

**MINUTES FOR THE REGULAR SESSION OF COUNCIL**  
**Tuesday, September 16, 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 Mrs. Tunnell and seconded by Mr. Valentine that the minutes of the **Regular Session** of City Council held Tuesday, September 2, 2014 be accepted as submitted.

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

**LEGISLATION**

**Ordinance Number 59-14**

**Item a)**

**AN ORDINANCE CREATING ADDITIONAL 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: Dr. Stuart, Mr. Fishpaw, Mr. Valentine, Mrs. Detrow, Mrs. Tunnell.

City Finance Director, Larry Paxton, provided testimony on behalf of the Ordinance which will provide additional funds from unanticipated income the City has received through various permit and registration payments collected so far this year, as well as a donation of 348.00 dollars to a fund designated for police equipment.

Director Paxton stated that he is asking Council to appropriate that money towards various items including the County Auditor expenses for their property tax collection services, advertising expenses, transfer of the municipal pool expenses and for an equipment purchase for the police department.

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

Dr. Stuart thanked Mr. Paxton for his testimony.

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

**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 60-14**

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

#### **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.

City Finance Director, Larry Paxton, provided testimony on behalf of the Ordinance which will provide for the transfer of appropriations within a fund from one line to another and is intended to help realign the funds and meet the needs of the different items contained within a spreadsheet Mr. Paxton distributed to Council.

Director Paxton stated that the funds had been previously appropriated by Council and now need to be transferred.

Dr. Stuart asked about a security system, which had been listed as one of the funds intended to receive funding.

Director Paxton stated that the security system would be for the Municipal Building.

Dr. Stuart also inquired about the Capital Improvements Fund and what Director Paxton anticipates to happen with the fund.

Director Paxton responded and stated that the City has requested to move the funds around for capital purchases that will be needed for the City.

There were no further questions.

Dr. Stuart thanked Mr. Paxton for his testimony.

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

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

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

#### **Ordinance Number 61-14**

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

#### **AN ORDINANCE RATIFYING AND APPROVING THE EXPENDITURE OF FUNDS FOR A**

**PURCHASE OF DISPATCH COMMUNICATIONS SERVICES FOR THE CITY OF ASHLAND, OHIO; AND AUTHORIZING THE ISSUING OD A “THEN AND NOW” CERTIFICATE FOR SAID EXPENDITURE; 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, provided testimony on behalf of the Ordinance, which will authorize the City to appropriate funds for the purchase of dispatch communications services the City receives from the Ashland County Sherriff’s Office.

Director Paxton stated that the City issued a purchase order for the communications services the Ashland County Sherriff’s Office provides to the City and in doing that we received a bill that unfortunately would not cover the invoice for services during the month of August.

The Director stated that due to the fact that the initial purchase order only covered a portion of the bill, the City must write an additional invoice to cover the remaining costs.

The Director stated that the City’s accounting procedures require the approval from City Council to create new purchase orders exceeding three thousand dollars after receipt of an invoice.

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

There were none.

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

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

**Public Hearing Items:**

- **(7:10 P.M.) RA to RL Rezoning:** Portions of land south of US-42, north of Woodview Drive, east of Mifflin Avenue to the corporation limit.

City Engineer, Shane Kremser, presented the public hearing item, which proposes to rezone portions of land south of US-42, north of Woodview Drive and east of Mifflin Avenue to the corporation limit.

Mr. Kremser stated that the land was originally zoned as an RA zoning district, which allows multi-family buildings.

Mr. Kremser added that over time, the area actually developed differently from what it was originally intended and now fits the description of a single family zoning district, which is a similar scenario for the second hearing item.

Mr. Kremser stated that the City is trying to rezone the area appropriately based on what has developed over time.

Dr. Stuart asked if anyone from the audience would like to speak to the Planning Commission's proposal.

One member from the audience, Stan Hunt, who stated he had experience within the engineering and construction industries, commented that the RA to RL rezoning proposed by the City Planning Commission is consistent with the development of the area, but added that he has concerns regarding the covenants within the deeds of the properties if the rezoning were approved.

Mr. Hunt stated that the covenants within the deeds were tailored to the original RA zoning district and not to the proposed RL zoning, and noted that it will be important for the City and property owners to understand how the change in the zoning can impact property owners.

Mr. Hunt commented that he does not sense the residents within the area desire multiple-family properties, which the current RA zoning permits, and added that rezoning the area to an RL district would in fact prohibit multiple family dwelling and better serve the community.

Mr. Hunt brought forward one more concern he understood residents have, which is the impact the rezoning would have on their property values.

Dr. Stuart thanked Mr. Hunt for speaking.

Another member from the audience, Tom Jacques, requested an explanation as to what the two zonings are, how the changes will impact the neighborhood and why the City wants to change it.

Mr. Kremser responded to Mr. Jacques' comment and stated that as the area has developed over time, the original zoning of the area no longer supports what has actually developed.

Mr. Kremser added that the RA zoning district is one of the most restrictive in terms of protecting the integrity of single home family neighborhoods.

Mr. Jacques asked whether the rezoning was an effort to maintain the single home family neighborhoods.

Mr. Kremser confirmed that the reason for the rezoning is essentially to maintain the area as a single family neighborhood.

Mr. Kremser also stated that rezoning the area from an RA to an RL will also restrict property owners from running businesses outside of their homes.

Mayor Stewart commented that all of the deeds in the area we are talking about reflect the covenants that are commiserate with an RL zoning.

The Mayor stated that the deeds in the area already restrict property owners to what is being proposed in the RL rezoning; however, it is important to note that the covenants prevail if the restrictions are more stringent than the RL zoning restrictions.

Another member from the audience, Dean Cather, asked if Council could explain how the City determines which zones can run different businesses out of their homes and how they determine what businesses are permitted.

Mr. Kremser responded to Mr. Cather and stated that the City can determine whether or not the business is similar to the description of the home occupations described within the Ordinance.

Mr. Kremser added that the home occupation description for an RL zoning district only includes those of a professional nature, which includes the work of an attorney, an engineer, or something similar in that nature.

Another member from the audience, Bob Rausch, who owns undeveloped property behind Ridgewood Court requested how the rezoning might affect his property's value.

Mr. Kremser stated that the area of land he is referring to might be considered land locked as it is surrounded by developed properties and US-42.

Mr. Kremser stated that the City is proposing to change the zoning in an effort to protect single family homeowners in the area and clarify what is permitted so the City can better serve citizens.

Mr. Hunt asked if there was anyone else besides Planning Commission, such as a business that is interested in the zoning change.

Mr. Kremser replied that the Planning Commission is responding to requests made by residents of the area and no businesses have influenced them.

Another individual from the audience asked why the value of his property decreased over forty thousand dollars in recent years.

Mr. Kremser responded and stated that decreasing property values is a result of a national fall in the real estate market and affects homeowners across the country.

Another individual, Wayne Vallowe, commented that the rezoning appears to be the City's way in helping property owners.

Dr. Stuart and Mr. Kremser confirmed with Mr. Vallowe's statement.

With no further questions, Dr. Stuart announced that the RA to RL rezoning public hearing has concluded and brought forward the hearing for the RL-3 to RL rezoning.

- **(7:20 P.M.) RL-3 to RL Rezoning:** Portions of land on both the east and west side of Mifflin Avenue, between just south of Red Oak Drive, Fox Haven Drive, and Fox Run Drive, to just north of Foxmoor Lane and Woodview Drive.

Mr. Kremser presented on behalf of the Planning Commission's rezoning proposal.

Dr. Stuart asked if there were any questions or comments from the audience regarding the hearing item. With no further questions or comments from members of the audience, Dr. Stuart announced that the

hearing has concluded.

Dr. Stuart brought forward the need for Council to consider Planning Commission's rezoning proposals as an Ordinance.

**Moved** by Dr. Stuart and seconded by Mrs. Tunnell that both zonings be presented at the next City Council meeting as an Ordinance.

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

**Ordinance Number 62-14**

**Item d)**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ENTER INTO A CONTRACT WITH BARTER AND SONS, LLC, FOR THE REPLACEMENT OF STORM WATER CATCH BASINS WITHIN THE VICINITY OF THOMAS DRIVE, SMITH ROAD AND LAUREL AVENUE 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.

City Engineer, Shane Kremser, provided testimony on behalf of the Ordinance, which would allow the City to enter into a contract with Barter and Sons, LLC for the replacement of storm water catch basin within the vicinity of Thomas Drive, Smith Road and Laurel Avenue.

Mr. Kremser stated that the Ordinance involves the first batch of catch basin replacements that the City installs in house, which is vital for the management of storm water.

Mr. Kremser commented that the Ordinance intends to complete the replacements this Fall.

Dr. Stuart asked if there were any questions.

Mrs. Tunnell inquired about what "the most responsive contractor" language meant in the Ordinance.

Mr. Kremser responded to Mrs. Tunnell and stated that the City sends out requests for prices and whichever company responds will be considered.

City Law Director, Richard Wolfe, clarified that the word "responsive" in the Ordinance would require the contractor to address the specific specifications, bid on what the City asked them to bid, and if the bidding is accurate in terms of addressing the work needed to be done.

Director Wolfe added that if the bid is omitting something or not addressing specifications, then that would be an unresponsive bid and would be thrown out.

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

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

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

**Ordinance Number 63-14**

**Item e)**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ENTER INTO A CONTRACT WITH SIMONSON CONSTRUCTION SERVICES, INC, FOR THE REPLACEMENT OF STORM WATER CATCH BASINS WITHIN THE VICINITY OF OLDE POST ROAD AND HILLCREST DRIVE IN THE CITY OF ASHLAND, OHIO; AND DECLARING AN EMERGENCY.**

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

City Engineer, Shane Kremser, provided testimony on behalf of the Ordinance, which would authorize the City to enter into a contract with Simonson Construction Services, Inc. for the replacement of storm water catch basins within the vicinity of Olde Post Road and Hillcrest Drive in the City of Ashland.

Mr. Kremser stated that this is a contract that will include the repair or replacement of sixteen storm water catch basins.

Mr. Kremser stated that Simonson Construction was the lowest and most responsive bidder for the project.

Dr. Stuart asked if there were any questions.

Mr. Fishpaw asked how long the catch basins are intended to last.

Mr. Kremser stated that the new catch basins are pre-casted concrete and are expected to last for a very long time.

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

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

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

**Ordinance Number 64-14**

**Item f)**

**AN ORDINANCE REZONING A CERTAIN AREA OF THE CITY OF ASHLAND, OHIO FROM M-2 HEAVY INDUSTRIAL DISTRICT TO M-1 LIGHT INDUSTRIAL DISTRICT.**

**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 Engineer, Shane Kremser testified on behalf of the Ordinance and explained to Council that the City Planning Commission has decided to resubmit its initial proposal to rezone a certain area of the City of Ashland from and M-2 heavy industrial district to an M-1 light industrial district.

Mr. Kremser stated that the Planning Commission held a meeting last week and discussed the results of the public hearing that took place during City Council earlier in September.

Mr. Kremser added that residents expressed their concerns in a similar fashion as they did at the public hearing held in City Council, and shared that Planning Commission addressed those concerns.

Mr. Kremser concluded his testimony and stated that Planning Commission finds it important to address the financial situations residential property owners are facing with the area being zoned as a heavy industrial district, and stated that changing the zoning to an M-1 light industrial district would alleviate those problems.

Mr. Kremser added that the Planning Commission opted out of rezoning the area to a residential district because of the risk of interfering with any businesses adjacent to the residential area.

Dr. Stuart asked if there were any questions.

Mrs. Tunnell asked about how rezoning the area from and M-2 to and M-1 would resolve the financial situations.

Mr. Kremser replied that an M-2 district specifically says that a residential use is a non-conforming use, which means that property owners cannot add on or reconstruct their house if there was a fire without City Council's approval.

Mr. Kremser added that lenders do not like to see a property owner limited by City Council to repair their property, and that rezoning the area to an M-1 would resolve that issue.

Mrs. Tunnell also asked if the rezoning would have a negative impact on property values in the area.

Mr. Kremser stated that the property values of the homes throughout the City are not directly impacted by the zoning, but the rezoning would help the property owners in improving and protecting the integrity of the area.

Mrs. Tunnell asked if the area were to be zoned as an R-S residential district and there was a business that wanted to expand, could they do that?

Mr. Kremser replied that any business in a residential district will run into problems with conforming to the zoning of the area.

Mayor Stewart added that the Planning Commission has spent at least three years on this topic and the Planning Commission has carefully considered a multitude of residential property issues present in the area.

The Mayor added that the Planning Commission's proposal is intended to resolve problems for property owners in the area.

There were no further questions or comments.

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

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

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

#### **Ordinance Number 65-14**

##### **Item g)**

#### **AN ORDINANCE REZONING A CERTAIN AREA OF THE CITY OF ASHLAND, OHIO FROM M-2 HEAVY INDUSTRIAL DISTRICT TO M-1 LIGHT INDUSTRIAL DISTRICT.**

**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.

Mr. Kremser provided testimony on behalf of the Ordinance and shared that this is the same rezoning as the previously approved Ordinance; however, the area included within the Ordinance is on the other side of the railroad.

Mr. Kremser stated that this was a proposal from the Planning Commission.

There were no further questions or comments.

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

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

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

#### **Resolution Number 17-14**

##### **Item a)**

#### **RESOLUTION AUTHORIZING THE MAYOR, DIRECTOR OF PUBLIC SERVICE OF THE CITY OF ASHLAND, TO FILE AN APPLICATION AND ENTER INTO AN AGREEMENT WITH THE OHIO PUBLIC WORKS COMMISSION FOR THE PURPOSE OF ACQUIRING FUNDS THROUGH THE STATE CAPITAL IMPROVEMENTS FUND AND THE LOCAL TRANSPORTATION IMPROVEMENT PROGRAM PURSUANT TO SECTION 164 OF THE OHIO REVISED CODE FOR THE COMPLETION OF CONSTRUCTION PROJECTS IN THE CITY OF ASHLAND, OHIO; AND DECLARING AN EMERGENCY.**

The Resolution was read by Lindsey Gardiner as follows:

**WHEREAS**, this Council deems it necessary and advisable to construct certain improvements for the residents of the City of Ashland, Ohio; and

**WHEREAS**, Section 164 of the Ohio Revised Code provides, through the Ohio Public Works Commission, for allocation of funds in the form of grants, loans, and credit enhancements for the purpose of

funding infrastructure improvements and expansions; and,

**WHEREAS**, this Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, property, health, safety, and welfare, and for the further reason that the agreements are needed in order to secure funds for the completion of these projects for the convenience of the citizens of said City of Ashland, Ohio; now therefore,

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

**Section 1.** That Council of the City of Ashland, Ohio hereby endorses and supports improving the infrastructure of the community and authorizes the necessary funds to complete said projects, if approved, as indicated in its application.

**Section 2.** That the Mayor of the City of Ashland, Ohio, is hereby authorized to apply for and, if awarded, enter into agreements with the Ohio Public Works Commission to administer grants to complete said projects, if approved, as indicated in its application.

**Section 3.** That for the reason that the agreement herein specified is immediately needed in order to secure funding for the completion of the projects for the convenience of the City of Ashland, Ohio, this Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, property, health, safety and welfare of said City of Ashland, Ohio.

**Section 4.** That this Resolution 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.

Mr. Kremser apologized to Council for not having the Resolution included in their packets on Friday, and noted that his office realized that the application for the project was due very soon and required the approval of Council as soon as possible.

Mr. Kremser referred to the details of the improvements project in the Resolution Summary included with the legislation.

Mr. Kremser noted that the State would fund approximately eighty percent of the project and the City would need to come up with the remaining twenty percent of the funding.

Mr. Kremser stated that this Resolution would permit the City to make the application; however, there are numerous important details that will need to be discussed in the near future regarding the funding of the project.

Mr. Kremser stated that the project would not begin until July of 2015 and emphasized to Council that the grant, if approved, would not put any pressure on the City if we could not afford it.

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

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

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

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

**OLD BUSINESS: None**

**NEW BUSINESS:**

- **Approval of Barbed Wire Installation** – City Engineer, Shane Kremser

Mr. Kremser presented before Council to ask for permission to install barbed wire at the Jail.

Dr. Stuart asked if he knew who would pay for the fence.

City Finance Director, Larry Paxton, stated that the Court system has a special Capital Improvements Fund, which they can spend how they choose.

Mrs. Detrow expressed her support for the installation of the barbed wire that would run between the Sherriff's department to the Justice Center.

Mr. Valentine also expressed his support for the security measure.

There were no further questions or comments.

**COUNCIL COMMENTS:**

Mr. Fishpaw commented that he was pleased to see that the paving on Claremont Avenue was completed in time for the Ashland County Fair, which he noted he has received questions about the project from several people.

Mrs. Tunnell stated that she was browsing the City website and commented that the Frequently Asked Questions page covers just about everything she ever hears from everybody, and added that whoever is responsible for that did a good job.

**MAYOR'S COMMENTS**

Mayor Stewart commented that a number of paving projects are going to be done throughout the City, which are all funded through a grant.

Mayor Stewart also noted that the construction of the water tap for the new Dunkin Donuts has been completed.

Mayor Stewart mentioned that there are a other potential activities developing, which will benefit and help grow the community.

Mayor Stewart requested that Council consider adjourning to Executive Session to discuss the potential purchase of property and to discuss imminent litigation.

**FINANCE DIRECTOR'S COMMENTS:**

City Finance Director, Larry Paxton, requested that the information regarding the City's recent

certificates of achievement be included within the City Council Minutes:

The Government Finance Officers Association issued a Certificate of Achievement for Excellence in Financial Reporting for the City of Ashland, Ohio for its Comprehensive Annual Financial Report for the Fiscal Year ended December 31, 2012.

The Government Finance Officers Association of the United States and Canada issued an Award of Financial Reporting Achievement to the Finance Department of Ashland, Ohio on February 6, 2014.

It was noted that the award is designated to individuals designated as instrumental in their government unit achieving a Certificate of Achievement for Excellence in Financial Reporting.

Furthermore, it was noted that a Certificate of Achievement is presented to those government units whose annual financial reports are judged to adhere to program standards and represents the highest award in government financial reporting.

The Government Finance Officers Association of the United States and Canada issued an Award of Financial Reporting Achievement to Larry Paxton, Director of Finance, for the City of Ashland, Ohio.

**COMMENTS FROM THE AUDIENCE:**

One member of the audience asked Council what exactly a homeowner's responsibility is when it comes to the maintenance of the curb area near his driveway.

He noted that the city has notified him that he is responsible for repairing a length of the curb next to his driveway, which has deteriorated and is need of repair.

The individual noted that he believes that the repair should be the City's responsibility as it is in the street.

Mr. Kremser responded to the individual and stated that the City does not have the funds available to replace curbs, which has resulted with the passage of an Ordinance requiring residents to pay for the repair.

Dr. Stuart noted that there is an income tax item that will be up for vote in November specifically geared towards street repairs.

An Individual from the audience, Seth R. Gasche, expressed his concerns regarding a complaint filed by the State Board of Embalmers and Funeral Directors directed towards his funeral home.

Mr. Gasche requested an explanation from City Law Director, Rich Wolfe, as to why someone from the City filed a complaint.

Director Wolfe asked if this complaint he was referring to was made a few months ago, and Mr. Gasche stated that he received a phone call just a few days ago regarding his business.

Mr. Gasche stated that this complaint was made within the last few days.

Director Wolfe responded and stated that he has not spoken to anyone regarding his funeral home for several months.

Mr. Gasche stated that he is confused.

Director Wolfe stated that the last time there were any issues was during the earlier months of the year, when there were reports of flames and smoke coming out of the building.

Mr. Gasche stated that he believes there was an additional complaint specifically from a City official within the last day.

Mr. Gasche accused Director Wolfe of filing a complaint with the State Board, and Director Wolfe stated that was erroneous.

**ADJOURNMENT TO EXECUTIVE SESSION: 8:07 p.m.**

**Moved** by Mrs. Tunnell and seconded by Mr. Valentine to adjourn to Executive Session to discuss the potential purchase of property and to discuss imminent litigation.

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

**ADJOURNMENT FROM EXECUTIVE SESSION TO REGULAR SESSION: 9:01p.m.**

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

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

**ADJOURNMENT FROM REGULAR SESSION: 9:02 p.m.**

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

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

Respectfully Submitted by  
Lindsey M. Gardiner, Clerk of Council