell, Mr. Fishpaw

City Fire Chief, Richard Anderson provided testimony on behalf of the Ordinance, which would allow the Mayor to enter into a contract for the purchase of one Physio-Control LP 15 Cardiac Monitor and Defibrillator for the City Fire Department.

Chief Anderson stated that the replacement of this particular piece of equipment will contribute to an overall replacement plan.

The Fire Chief went on to share the Department's reasoning behind their request to purchase the new equipment, which included the trade-in value of the current cardiac monitor, the increasing price of the new unit in the near future, and the lack of availability of the current monitor in future contract agreements.

Moved by Mrs. Tunnell and seconded by Mr. Valentine that the Ordinance be passed on the first reading.

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

Moved by Mrs. Detrow 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, Mr. Fishpaw Mr. Valentine, Mrs. Detrow

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

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

Ordinance Number 18-14

Item b)

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT FOR THE PURCHASE OF A REPLACEMENT VEHICLE, MODIFIED MINI-VAN, FOR ASHLAND PUBLIC TRANSIT, OBVIATING FORMAL ADVERTISING AND BIDDING; 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 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, Mr. Fishpaw

Mayor Stewart testified on behalf of the Ordinance, which would enable the City to purchase a replacement vehicle for the Ashland Public Transit.

The Mayor stated that the replacement vehicle would be another State supported purchase, which would cost the State government approximately \$33,000 and would cost the City of Ashland approximately \$8,000.

Mayor Stewart stated that the replacement vehicle is a duplicate of the well-received vehicle the City currently uses, which is a modified mini-van.

The Mayor recommended the Ordinance be passed and offered to answer any questions Council might have.

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

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

Moved by Mrs. Detrow 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. Tunnell, Mr. Fishpaw, Mr. Valentine, Mrs. Detrow

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

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

Ordinance Number 19-14

Item c)

AN ORDINANCE MAKING REVISIONS TO CHAPTER 1315 OF THE CODIFIED ORDINANCES OF THE CITY OF ASHLAND, OHIO, RELATIVE TO BUILDING PERMIT FEES; 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, Mr. Fishpaw

City Engineer, Shane Kremser, testified on behalf of the Ordinance, which would revise Chapter 1315 of the Codified Ordinances in relation to building permit fees and other permit fees collected for services provided by the City Engineering and Building and Zoning Department within the City.

Mr. Kremser shared that the newly revised permit fees are in relation to the Certified Residential Building Department, which the Engineering Department hopes to move forward with when the City gains State certification.

Mr. Kremser specified that he intends to have a fully certified City of Ashland Residential Building Department, where the City could enforce and inspect residential construction within the City as allowed by the Ohio Residential Code.

City Law Director, Richard Wolfe, stated that this has been a continuing process that has been going on for numerous years. Director Wolfe added that this Ordinance is one of many gradual steps necessary to put all of the pieces together and get closer to full implementation.

Mayor Stewart commented that this Ordinance is one of two or possibly three ordinances the City may see under the request by City Council.

The Mayor stated that this particular Ordinance is the most comprehensive of the group, and shared that he anticipates the remaining legislation will be ready for Council's review at the next meeting.

Mr. Fishpaw inquired about the need for permits for in-ground pools and above ground pools.

Mr. Kremser responded and said that there will be requirements for permits for those with in-ground and above ground pools.

Director Wolfe asked whether or not some of the fees already exist and are already being paid to other entities.

Mr. Kremser said yes anywhere you go you will find similar fees.

Mr. Kremser added that at the present time, the City's fees are lower than the ones charged in surrounding communities.

Mr. Kremser emphasized how the Ordinance is intended to establish minimum inspection standards and not intended to become cost-prohibitive for residents.

Mr. Fishpaw asked if a permit would be needed if a resident wanted to have a shed on skids.

Mr. Kremser answered yes, but a zoning permit would be required rather than a residential permit.

Mr. Kremser added that the need for the permit for such a shed would depend on the square-footage of the structure.

Moved by Mrs. Tunnell seconded by Mr. Fishpaw that the Ordinance be passed on the first reading.
Ayes: Mrs. Detrow, Mrs. Tunnell, Mr. Fishpaw, Mr. Valentine

Moved by Mrs. Detrow 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, Mr. Fishpaw, Mr. Valentine, Mrs. Detrow,

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

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

Ordinance Number 20-14

Item d)

AN ORDINANCE ENACTING CHAPTER 755 AND AMENDING SECTION 753.02 OF THE CODIFIED ORDINANCES OF THE CITY OF ASHLAND, OHIO; RELATIVE TO HOME SALES; 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, Mr. Fishpaw

Mayor Stewart commented that although the Ordinance is relative to home sales, it does not mean the sale of your home.

City Law Director, Richard Wolfe, stated that this Ordinance is a result from a general request made by City Council regarding the upcoming yard sale season.

Director Wolfe stated that the Ordinance has been presented to Council for consideration and if adopted, it is proposed to be effective as of May first of this year.

Mrs. Detrow asked Director Wolfe if the Ordinance included a limit for residents to hold no more and one yard sale every two months.

Director Wolfe responded and said the Ordinance states that residents are only permitted to hold three yard sales per calendar year.

Mr. Valentine noted that in essence, the Ordinance is intended to prevent residents from running businesses out of their yards.

Director Wolfe affirmed Mr. Valentine's synopsis and stated that some of the yard sales that have been held in the past have been held on a continuous basis, but are in fact zoning violations.

Moved by Mrs. Detrow seconded by Mr. Valentine that the Ordinance be passed on the first reading.

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

Moved by Mr. Fishpaw 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. Tunnell, Mr. Fishpaw, Mr. Valentine, Mrs. Detrow

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

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

Ordinance Number 21-14

Item e)

AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO

ADVERTISE FOR BIDS AND TO ENTER INTO A CONTRACT FOR THE EAST NINTH STREET RESURFACING PROJECT WITHIN THE CITY OF ASHLAND, OHIO; 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. Valentine, Mrs. Detrow, Mrs. Tunnell, Mr. Fishpaw

City Engineer, Shane Kremser, testified on behalf of the Ordinance, which would allow the Mayor to enter into a contract for the East Ninth Street Resurfacing Project within the City.

Mr. Kremser shared that the resurfacing project was part of the Community Development Block Grant allocation program for the fiscal year of 2013.

Mr. Kremser added that there are a lot of residential properties along the railroad in the area, and that the condition of the roads indicate a need for repairs.

Mr. Kremser also shared with Council that the proposal to repair sections of East Ninth Street have been submitted and approved by the State.

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

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

Moved by Mrs. Detrow 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, Mr. Fishpaw, Mr. Valentine, Mrs. Detrow

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

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

Ordinance Number 22-14

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 12TH STREET STORM SEWER 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, Mr. Fishpaw

City Engineer, Shane Kremser, provided testimony for the Ordinance which will authorize the Mayor and Director of Public Service to enter into a contract for the East 12th Street Storm Sewer Replacement Project.

Mr. Kremser referenced a map that had been previously distributed to Council as he explained the exact location of the 36 inch storm sewer, which runs along East 12th Street and discharges into a drainage ditch east of the street.

Mr. Kremser shared that the Ordinance proposes to replace the rusted pipe with new plastic as well as build a proper headwall, which will aid in erosion control.

Mr. Kremser, added that the City is also looking into repairing the dilapidated pavement in the area and establishing a green tree lawn area, which would help naturally filter storm water runoff.

Mrs. Detrow asked if the repair would be made in the exact same area as the original sewer system, and Mr. Kremser stated that it would have to be.

Mr. Fishpaw asked if there was going to be a need to also install a sidewalk in the area, and Mr. Kremser stated that it is not required at this time, and that the current landowner has chosen against a sidewalk being installed.

Director Wolfe added that the area used to be a parking lot to a grocery store, which explains why there is concrete in the area.

Mr. Kremser added that the property owner agreed to abandon one of their exits off of 12th Street, which he believes is an admirable concession. He added that the property owner was also in support of removing the asphalt.

Director Wolfe stated that it is not really practical having a sidewalk installed at this time, and emphasized that the current agreement with the property owners will be a major improvement.

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

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

Moved by Mr. Fishpaw 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. Tunnell, Mr. Fishpaw, Mr. Valentine, Mrs. Detrow

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

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

Resolution Number 9-14

Item a)

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ENTER INTO A CONSENT AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE STATE ROUTE 511 RESURFACING PROJECT WITHIN THE CITY CORPORATION LIMITS; 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 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, Mr. Fishpaw

City Engineer, Shane Kremser, provided testimony on behalf of the Resolution, which will authorize the City to enter into a consent agreement with the Ohio Department of Transportation for the State Route 511 Resurfacing Project.

Mr. Kremser shared that the resurfacing project would be similar to the ones done on State Route 96 and U.S. Route 42.

Mr. Kremser explained that the project would cover the resurfacing of a significant amount street, which includes the road on 13th Street, Cottage Avenue and Troy Road all the way down to the Loraine County limit.

Mr. Kremser shared that the City will be obligated to pay for 20% of the project, which is approximately \$22,000, and the State would fund the remaining 80%.

Mr. Kremser emphasized that the State would only cover 80% of the cost as long as the project maintains resurfacing guidelines.

Moved by Mrs. Detrow and seconded by Mr. Valentine that the Resolution be passed on the first reading.

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

Moved by Mrs. Detrow and seconded by Mr. Valentine 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. Tunnell, Mr. Fishpaw, Mr. Valentine, Mrs. Detrow

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

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

Resolution Number 10-14

Item b)

RESOLUTION AUTHORIZING THE MAYOR, DIRECTOR OF PUBLIC SERVICE OF THE CITY OF ASHLAND, TO FILE AN APPLICATION WITH THE OHIO ENVIRONMENTAL PROTECTION AGENCY FOR THE PURPOSE OF ACQUIRING FUNDS THROUGH THE STORMWATER IMPROVEMENT FUND GRANT PROGRAM; AND DECLARING AN EMERGENCY.

Moved by Mr. Fishpaw 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, Mr. Fishpaw

City Engineer, Shane Kremser, provided testimony on behalf of the Resolution, which will authorize the City to file an application with the Ohio Environmental Protection Agency for the purpose of acquiring funds through the Storm water Improvement Fund Grant Program.

Mr. Kremser shared that the grant would provide the City with \$150,000 to use towards a storm water demonstration project, which is designed to show residents new technology of storm water management and water quality.

Mr. Kremser stated that the City intends to improve the parking areas downtown, which will not only require the funds from the Storm Water Improvement Fund Grant, but also funds from a \$200,000 Downtown Revitalization Grant.

The Engineer emphasized that both grants are very competitive and necessary to complete the project.

Mayor Stewart added that the grants do not compel the City to go forward with the grant projects, but allows the City to attempt to utilize the grants to minimize the City's cost of the project to \$50,000.

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

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

Moved by Mrs. Detrow and seconded by Mr. Fishpaw 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. Tunnell, Mr. Fishpaw, Mr. Valentine, Mrs. Detrow

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

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

OLD BUSINESS: None

NEW BUSINESS:

City Council welcomed Lindsey Queen as the newly hired permanent Clerk of Council.

Ms. Queen thanked the Council members for choosing her and for providing her an invaluable opportunity to serve the City.

Appointment of Duane Fishpaw to Serve as Council President

Moved by Mrs. Tunnell and seconded by Mr. Valentine that Duane Fishpaw be appointed as Council President for April 1, 2014.

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

Abstain: Mr. Fishpaw

COUNCIL COMMENTS:

Mr. Fishpaw shared with Council that he received a complaint from one of his constituents regarding a person going through a neighbor's trash around 2:00 a.m.

Director Wolfe responded to Mr. Fishpaw's comment and recommended that if someone is going through someone's trash at that time of day, even if the City approves of such an act during the Spring Clean-up that such behavior is clearly a disturbance and residents should call the police.

MAYOR'S COMMENTS:

Mayor Stewart concurred with Mr. Fishpaw and Director Wolfe on their positions regarding people rummaging through trash after dark, and expressed that no one should be going through trash at 2:00 in the morning.

Mayor Stewart shared with Council that beginning today First Energy field agents will be going door to door notifying property owners of the upcoming installment of a transmission line, which travels through the Community.

The Mayor requested that Mr. Kremser share a bit more information regarding the location of the upcoming construction.

Mr. Kremser stated that the new transmission line will run East to West of the City and South of Countryside Drive, and emphasized that the company will only be working in areas where they already have easements.

Mayor Stewart shared that the field agents for First Energy will be wearing identification badges, and warned residents to be vigilant of such badges if someone knocks on their door and claims they are affiliated with the company.

The Mayor also shared with Council that his office was contacted last week by First Energy regarding the possible usage of a storage facility near one of their substations in the City.

Mayor Stewart expressed that he is hopeful that the City will be chosen by the company, but noted that the First Energy has not called him back and may have found a different place.

Mayor Stewart also requested that Council adjourn to Executive Session for the purpose of discussing the purchase of a property.

COMMENTS FROM THE AUDIENCE:

Executive Director, Kathy Goon, of the Ashland Area Council for Economic Development (AACED) shared with Council her intent to share information regarding the AACED annual job fair that will be held April 17th, 2014.

Ms. Goon stated that she intends to present the information at the next City Council Meeting.

ADJOURNMENT TO EXECUTIVE SESSION to discuss the purchase of a property within the City of Ashland: 7:55 p.m.

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

ADJOURNMENT FROM EXECUTIVE SESSION TO REGULAR SESSION:

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

ADJOURNMENT FROM REGULAR SESSION:

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

Respectfully Submitted by
Lindsey M. Queen, Clerk of Council