

MINUTES FOR THE REGULAR SESSION OF COUNCIL
Tuesday, October 6, 2015 at 7:00 p.m.
Council Chambers

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 G. Detrow	Present
Ward 4:	Sandra Tunnell	Absent

PLEDGE OF ALLEGIANCE

Moved by Mrs. Detrow and seconded by Mr. Valentine to excuse the absence of Council Member, Sandra Hedland Tunnell

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

PRESENTATION OF MINUTES

Moved by Mr. Fishpaw and seconded by Mrs. Detrow that the minutes of the **Regular Session** of City Council held Tuesday, September 15, 2015 be accepted as revised.

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

LEGISLATION

Ordinances:

Ordinance No. 77-15

Item a)

AN ORDINANCE AMENDING ORDINANCE NO. 74-13 RELATIVE TO WAGES AND OTHER PROVISIONS FOR VARIOUS CITY EMPLOYEES; AND DECLARING AN EMERGENCY

Moved by Mr. Valentine and seconded by Mrs. Detrow to invoke Section 113.01 of the Codified Ordinances as the distribution of the 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, Dr. Stuart.

Mayor Stewart provided testimony.

Mayor Stewart stated this position is to take the place of the part time position and that it was recommended by State O.D.O.T. people with the transit department.

Mayor Stuart stated the State has been pushing for this for a while that this position be full time.

Mayor Stewart stated Patty Shumaker is the current part time transit coordinator.

Mayor Stewart stated that there are various maintenance manuals that have to be filled out to satisfy O.D.O.T. and O.D.O.T. transit.

Mayor Stewart stated there is a horrendous amount of paperwork that goes on and on.

Mayor Stewart stated that he has to make one point and the point being that the maintenance of the building that houses transit that we have to check off that we damp wiped waste baskets.

Mayor Stewart stated that is in part of the maintenance manual we have to follow.

Mayor Stewart these manuals will come to Council eventually for our approval.

Mayor Stewart stated this is a full time position they want to move forward on.

Mayor Stewart stated this position will be paid out of the transit funds.

Mayor Stewart stated the State pays 80 percent of that to start with.

Mrs. Detrow stated she has served on the transit committee for several years and they really do a great job for the citizens of Ashland.

Mrs. Detrow stated that Patty is already over worked.

There were no additional comments.

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

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

Moved by Dr. Stuart and seconded by Mrs. Detrow that the 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, Dr. Stuart, Mr. Fishpaw, Mr. Valentine.

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

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

Ordinance No. 78-15

Item b)

AN ORDINANCE AUTHORIZING THE ISSUING OF A "THEN AND NOW" CERTIFICATE FOR THE FOLLOWING ATTACHED EXPENDITURES FOR THE CITY OF ASHLAND, OHIO; AND DECLARING AN EMERGENCY

Moved by Mr. Valentine and seconded by Mrs. Detrow to invoke Section 113.01 of the Codified Ordinances as the distribution of the 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, Dr. Stuart.

Finance Director, Larry Paxton provided testimony.

Mr. Paxton stated this ordinance is for the issuing of the Then and Now Certificate for the purchase orders written after the invoice is received for the health department rent as well as municipal park employee wages.

There were no additional comments.

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

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

Moved by Dr. Stuart and seconded by Mrs. Detrow that the 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, Dr. Stuart, Mr. Fishpaw, Mr. Valentine.

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

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

Ordinance No. 79-15

Item c)

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ENTER INTO A CONTRACT WITH SIMONSON CONSTRUCTION SERVICES, INC. FOR THE 2015 CATCH BASIN REPLACEMENT PROJECT IN THE CITY OF ASHLAND, OHIO; AND DECLARING AN EMERGENCY

Moved by Mrs. Detrow and seconded by Mr. Valentine to invoke Section 113.01 of the Codified Ordinances as the distribution of the 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, Dr. Stuart.

City Engineer, Shane Kremser, provided testimony.

Mr. Kremser stated every year there is a crew replacing catch basins.

Mr. Kremser stated every year when we try to do bigger projects we solicit and procure an outside contractor.

Mr. Kremser stated that this is this year's big project.

Mr. Kremser stated they are going to approximately replace 20 catch basins under this contract.

Mr. Kremser stated this is for labor and materials with the exception of the precast concrete basins that we get under the materials bid.

Mr. Kremser stated we get a better price if we buy those ourselves.

Mr. Kremser stated everything else is included with the contract.

Dr. Stuart questioned if this work will be completed by this fall.

Mr. Kremser stated yes.

There were no additional comments.

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

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

Moved by Dr. Stuart and seconded by Mr. Fishpaw that the 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, Dr. Stuart, Mr. Fishpaw, Mr. Valentine.

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

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

Ordinance No. 80-15

Item d)

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

Moved by Mr. Valentine and seconded by Mrs. Detrow to invoke Section 113.01 of the Codified Ordinances as the distribution of the 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, Dr. Stuart.

Finance Director, Larry Paxton, provided testimony.

Mr. Paxton stated this ordinance will allow the transfer of funds from appropriated expenditures lines into other lines.

Mr. Paxton stated it does allow for the transfer of some money into some of the police lines that may be little bit shy between now and the end of the year, as well as the state auditor's expense we didn't anticipate from the auditor's expense line.

Mr. Paxton stated some of our utility lines as we go down through are the pool which reallocates about \$2600 from lines that have cash remaining in them to other lines in effort to meet their needs as well.

Mr. Paxton stated one of them being utilities.

Mr. Paxton stated the last one is the golf course so they can finish the golf season and maintain the golf course until that time.

There were no additional comments.

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

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

Moved by Dr. Stuart and seconded by Mr. Fishpaw that the 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, Dr. Stuart, Mr. Fishpaw, Mr. Valentine.

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

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

Resolutions:

Resolution No. 25-15

Item a)

A RESOLUTION IN SUPPORT OF STATE ISSUE TWO AND IN OPPOSITION TO STATE ISSUE THREE.

Moved by Mrs. Detrow and seconded by Mr. Valentine to invoke Section 113.01 of the Codified Ordinances as the distribution of the Resolution 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, Dr. Stuart.

Chief Marcelli provided testimony.

Chief Marcelli stated if you pass this resolution then he doesn't think issue three will be good for families in the state of Ohio.

Chief Marcelli stated it should be voted down.

Dr. Stuart stated he personally strongly supports this resolution.

Mrs. Detrow agreed with Dr. Stuart.

Moved by Mr. Valentine and seconded by Mrs. Detrow 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 Mrs. Detrow that the 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, Dr. Stuart, Mr. Fishpaw, Mr. Valentine.

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

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

Resolution No. 26-15

Item b)

DECLARING COUNCIL'S INTENTION TO VACATE A CERTAIN ALLEY LOCATED IN THE CITY OF ASHLAND, OHIO

Moved by Mrs. Detrow and seconded by Mr. Valentine to invoke Section 113.01 of the Codified Ordinances as the distribution of the Resolution 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, Dr. Stuart.

City Engineer, Shane Kremser, provided testimony.

Mr. Kremser stated this resolution is coming from a petition.

Mr. Kremser stated Mr. Kelly is the petitioner and he is here tonight.

Mr. Kremser stated this is in relation to a portion of Marlo Avenue.

Mr. Kremser stated there is a 12 foot alley that occurs between the property on the north side that he currently owns and the property on the south side which we are all probably familiar with that old dilapidated house on Virginia Avenue.

Mr. Valentine stated ooh yea.

Mr. Finley stated that will be coming down tomorrow.

Mr. Valentine stated thank you and he appreciates it.

Mr. Kremser stated that Mr. Finley is requesting we petition the adjacent property owners which is he and one other to close that 12 foot alley which is Marlo that comes straight through to Virginia.

Mr. Kremser stated the other property owner did not sign the petition but this is the first step in the process.

Mr. Valentine asked Mr. Kremser what his suggestion was.

Mr. Kremser stated if it is not vacated then have the traffic committee look at having that one way since it is only 12 foot wide.

Mr. Valentine stated ok.

Mr. Fishpaw stated that was actually not considered a part of Marlo that wasn't part of the street itself.

Mr. Fishpaw stated he thought that was part of the street.

Mr. Kremser stated the width of Marlo comes right down at about 12 feet.

Mr. Kremser stated it is an unusual circumstance and we do have some sanitary sewer that runs through there.

Dr. Stuart stated the purpose tonight was to establish a hearing.

Mr. Kremser stated correct if you choose to.

Mr. Carlton stated he is the other property owner on the other side.

Mr. Carlton stated Mr. Finley approached him on this and it came up rather quickly about closing it off.

Mr. Carlton stated the city ordinance says you don't have to notify anyone else living on Marlo Avenue and he is looking at it from a safety standpoint.

Mr. Carlton stated if you close that off then he doesn't know how fire trucks would get there.

Mr. Carlton stated he doesn't know how the city engineer could not see that.

Mr. Anderson addressed that by saying they went down and looked at the property to the east of Mr. Finley's.

Mr. Anderson asked Mr. Carlton if that was his house to the east of Mr. Finley's and stated yes.

Mr. Anderson stated safety wise they could go down 7th street and back around.

Mr. Anderson stated that is not going to hinder them at all.

Mr. Anderson stated he went down and drove it back and forth and the part they want to close won't hinder their response.

Mr. Anderson stated he would meet Mr. Carlton down there tomorrow and walk through it.

Mr. Carlton stated they already made that decision so it won't make any difference.

Mr. Carlton stated he feels the whole street should be notified that is going to be closed off.

Dr. Stuart stated the hearing will be advertised if we establish a hearing date.

Mr. Finley stated he had a paper that he wanted to pass out and he stated he would go over it.

Mr. Finley stated there was a survey done from 1980 from Marlo Electric Avenue down to Virginia Avenue.

Mr. Finley stated this survey was done for Mr. Ritchey and that the alley is supposed to be 12 foot wide.

Mr. Finley states he went out and measured it and your running 17, 18 feet plus the berm on both sides of this.

Mr. Finley stated this creates an issue for the white building which sets right on the property line.

Mr. Finley stated when these cars come down here they have to make a turn and he has steel posts on the end of the building and they have been hit a number of times.

Mr. Finley stated two weeks ago he got hit again on the building.

Mr. Finley stated if there is a car coming from the west going towards Electric Avenue and a car coming down Marlo Avenue, then they have to drive in his parking lot so they don't collide.

Mr. Finley stated he sat outside recently and watched 90% of cars drive through his parking lot.

Mr. Finley stated the house behind his that belongs to Mr. O'Brien, had been hit real good about eight or ten years ago.

Mr. Finley stated you are paved right up to his front door and his back door on this thing.

Mr. Finley stated the area he wants to close is marked in red on the second page of the handout.

Mr. Finley stated this is not a good situation and he wants to put another building on his lot.

Mr. Finley stated if he uses what he is allowed to use then there could be some serious problems.

Mrs. Detrow stated one thing that is troubling her is the purpose of an alley is used for public transportation and it sounds to her like there is a lot of public transportation on that alley.

Mr. Finley said there is not a ton but there is some transportation on it.

Mr. Finley stated the reason the transportation is there is because over the years the city had encroached upon all these land owners.

Mr. Finley stated that you can't find one post for property markers.

Mr. Finley stated if was to go out and dig up his property markers then he would be in the street and that is not right.

Mr. Finley stated it needs to be changed.

Mrs. Detrow agreed with him.

Mr. Kremser stated our road right ways are typically 40 feet at least.

Mayor Stewart stated this is marked as an alley and questioned if it was an alley.

Mr. Kremser stated it is an alley.

Mr. Kremser stated Marlo is a 12 foot alley.

Mr. Finley stated he knew this wasn't intentional and if it wasn't for O'briens building you would be over another foot.

Mr. Finley stated you are paved right up to his door.

Mr. Finley stated for this resolution to work they need to close this alley because there are plenty of other options for traffic which would be much better.

Mayor Stewart stated do you understand that if it is vacated the availability for us to maintain.

Mr. Finley stated he understands that and we will be glad when he gets that house tore down.

Mr. Carlton stated he is worried about all the traffic going down the alley.

Mr. Finley stated the traffic won't be going down that alley.

Mr. Finley stated it is going to take Electric Avenue.

Mr. Carlton stated the other property couldn't be here tonight and he said he didn't even know about it.

Dr. Stuart stated there is no decision this evening.

Mr. Valentine stated we are going to schedule it and then we will have all the discussion on it.

Mr. Carlton stated he understands that.

Mr. Valentine stated everyone here will go down and take a look at it.

Mr. Valentine stated he doesn't like talking about something he hasn't visited.

There were no additional comments.

Moved by Mr. Valentine and seconded by Mrs. Detrow that the Resolution be passed on the first reading with addition of scheduling a hearing set for November 17, 2015 at 7:10 p.m.

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

Moved by Dr. Stuart and seconded by Mr. Fishpaw that the 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, Dr. Stuart, Mr. Fishpaw, Mr. Valentine.

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

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

PUBLIC HEARING ITEMS: None

OLD BUSINESS: None

NEW BUSINESS:

Advertising Permit (ORDC)

Mr. Kremser stated he didn't know if we needed to do this but wanted to be on the safe side.

Mr. Kremser stated that the ORDC facilitates the fair housing public involvement portion for our grant for Chip.

Mr. Kremser stated that ORDC is requesting they be able to put on doors notifying them of the availability of the Chip Program.

Mr. Kremser stated this would include Holbrook, Ashland Avenue and some of the other ones we have done.

Mr. Kremser stated it is to get those property owners interested in using Chip.

There were no comments.

Moved by Mr. Valentine and seconded by Mrs. Detrow to allow the advertising permit for ORDC.

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

-Advertising Permit (Ruth Detrow)

Mrs. Detrow stated she is giving away magnetic calendars to people in the community that she would like to serve as their realtor.

There were no comments.

Moved by: Mr. Valentine and seconded by Mr. Fishpaw to allow the advertising permit for Ruth Detrow.

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

Abstain: Mrs. Detrow.

COUNCIL COMMENTS:

Mr. Fishpaw stated he would like to ask about the three way stop at Luray.

Mr. Fishpaw stated he has had a lot of comments about it just getting put up there.

Mr. Fishpaw asked if anyone could tell him the reason for that.

Mayor Stewart stated because of people running through the area at a higher rate of speed.

Mr. Fishpaw stated he just wondered because those were questions he was asked.

Mayor Stewart stated there have been a lot of questions and concerns regarding this.

Mayor Stewart stated there will be a special traffic committee meeting to address school zones and signs.

Mayor Stewart stated this has been a major change for people and the number of questions that have come up is pretty significant.

Mayor Stewart asked if there was a date set for this yet.

Mrs. Shumaker stated it was set for October 12th at 9 a.m. in the Mayor's Office.

Mr. Fishpaw asked if they were going to address the lights on Morgan.

Mayor Stewart stated he did not know and that the lights on Morgan has additional traffic there at times.

Mayor Stewart stated we covered that once.

Mr. Fishpaw agreed.

Mayor Stewart stated the traffic meeting was Monday morning in his office at 9:00 a.m.

Mrs. Detrow stated she has had several questions on the signage around the new elementary school.

Mrs. Detrow stated she was happy to tell them there was a public meeting and that we were going to talk about it.

MAYOR'S COMMENTS:

Mayor Stewart asked Council to consider adjourning to Executive Session to prepare for Collective Bargaining Strategy.

FINANCE DIRECTOR: None

COMMENTS FROM THE AUDIENCE:

Mr. Sams asked about the stop signs by the new middle school.

Mayor Stewart stated that was going to be addressed at the traffic meeting.

Mrs. Emery wanted to know what was happening with the gas station near the post office.

Mrs. Emery wanted to know if the fuel tanks were still in the ground.

Mayor Stewart stated does anyone know if the fuel tanks are still in ground at the former Eagle gas station.

Mayor Stewart stated he did not know.

Mr. Kremser stated the state later this year will be instituting a service station cleanup fund.

Mr. Kremser stated there may be some challenges for us to qualify for that and it has to own by a public entity.

Mr. Kremser stated there will be funds available to clean up some of these sites that are abandon.

Mr. Kremser stated looking at the auditor's report that the building is abandon because of back taxes.

Mr. Kremser stated there is some initiative to get these things cleaned up at the state level.

Mayor Stewart asked if the fuel tanks were still in the ground.

Mr. Kremser stated he would assume yes.

Mayor Stewart asked if Buster was involved in this.

Mr. Kremser stated yes.

Mayor Stewart said Buster is a branch of the state government that handles fuel tanks etc.

Mr. Kremser stated this is from the bureau and it is a small site that needs to get cleaned up.

Mrs. Emery stated she thinks it would give the post office more parking space if it became city owned.

Mrs. Emery stated we need more parking at the post office.

Mr. Valentine agreed.

Mayor Stewart stated it would be nice if the Federal and Federal Representatives, Senators, and Congressmen would appropriate the funds for the post office to buy it then that would be just fine with him.

Mrs. Emery asked if the City owned it then we would be able to use it right.

Mayor Stewart stated he is not going to answer that and that he can't answer that.

There were no additional comments.

ADJOURNMENT FROM REGULAR SESSSION TO EXECUTIVE SEESION: 7:35 p.m.

Moved by Dr. Stuart and seconded by Mrs. Detrow to adjourn to executive session to prepare for collective bargaining strategy.

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

ADJOURNMENT FROM EXECUTIVE SESSION TO REGULAR SESSION: 8:15 p.m.

Moved by: Mr. Fishpaw and seconded by Mrs. Detrow to adjourn to regular session.

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

ADJOURNMENT FROM REGULAR: 8:16 p.m.

Moved by: Mr. Fishpaw and seconded by Mrs. Detrow to adjourn.

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

Respectfully Submitted by
Jody M Toms, Clerk of Council