

**MINUTES FOR THE REGULAR SESSION OF COUNCIL**  
**Tuesday, March 17, 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 Detrow	Present
Ward 4:	Sandra Tunnell	Present

**PLEDGE OF ALLEGIANCE**

**HONORING OF NATIONAL DAY OF PRAYER – PASTOR JOHN BOUQUET**

Pastor Boquet introduced additional guests and the purpose of the visit. Invited all to the Annual Community Prayer Breakfast will be held May, 7 at 6:30 a.m. and announced the speaker for the breakfast.

Dr. Stuart shared appreciation for the visit.

Pastor Tom Zurker prayed for the City Council, the City and it's residents.

Dr. Stuart thanked Pastor Zurker for the prayer.

**PRESENTATION OF MINUTES**

**Moved** by Mr. Fishpaw and seconded by Mrs. Tunnell that the minutes of the **Regular Session** of City Council held Tuesday, March 3, 2015 be accepted as submitted.

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

**LEGISLATION**

**Ordinance No. 6-15**

**Item a)**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ENTER INTO A CONTRACT WITH SIMONSON CONSTRUCTION SERVICES, INC, FOR THE NORTH COUNTRYSIDE STORM SEWER IMPROVEMENT 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 the Ordinance 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 Engineer, Shane Kremser, provided testimony regarding the Ordinance and there were no questions.

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

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

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

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

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

**Ordinance No. 7-15**

**Item b)**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ENTER INTO A CONTRACT WITH J&A CONSTRUCTION, INC, FOR THE 2015 CRACK SEALING PROJECT IN THE CITY OF ASHLAND, OHIO; 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 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, Mrs. Tunnell, Dr. Stuart.

City Engineer, Shane Kremser, provided testimony regarding the Ordinance.

Mr. Kremser explained that they would focus on streets that had been addressed three to five years ago.

Mr. Kremser stated that preventative maintenance on older pavement may not be necessary, as it is possibly beyond repair.

Mayor Stewart commented that the streets on the list submitted by Mr. Kremser may not get finished or more may possibly get done depending on the amount of product there is available.

There were no questions.

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

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

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

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

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

**Ordinance No. 8-15**

**Item c)**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ENTER INTO A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR ADDITIONAL WATERLINE REPLACEMENT WORK TO BE INCLUDED AS PART OF THE US-42 RECONSTRUCTION PROJECT (ASD-42-7.75) 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 the 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 regarding the Ordinance and there were no questions.

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

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

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

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

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

### **Resolution No. 6-15**

#### **Item a)**

**A FINAL RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ENTER INTO A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE US-42 RECONSTRUCTION PROJECT WITHIN THE CITY CORPORATION LIMITS; AND DECLARING AN EMERGENCY.**

**Moved** by Mrs. Detrow and seconded by Mrs. Tunnell to invoke Section 113.01 of the Codified Ordinances as the distribution of the Resolution has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

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

City Engineer, Shane Kremser, provided testimony regarding the Resolution.

Mr. Kremser explained the cost break down associated with the grants involved. The city will end up paying back \$376,934.00 over a ten year period.

There were no questions.

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

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

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

Nays: Dr. Stuart

### **Resolution No. 7-15**

#### **Item b)**

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

City Engineer, Shane Kremser, gave testimony regarding the location of the alley and the situation.

Mr. Kremser stated that they are currently still in talks with developer and property owners.

Mrs. Tunnell questioned Mr. Kremser on the exact location and direction of the alley.

Mr. Kremser explained the location.

Dr. Stuart confirmed that tonight's discussion was only to set a date for the public hearing to vacate the alley.

Mr. Kremser requested the hearing be scheduled on 4-21-15 at 7:05 p.m. for rezoning and at 7:10 for vacating the alley.

**Moved** by Mrs. Tunnell and seconded by Mr. Valentine the motion to schedule the public hearings as requested.

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

### **PUBLIC HEARING ITEMS:**

#### **(7:15 p.m.) 2015 Annual Appropriations – City Finance Director, Larry Paxton**

Mr. Paxton explained that this meeting is a requirement of City Charter for the second public meeting before adopting the budget.

Mr. Paxton stated that the budget is still a work in project.

Mr. Paxton stated that we are adjusting the operating and expenditure costs to maintain the current level of City services.

Mr. Paxton stated that the budget booklet contains a breakdown of expenditures.

Mr. Paxton stated that the City has changed the way we are appropriating by item rather than by line item. This is to work towards a more workable and simpler budget.

Mr. Paxton stated that the total amount of the Budget package is approximately \$45,838,293.00, of which \$10,646,000.00 in beginning cash carryover from the previous year.

Mr. Paxton stated that over the past three years the City has benefited by receiving \$8,736,509.00 in income tax. The booklet shows a breakout of revenue to the different items.

Mr. Paxton stated the General Fund requires most of the income tax revenue.

Mr. Paxton went on to explain the budget spreadsheets to those present.

Mr. Paxton stated that there are still a few items that are still being worked on, but it should not affect the carry over immensely.

Mr. Paxton stated that it is possible that there will be some carry over in the General Fund for next year.

Mayor Stewart stated that he and Mr. Paxton have spent a considerable amount of time on the budget over the past few days, with most of the time spent discussing the safety services that fall under the General Fund.

Mayor Stewart addressed the expanding costs and decreasing revenues which has placed us in a bad situation.

Mayor Stewart stated that the directors and Mr. Paxton have worked very hard on the budget but with the changes it will not be an easy time.

Mayor Stewart stated that they will also be later discussing the plan to have Spring Clean-up this year, and that it is not funded by the General Fund and cannot be shared with it.

Mayor Stewart stated that some of the discussion may seem conflicting.

Dr. Stuart stated that he feels that Mayor Stewart's outlook is more optimistic in terms of the end of the year carry over than he would be.

Dr. Stuart stated that the City is in the most precarious position he has seen in his time with Council.

Mr. Paxton stated that the City has many good people working for it and the directors have submitted budgets to keep their departments running.

Mr. Paxton stated that it is a difficult task to allocate funds fairly and best benefitting the City as a whole.

Mr. Paxton stated that we have several retirements pending this year and that their accumulated benefits must be paid and it will affect the budget.

Mr. Paxton requested the Council consider allocating funds from the Golf Course Sale that were put into the Capital Improvement fund be transferred out for operating costs.

Dr. Stuart stated that a Special Meeting will have to be scheduled to address the Golf Course funds.

Mr. Paxton requested that since the budget is due to the State by April 1, that Council consider a Special Meeting to pass the budget on March 27, 2015.

Mr. Fishpaw stated his concern with the budget stating a \$.55 carry over for 2016.

Mr. Fishpaw questioned that with this small amount, what will we do about pay roll.

Mr. Paxton explained that the accounts are set up to borrow from other accounts to cover pay roll and then that money is paid back.

Mrs. Tunnell asked if we need money from the Golf Course Capital Fund to balance the budget, how will it be possible if an Ordinance supporting that decision is not made prior to the Friday meeting.

Mr. Paxton stated that was the reason he was requesting Council to consider the transfer.

Mr. Paxton was asked if he knew how much would need to be transferred.

Mr. Paxton stated that at this point it was about \$90,000.00, but that was subject to the pending changes to the proposed budget.

There was additional discussion concerning the Golf Course Improvement fund to allow the new Superintendent to have a chance to make the Golf Course to succeed.

There were no further questions and Dr. Stuart stated that the hearing was concluded.

**OLD BUSINESS:** None

**NEW BUSINESS:**

- **Liquor License Request – ADJ Ashland LTD (Club 42)**  
- 702 Claremont Ave, Ashland, OH 44805

**Moved** by Mrs. Tunnell and seconded by Mr. Valentine that Council not request a public hearing regarding the ADJ liquor license request for Ashland LTD (Club 42).

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

- **Appointment of Tom Lavinder, President of the Mohican Area Growth Foundation (MAGF), to the Ashland Area Council for Economic Development (AACED) for a term expiring December 31, 2015.**

Dr. Stuart stated that Jim Gribble had submitted a letter of resignation from the Ashland Area Council for Economic Development (AACED) and a recommendation to fulfill the unexpired term ending 12-31-15.

**Moved** by Dr. Stuart and seconded by Mrs. Tunnell to thank Jim Gribble for his service and accept his resignation and approve the nomination of Tom Lavinder to the Ashland Area Council for Economic Development (AACED) for a term expiring 12-31-15.

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

**COUNCIL COMMENTS:** None

**MAYOR'S COMMENTS:**

Mayor Stewart passed out handouts showing the property that the City would like to auction off on April 18, 2015 at 10:00 a.m.

Mayor Stewart stated that this is the old reservoir property and a residential property on the access to the reservoir, giving a 200 ft. access to the 60+ acres.

Mayor Stewart stated that a timber buyer has surveyed the property and given an estimate that there is approximately \$80,000.00 in harvestable timber.

Mayor Stewart stated that a second property on Claremont Avenue was offered by sealed bid to adjoining property owners.

Mayor Stewart stated that with Council's blessing, the City will move forward with the annual Spring Clean-up beginning March 30, 2015.

Mayor Stewart explained the costs accompanying the Spring Clean-up.

Mayor Stewart confirmed that this is paid for out of the Sanitation budget. That it is not part of the General Fund.

Mayor Stewart stated that the lay out will be posted in the newspaper.

City Services Director, Jerry Mack, explained the new policy regarding televisions during Spring Clean-up.

Mayor Stewart stated that the City will be advertising to accept bids to operate the concessions for the City Parks this summer.

Mayor Stewart stated he had received a letter from Senator Brown regarding a water problem on E Bank Street that he received from an Ashland Resident.

Mayor Stewart stated that he was advised by the City Law Director, Richard P. Wolfe, II, that the City has no legal responsibility for the break on E Bank Street.

**FINANCE DIRECTOR:** None

**COMMENTS FROM THE AUDIENCE:**

Cindy Kerr (Lot 438) stated that she and her husband are against the Rezoning and Resolution to Vacate the Alley previously discussed.

Mrs. Kerr stated that she was one of the property owners who have been removed from the sale and development plan.

Mrs. Kerr stated that the North- South Alley should be the proper dividing line, and not exclude the other two properties, and would provide value to the developer.

Mrs. Kerr stated that they are continuing to work with the developer to come to an agreement, but until that is settled they are strongly against the rezoning and vacating of the alley, which would negatively impact their home value.

Mayor Stewart complimented Mrs. Kerr on presentation and thanked her for her input.

Dr. Stuart questioned how vacating the alley would impact her personal property and life.

Mrs. Kerr stated that it would negatively affect her properties value and go against the original plan of the sale.

Cole Stevenson questioned if the City were still going to pursue the new combined dispatch after learning that it will be more costly than the current arrangement.

Dr. Stuart stated that it is a higher cost for only one year.

Mr. Stevenson asked if following that would it be a lower cost.

Dr. Stuart confirmed that it would be.

Dan Kubaki, Times Gazette, asked what the time table for bringing the budget for the new combined dispatch to Council.

Dr. Stuart stated that there is no time table yet, that the main focus at this time is to set appropriations for 2015.

Assistant Law Director, Andrew Bush, respectfully requested that Council adjourn to Executive Session to discuss matters of imminent litigation.

**ADJOURNMENT FROM REGULAR SESSION TO EXECUTIVE SESSSION: 8:05 p.m.**

**Moved** by Mrs. Detrow and seconded by Mr. Fishpaw to adjourn from Regular Session to Executive Session to discuss imminent litigation.

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

**ADJOURNMENT FROM EXECUTIVE SESSION TO REGULAR SESSSION: 8:17 p.m.**

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

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

**ADJOURNMENT FROM REGULAR SESSSION: 8:19 p.m.**

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

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

Respectfully Submitted by  
Elizabeth A. McClurg, Interim Clerk of Council