

**MINUTES FOR THE REGULAR SESSION OF COUNCIL**  
**Tuesday, April 21, 2015 at 7:00 p.m.**  
**Council Chambers**

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Council President Stephen Stuart called the meeting to order at 7:02 p.m.

**ROLL CALL**

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

**PLEDGE OF ALLEGIANCE**

**PRESENTATION OF MINUTES**

**Moved** by Mr. Fishpaw and seconded by Mrs. Tunnell that the minutes of the **Regular Session** of City Council held Tuesday, April 7, 2015 be accepted as submitted.

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

**Moved** by Mrs. Detrow and seconded by Mr. Valentine that the minutes of the **Special Session** of City Council held Friday, April 13, 2015 be accepted as submitted.

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

**LEGISLATION**

**Ordinance No. 20-15**

**Item a)**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT FOR THE PURCHASE OF TWO MODIFIED MINI-VANS (MMVs) 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 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.

Testimony provided by Finance Director, Larry Paxton.

Mr. Paxton stated that the City had originally budgeted for replacing one vehicle, but with grant monies received from the State, we are able to purchase two.

There were no questions.

**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 the 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 No. 21-15**

**Item b)**

**AN ORDINANCE AMENDING ORDINANCE NO. 8-15; 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. Tunnell, Dr. Stuart, Mr. Fishpaw, Mr. Valentine, Mrs. Detrow.

Testimony was given by City Engineer, Shane Kremser.

Mr. Kremser stated that the lowest bid was significantly higher than the ODOT Engineers cost projection. This Amending Ordinance is to cover that difference.

Mrs. Tunnell questioned whether a \$33,000 difference was unusual.

Mr. Kremser stated that he spoke with ODOT regarding the difference and that it appears to be a habitual occurrence with contractors hiring subcontractors, which increases the cost.

Dr. Stuart questioned if we would have been better off to bid that portion out ourselves.

Mr. Kremser stated that it would not be due to all the expenses that would be incurred with the project and the complications it would create with the planned intersection project.

There was discussion regarding the future implications of extra charges.

Mayor Stewart questioned if anyone was present from ODOT.

Mr. Kremser stated that he had invited them but they had chosen not to come.

Mrs. Tunnell questioned the point of having an estimate if the bids are going to come in \$30,000 over it.

Mr. Kremser stated that we had three different estimates based on construction data and they were all significantly lower than the bids.

Mr. Valentine stated that in his experience, contractors make money on additional work orders or changes to orders.

Mr. Kremser stated that if we had to do the project on our own it would be at a significantly higher cost and delay on work.

Mrs. Tunnell stated that she wondered if this was an exception or sign of things to come.

Mr. Kremser stated that when we do future projects we need to plan ahead to include it in original plan.

There were no further 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. 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: 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.

### **Ordinance No. 22-15**

#### **Item c)**

#### **AN ORDINANCE REZONING A CERTAIN AREA OF THE CITY OF ASHLAND, OHIO FROM “R-S” RESIDENTIAL DISTRICT TO “B-1” NEIGHBORHOOD BUSINESS DISTRICT.**

**Moved** by Mrs. Tunnell and seconded by Mr. Fishpaw 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.

Dr. Stuart stated that this is the rezoning that the hearing was held for, there were no questions.

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

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

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

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

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

### **Ordinance No. 23-15**

#### **Item d)**

#### **AN ORDINANCE REZONING A CERTAIN AREA OF THE CITY OF ASHLAND, OHIO FROM “R-A” RESIDENTIAL DISTRICT TO “B-1” NEIGHBORHOOD BUSINESS DISTRICT.**

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

Dr. Stuart stated that this is the rezoning that the hearing was held for, there were no questions.

**Moved** by Dr. Stuart 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 Mrs. Detrow that the Ordinance be passed.

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

**Ordinance No. 24-15**

**Item e)**

**AN ORDINANCE TO VACATE A CERTAIN ALLEY SITUATED 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: Mr. Fishpaw, Mr. Valentine, Mrs. Detrow, Mrs. Tunnell, Dr. Stuart.

Dr. Stuart stated that this is the alley vacation that the hearing was held for, 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. Detrow, Mrs. Tunnell, Dr. Stuart, Mr. Fishpaw, Mr. Valentine.

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

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

**Ordinance No. 25-15**

**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 JACOBSON AVENUE CULVERT 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 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

There were no further questions.

**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 the 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 No. 26-15**

**Item g)**

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

Finance Director, Larry Paxton, 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: Dr. Stuart, Mr. Fishpaw, Mr. Valentine, Mrs. Detrow, Mrs. Tunnell.

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

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

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

**Ordinance No. 27-15**

**Item h)**

**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 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.

Fire Chief, Richard Anderson, gave testimony regarding the Ordinance.

Chief Anderson explained the process of removing the old box, placing it on a new chassis and remodeling the box to have a new unit.

Chief Anderson stated that this process is saving over \$130,000 in comparison to buying an entire new unit and will be paid out of a 222 account.

Mrs. Tunnell questioned if this is one of the International units.

Chief Anderson confirmed that it is not. He stated that it is a Ford E Series 450 gasoline engine.

There were no further questions.

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

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

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

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

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

Dr. Stuart stated that he and Mrs. Detrow had the honor of being on the Fire Division Committee, and commended the Chief and his staff for their prudent purchase.

**Ordinance No. 28-15**

**Item i)**

**ORDINANCE AUTHORIZING THE CITY OF ASHLAND, OHIO TO EXECUTE AND DELIVER A CONTRACTING POLITICAL SUBDIVISIONS AGREEMENT IN CONNECTION WITH THE ISSUANCE OF REVENUE BONDS BY THE ECONOMIC DEVELOPMENT AND FINANCE ALLIANCE OF TUSCARAWAS COUNTY, THE PROCEEDS OF WHICH SHALL BE LOANED TO, AND USED BY, ASHLAND UNIVERSITY TO FINANCE AND REFINANCE VARIOUS CAPITAL IMPROVEMENTS, AND DECLARING AN EMERGENCY.**

The Ordinance was read in full by Assistant Law Director, Andrew Bush, as follows:

**WHEREAS**, the Economic Development and Finance Alliance of Tuscarawas County f/k/a the Tuscarawas County Port Authority, Ohio (the "Issuer"), by virtue of the laws of the State of Ohio, including Section 4582.21, *et seq.*, of the *Ohio Revised Code* (the "Act"), acting by and through its Board of Directors (the "Board"), is authorized (i) to acquire, construct, equip, furnish and otherwise improve "port authority facilities," as defined in the Act; (ii) to issue its revenue bonds for the purpose of paying the "costs," as defined in the Act, of port authority facilities; (iii) to enter into a loan agreement and require the payment of amounts thereunder constituting "revenues," as defined in the Act, sufficient to pay the principal of and interest and any premium on those revenue bonds; (iv) to secure those revenue bonds by a trust indenture and pledge of those revenues; and (v) to execute and deliver a Contracting Political Subdivisions Agreement as hereinafter identified; and

**WHEREAS**, Ashland University, an Ohio nonprofit corporation (the "University") has requested the Issuer to authorize the issuance by the Issuer of revenue bonds in an aggregate principal amount not to exceed \$70,000,000 (the "Bonds"), in one or more series, the proceeds of such Bonds to be loaned by the Issuer to the University pursuant to a Loan Agreement between the Issuer and the University, for the purpose of, together with other available moneys (but not moneys of the City of Ashland, Ohio (the "City") or the Issuer), financing and/or refinancing various capital improvements as more fully described in the Contracting Political Subdivisions Agreement, as defined herein (the "Project"), funding a debt service reserve fund for the Bonds, paying interest on the Bonds and paying costs of issuance of the Bonds; and

**WHEREAS**, because the University is not situated within the immediate jurisdiction of the Issuer, as prerequisites to issuing the Bonds, it is necessary to: (i) obtain "host approval" pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") and the Treasury Regulations thereunder from a local political subdivision and (ii) to contract with a local political subdivision in order to provide joint cooperation with another governmental unit in accomplishing the "Authorized Purposes" defined in the Act (the "Contracting Political Subdivisions Agreement"); and

**WHEREAS**, on April 7, 2015 a notice of public hearing was published in the *Times-Gazette*, setting forth a general, functional description of the type and use of the facilities to be financed and refinanced, the maximum principal amount of the Bonds, the initial owner, operator or manager of the facilities and the location of the facilities, among other things; and

**WHEREAS**, this City Council has conducted a public hearing on the date hereof regarding the issuance by the Issuer of the Bonds and the Project to be financed and refinanced thereby; and

**WHEREAS**, the City desires to assist in facilitating the issuance of the Bonds by providing "host approval" (as provided for in the Code) and by entering into a Contracting Political Subdivisions Agreement with the Issuer in compliance with the provisions of the Act;

**NOW THEREFORE, BE IT ORDAINED** by the City Council of the City of Ashland, Ohio:

**SECTION 1.** That this City Council, as an applicable elected representative for purposes of Section 147(f) of the Code, hereby approves the issuance by the Issuer of the Bonds for the limited purpose of providing "host approval" as required under Section 147(f) of the Code and accompanying Treasury Regulations. This City Council further authorizes the Mayor of the City or the President of this City Council to execute a certificate in compliance with Section 147(f) of the Code and accompanying Treasury Regulations, if so requested.

**SECTION 2.** That the Mayor or the President of this City Council are hereby authorized to negotiate the terms of a Contracting Political Subdivisions Agreement with the Issuer in order to facilitate compliance with the Act, enabling the Issuer to issue the Bonds.

**SECTION 3.** That the Mayor or the President of City Council be and they hereby are authorized to execute and deliver on behalf of the City such certificates, documents and instruments in connection with the transaction described herein as may be required, necessary or appropriate. Such documents, including the Contracting Political Subdivisions Agreement, shall be subject to such changes, insertions and omissions as may be approved by the City's Director of Law, which approval shall be conclusively evidenced by the execution thereof by the proper officer or officers of this City.

**SECTION 4.** It is found and determined that all formal actions of this City Council concerning and relating to the passage of this ordinance were taken in an open meeting of this City Council, and that all deliberations of this City Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code and the rules of this City Council in accordance therewith.

**SECTION 5.** This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this ordinance is required to be immediately effective in order to expeditiously facilitate certain federal and state law compliance measures for the purpose of facilitating the issuance of the Bonds through the Issuer, which Bonds are necessary to provide interest cost savings to the University; wherefore, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Mr. Melliere explained the purpose of the Ordinance is to fulfill legal obligations and obtain permission from the City since Ashland University is not located in Tuscarawas County or Port Authority.

Mr. Melliere explained this will mainly be refinancing.

Mr. Storck stated that \$5,000,000 will go to new projects: renovate residence halls and other campus facilities to keep the attractive to students.

Mr. Storck stated that it will also create more flexible spending in their budget.

Mrs. Tunnell questioned if they had obtained bonds previously.

Mr. Storck confirmed that they had received bonds in 2004 that was refinanced in 2010.

Mr. Melliere stated that the Tuscarawas Port Authority issued bonds here in 2011 and that it is the same entity, that only the name has changed.

Mr. Wolfe stated that this Ordinance mirrors the one from 2011 and the refinancing contracts will replace the existing 2011 contracts.

Mr. Wolfe stated that he has reviewed the contracts and worked with Mr. Melliere over the past month.

Mr. Wolfe stated that he posted the public hearing notice with Dr. Stuart's permission and encouraged the Council to vote for it.

There were no further 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 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, Mrs. Tunnell, Dr. Stuart, Mr. Fishpaw, Mr. Valentine.

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

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

#### **Tabled Ordinance No. 29-15**

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

#### **AN ORDINANCE RATIFYING AND APPROVING THE EXPENDITURE OF FUNDS FOR 911 DISPATCH SERVICES PROVIDED BY THE ASHLAND COUNTY SHERIFF OFFICE FOR 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: Mr. Fishpaw, Mr. Valentine, Mrs. Detrow, Mrs. Tunnell, Dr. Stuart.

Mayor Stewart stated that the Sheriff responded to Mr. Paxton's email and reminded Mayor Stewart and Mr. Paxton that in 2010 or 2011, Mayor Stewart verbally agreed that the City would solely pay for a full time dispatcher to guarantee phone coverage during peak hours.

Mayor Stewart stated that paying for a full time dispatcher did not change and does not cause the City's bill from the County to exceed the appropriated funds set aside for dispatch charges.

Dr. Stuart questioned what the circumstances were to require the City to fund the full amount of one dispatcher.

Mayor Stewart stated that the Sheriff had spoken to him and the two Chiefs and explained concern over availability of a dispatcher during peak hours.

Mayor Stewart stated that he felt the Sheriff had a case and agreed to fund the dispatcher.

Mayor Stewart reiterated that it did not increase the total bill and that the City had not exceeded the appropriated amount for dispatch services.

Mrs. Detrow stated that she still has a serious problem with using City funds to solely fund a dispatcher when in writing the agreement is to split everything.

Mrs. Detrow stated that she believes a verbal agreement between two gentlemen in position to make the change should be honored and even though there is nothing in writing she would vote in favor of the Ordinance.

Mr. Paxton stated that there is no current contract and whether the City wanted to continue receiving monthly invoices or enter into contract with the County to cover dispatch services until the COG is in operation.

Mr. Valentine stated that we have an agreement not to exceed a certain amount of money.

Mr. Paxton confirmed that we currently do not, that the last contract was up at the end of 2014.

Mrs. Tunnell stated that she preferred the invoices to see how the money is being used.

Mr. Fishpaw asked for Mr. Paxton's thoughts on the matter.

Mr. Paxton stated that historically we have had a contract with the County for dispatch services.

Mr. Paxton stated that the City should consider entering into a contract for a set amount of time.

Dr. Stuart stated that there was a proposed agreement from the County and the City could not agree with it.

Dr. Stuart stated that we can either attempt to get a contract that we can agree with or approach it on a month to month basis.

Mayor Stewart stated that he feels we should have a contract to protect the City, that we are at risk without one.

Dr. Stuart agreed.

Mrs. Tunnell stated that she agrees with having a contract if we can still receive the invoices also, and that it would be a nice safety net to have.

Mayor Stewart stated that he believes it is a necessary safety net to have.

Mr. Valentine stated that he also agrees, and that the City does not want to receive excess bills when we prepare to switch to the COG dispatch.

Mrs. Detrow questioned the contracts origination.

Mayor Stewart stated that the original contract was received from the County and returned because it was unacceptable.

Mrs. Detrow questioned if there is alternative way to approach it, and could the City propose an agreement.

Mayor Stewart stated that he could not speak to the status of a contract.

Dr. Stuart stated that he thinks that we could propose an agreement.

Mrs. Tunnell stated that the last contract states that the contract can be ended by Ordinance and questioned if we could sign contract and then give notice by Ordinance 60 days prior to ending service with the County dispatch.

Mr. Wolfe stated that the problem is that in November of 2014 a contract was offered by the County that contained many new terms compared to prior contracts.

Mr. Wolfe stated that most of them were totally unacceptable and so the contract was sent back to the County.

Mr. Wolfe stated that there was effort on our part to reach agreement but not much return from the County.

Mr. Wolfe stated that in past years, months have passed without a new agreement being signed and that according to the County Prosecutor's office, the prior agreement stands until a new contract is signed.

Mr. Wolfe stated that he feels that at the current time the present course is acceptable and that it is unnecessary to pursue a new agreement for such a short duration.

Mr. Wolfe stated that as long as we are being billed in conformity he does not see a problem.

Mr. Wolfe stated that they will give it additional thought.

There were no more comments.

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

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

#### **PUBLIC HEARING ITEMS:**

- **(7:05 p.m.) Rezoning – Walnut/Washington** –City Engineer, Shane Kremser

Mr. Kremser stated that a developer brought a request to the Planning Commission to request rezoning and the Commission extended the area to include two additional properties to create a clean zoning line on an existing North/South alley.

Dr. Stuart asked for comments.

Mr. David Budge, Assistant Vice President of WFC Development, stated that they are the developers requesting the rezoning to build a new Rite Aid Store and offered to answer any questions.

Mr. David Samsel, a property owner adjacent to the area to be rezoned, stated that such a significant change to Claremont Avenues impact should be better considered.

Mr. Samsel questioned the extent of Council and the Planning Commissions study of the impact of the changes and why the map was not posted in the newspaper.

Mr. Samsel stated that it would be a great impact to the Kerr property and does not reflect well on the Planning Commission or Council to change without support.

Mr. Kremser said that the traffic impact will be reviewed when the developer submits their construction documents.

Mr. Samsel stated that traffic increase is hard to judge and it seems that things are being done out of order.

Mr. Kremser stated that changing the zoning in this area would make it consistent with the other properties on the Claremont Avenue corridor.

Mr. Samsel stated that he feels this is only being pursued at the push of a developer and no forethought has been put into it regarding the traffic.

Mr. Kremser stated that the majority of the property is already zoned "B-1" and only a few parcels that would be changed.

Mr. Stuart stated that the Kerr's have no objection to the rezoning.

Mr. Samsel stated that he was not there on behalf of the Kerr's, but that they had a letter in the Times Gazette stating that they objected.

Mayor Stewart stated that the Kerr's had reversed their objection in writing and now supported the rezoning.

Mrs. Detrow questioned Mr. Samsel as to his position of concern in the matter.

Mr. Samsel stated that he owns property on the other side of the alley and had been notified by letter of the changes.

Mr. Samsel again stated he is concerned of the impact on the alley, the Kerr's property and the rest of the neighborhood.

There were no more comments.

- **(7:12 p.m.) Alley Vacation – Walnut/Washington** –City Engineer, Shane Kremser

City Engineer, Shane Kremser, provided testimony regarding the alley vacation.

Mr. Kremser stated that with the rezoning there would be no further use for the alley and a petition had been signed by all but one surrounding property owner.

There were no comments.

**Moved by** Richard P. Wolfe II and seconded by Larry Paxton, on behalf of the Board of Revision of Assessments, for a vote in favor of the Walnut/Washington Alley Vacation:

Ayes: Mayor Stewart, Mr. Wolfe, Mr. Paxton.

- **(7:32 p.m.) Approval of admissions of tax exempt bonds by the Economic Development Finance Alliance of Tuscarawas County for Ashland University**

Mr. Michael Melliere, Ice Miller Legal Counsel, Bond Agent for Ashland University and Mr. Steve Storck, Vice President of Finances for Ashland University were present and offered to answer any questions.

Mayor Stewart questioned if the Bonds had any impact on the City's financial status.

Mr. Melliere confirmed that they would have no impact or liability.

There were no further comments.

**OLD BUSINESS:** None

**NEW BUSINESS:**

- **Liquor License Request – Ashland Drive Thru LLC**
  - 618 Cottage Street (Ashland Drive Thru)

**Moved by** Mr. Valentine and seconded by Mrs. Tunnell that Council not request a public hearing regarding the liquor license request for Ashland Drive Thru LLC.

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

- **COUNTY RESOLUTION FOR MONTGOMERY TOWNSHIP ANNEXATION – INFORMATION ONLY**
  - Resolution received April 9, 2015
  - Accepted April 21, 2015

**COUNCIL COMMENTS:**

Mr. Fishpaw stated that there are and will be ongoing complaints regarding pot holes.

Mr. Fishpaw states that he is aware of the problem and commiserates with the public.

Mr. Valentine stated that he was very pleased with the sale of the reservoir property and that it was the right thing to do to purchase the frontage to go with the back property, that it likely improved the sale price.

Mr. Valentine stated that if the money is not already earmarked for another purpose, he is in favor of using some of the profit to repair the streets.

**MAYOR'S COMMENTS:**

Mayor Stewart stated that everyone is or should be aware of the City's financial state and does not want the November election to slip up and catch us unprepared.

Mayor Stewart requested all present to be diligently thinking about what needs to be done to rectify the revenue problems.

Mayor Stewart spoke about the reservoir sale.

Mayor Stewart spoke about the Special Session of Council to tour the City properties, and then asked if all members had responded and if there was consensus on any of the properties.

Dr. Stuart stated that three responded and that there was some consensus on most of the properties.

Mayor Stewart stated that there was interest in the Steiner building, but sale is halted due to the fact that it may not be able to be sold unless at auction.

Mayor Stewart stated that the prospective buyer stated that there were multiple problems with the walls of the building.

Mayor Stewart stated that he and Jerry Mack, City Services Director, inspected the Steiner building and felt the interested party's claims were exaggerated.

Dr. Stuart stated that he was in favor of auction if an appropriate reserve could be set.

Mayor Stewart stated that that was one resolution and questioned if the parceling of the property at 1049 US 250 and selling the portion of the property with the farm on it.

Mayor Stewart stated that he would go through the Special Session minutes and contact the Council members regarding possibilities.

Mayor Stewart thanked Council and other attending parties for taking part in the Special Session and stated that he felt it was a very beneficial meeting.

Mayor Stewart stated that there was a COG board meeting held today and the COG will be issuing an agreement with the architect to begin the implementation of the plan.

Mayor Stewart stated that it is a good design with room to accommodate additional entities that may want to join the COG.

Mayor Stewart stated that the board is pursuing an agreement with an individual to be the director of the COG, and are setting a time to sign him on.

Mayor Stewart stated that the board will meet May 20<sup>th</sup> at 2:00 pm in the first floor conference room at the Municipal Building to adjust the bylaws to add a member of each city's Council to sit as a member on the board.

Mayor Stewart stated that the City of Wooster distributes a quarterly newsletter and the next one is going to cover the COG.

Mayor Stewart stated that the COG hopes for a 12/1/15 date to go operational, with training starting 9/1/2015 and hiring starting in July or August.

Mayor Stewart stated that the four Chiefs are going to meet and solidify the best practices that they would like to see to submit to the new director.

Mayor Stewart stated that the pot holes are being handled by the street and sanitation crews, they are filing the holes during the 2 ½ hours of time it takes for the packer trucks to make runs to the landfill during Spring Clean-Up.

**FINANCE DIRECTOR:**

Mr. Paxton stated that the reservoir profit was appropriated to capital funds.

Mayor Stewart questioned if the money must be split with the Division of Water since it had originally been bought for a reservoir, a Water project, since the Golf Course was the only division able to use the money from the sale of land purchased with Golf Course funds.

It was stated that it differed because the original purchase in 1915 would have to be traced to find the originating purchase funds.

Mr. Paxton stated that the Ordinance to sell the reservoir property specified that the profits go to capital funds.

**COMMENTS FROM THE AUDIENCE:** None

**ADJOURNMENT FROM REGULAR SESSSION: 8:15 p.m.**

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

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

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