

**MINUTES FOR THE REGULAR SESSION OF COUNCIL  
Tuesday, September 1, 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 G. Detrow	Present
Ward 4:	Sandra Tunnell	Present

**PLEDGE OF ALLEGIANCE**

**Dr. Stuart stated that Mayor Stewart was unable to attend due to personal reasons.**

**Dr. Stuart introduced new Clerk of Council, Jody Toms.**

**PRESENTATION OF MINUTES**

**Moved** by Mrs. Tunnell and seconded by Mr. Valentine that the minutes of the **Regular Session** of City Council held Tuesday, July 21, 2015 be accepted as submitted.

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

**Moved** by Mrs. Tunnell and seconded by Mr. Valentine that the minutes of the **Special Session** of City Council held Friday, July 31, 2015 be accepted as submitted.

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

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

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

Abstaining: Mrs. Tunnell.

**LEGISLATION**

**Ordinances:**

**Ordinance No. 62-15**

**Item a)**

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

Finance Director, Larry Paxton provided testimony.

Mr. Paxton stated that this is catching up on some remaining invoices.

Mrs. Tunnell questioned if the amount of \$15,000 for water billing postage was a regular month.

Mr. Paxton stated that it is approximately three months' worth.

Mr. Paxton stated that is is normal, for all the water bills to be posted.

Mrs. Tunnell questioned receiving two bills from Ohio Edison two weeks apart totaling \$26,000.

Mr. Paxton stated that the two bills cover a one month period.

Mrs. Tunnell questioned why one bill was for about \$5,000 and the other for about \$20,000.

Mr. Paxton stated that it is due to combining bills, to only receive 4 invoices to cover all the City holdings.

There were no additional comments.

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

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

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

### **Ordinance No. 63-15**

#### **Item b)**

#### **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 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.

City Finance Director, Larry Paxton gave provided testimony.

Mr. Paxton stated that this is to assist the 2015 budget.

Mr. Paxton stated that the income tax the City has so far received is ahead of projected amounts.

Mr. Paxton stated that instead of waiting and moving money from different accounts it was decided to go forward with creating new appropriations to take advantage of the increase most effectively.

Mr. Paxton stated that the last item on the appropriations was from a donation to the APD, which will be used to help outfit two new canine vehicles.

Dr. Stuart questioned the amounts added to a 0101 line.

Mr. Paxton stated that it is being appropriated to cover Police overtime with one officer retiring and additional officer on injury leave.

Mr. Paxton stated that this is causing a swift increase in overtime.

There were no additional comments.

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

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

### **Ordinance No. 64-15**

#### **Item c)**

#### **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 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. Tunnel, Dr. Stuart.

Finance Director, Larry Paxton, provided testimony.

Mr. Paxton stated that not all of the budget issues could be corrected by adding additional appropriations and that this Ordinance will cover transfers existing appropriations to different lines in each department.

Mr. Paxton stated that this would help alleviate some of the stress to certain budget lines.

There were no additional 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 Mrs. Tunnell and seconded by Mr. Valentine 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 Mrs. Tunnell that the Ordinance be passed.

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

### **Ordinance No. 65-15**

#### **Item d)**

#### **AN ORDINANCE ENACTING CHAPTER 1341 AND REPEALING CHAPTER 1335 OF THE CODIFIED ORDINANCES OF THE CITY OF ASHLAND, OHIO; RELATIVE TO THE RESIDENTIAL CODE OF 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.

Mr. Kremser stated that this Ordinance adopts the Codified Ordinance used by the State of Ohio so everyone operates under one standard code and creates an appeal process.

There were no additional 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 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. 66-15**

##### **Item e)**

#### **AN ORDINANCE DECLARING COUNCIL'S INTENTION TO ESTABLISH THE NAME OF A CERTAIN STREET WITHIN RECENTLY ANNEXED TERRITORY OF 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.

City Engineer, Shane Kremser, provided testimony.

Mr. Kremser stated that the Engineering and Mayor's Offices have had many requests to name the City portion of Co. Rd. 1575 to be named Montgomery Road.

Mr. Kremser stated that this is in honor of past President Montgomery and Montgomery School.

Mr. Fishpaw stated that he had also had calls from residents in favor of the new name.

Mrs. Detrow stated that she had also.

There were no additional 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 Mrs. Detrow and seconded by Mr. Valentine that the Ordinance be passed.

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

**PUBLIC HEARING ITEMS:**

- **Change of Zoning “M-2” to “M-1” (7:10 p.m.)**

City Engineer, Shane Kremser, provided testimony.

Mr. Kremser stated that this is to rezone the area to “M-1” as there are no Heavy Industrial companies operating there.

Dr. Stuart asked for audience comments.

City resident, Bob Harris, stated that he has property adjoined the proposed zone.

He stated that he felt it unwise to change the entire area to “M-1”, possibly putting of industrial companies.

Mr. Kremser stated that will still be Light Industrial, which covers most industrial use.

Mr. Kremser stated that there are substantial residential properties also in the area.

Mr. Harris agreed.

Mr. Kremser stated that is against “M-2” zoning restrictions, that those areas must only be used for “M-2” if they are so zoned.

Mr. Harris questioned if it would be better to leave the area “M-2” but allow Light Industrial.

Mr. Kremser stated that the buildings that were previously set up for “M-2” companies are now being utilized by “M-1” companies.

Mr. Harris stated that if the zoning is changed that if a company did come to the area needing “M-2” zoning they wouldn’t be able to operate there.

Mr. Kremser stated that Heavy Industrial companies do not want to set up next to residential areas.

Mr. Kremser stated that Ashland has the Industrial Park on the north side of town for companies needing “M-2” zoning.

Mr. Harris questioned the Garber building, which was a large heavy industrial plant.

Mr. Kremser verified that it became the Carastar Company and had now been sold to a new owner who is in favor of the new zoning.

Mr. Kremser stated that most of the area being rezoned would no longer qualify due to EPA regulations set up in the 1970’s.

Mr. Kremser stated that the areas being changed are close to residential areas where Heavy Industrial does not want to set up and other areas are being left as “M-2” to give opportunity for possible Heavy Industrial growth.

Dr. Stuart concluded the hearing.

**Ordinance No. 67-15**

**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. (North Side Parcel)**

**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. Tunnel, Dr. Stuart, Mr. Fishpaw, Mr. Valentine.

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

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

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

**Ordinance No. 68-15**

**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. (South Side Parcel)**

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

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

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

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

**Ordinance No. 69-15**

**Item h)**

**AN ORDINANCE REZONING A CERTAIN AREA OF THE CITY OF ASHLAND, OHIO FROM “M-2” HEAVY INDUSTRIAL DISTRICT TO “M-1” LIGHT INDUSTRIAL DISTRICT. (West Side Parcel)**

**Moved** by Mr. Valentine 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. Tunnel, Dr. Stuart.

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

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

### **Ordinance No. 70-15**

#### **Item i)**

#### **AN ORDINANCE ESTABLISHING THE APPROPRIATE ZONING DISTRICT OF A CERTAIN AREA OF THE CITY OF ASHLAND, OHIO. "M-4"**

**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 that this is presented on a recommendation from the Planning Commission.

Dr. Stuart questioned if a hearing was required.

Mr. Kremser stated that it was not needed since it was not a zoning change.

Mr. Kremser stated that this Ordinance establishes zoning in the newly annexed area south of US 250 East, exclusive of the Montgomery School site, as an "M-4" district.

Mr. Kremser stated that this is consistent with the other area zoning, including the newly annexed and zoned Carter Lumber parcel.

There were no additional 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. Tunnel, 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. 71-15**

#### **Item j)**

#### **AN ORDINANCE ESTABLISHING THE APPROPRIATE ZONING DISTRICT OF A CERTAIN AREA OF THE CITY OF ASHLAND, OHIO. "B-2"**

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

Engineering Director, Shane Kremser, provided testimony.

Mr. Kremser stated that this Ordinance establishes zoning on the Montgomery School site parcel and is recommended to be zoned a "B-2" business district.

Dr. Stuart questioned the distinction between an "M-4" and a "B-2" district.

Mr. Kremser stated that the "M-4" has non-conforming activities listed, for example: no residential except for hotels and motels.

There were no additional 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 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. Tunnel, 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. 72-15**

##### **Item k)**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO OBVIATE BIDDING AND TO ENTER INTO A CONTRACT FOR THE PURCHASE OF PHONE SYSTEM REPLACEMENT WITH FRONTIER COMMUNICATIONS FOR THE ASHLAND MUNICIPAL BUILDING AND FIRE DEPARTMENT 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. Tunnel, Dr. Stuart, Mr. Fishpaw, Mr. Valentine.

Dr. Stuart stated that there was thorough discussion regarding the Frontier contract at the last Council meeting where it was decided that an Ordinance was necessary.

Dr. Stuart stated that this is the Ordinance to approve that contract.

Mr. Valentine questioned Acting Mayor, Rick Wolfe, if the reason it was previously put aside was the money issue.

Mr. Wolfe stated that the contract was over \$50,000 and needed Council's approval.

Mr. Wolfe stated that he felt there were other issues Council wanted addressed regarding the financing fee of approximately \$10,000, whether it needed to be bid since it was over \$50,000.

Mr. Wolfe stated that now we have an Ordinance before Council for \$60,000 which is typically not financed.

Finance Director, Larry Paxton, stated that the current Frontier bill is approximately \$3,700/month.

Mr. Paxton stated that this contract is for \$60,000 and we already spend \$44,000 for phone service from Frontier, so he feels the savings is in the cost of service.

Mr. Paxton asks Technical Services Director, Patty Green, for confirmation.

Ms. Green confirms.

Mr. Paxton stated that with the current cost of \$3700/month that will equate to over \$200,000, so there is a considerable savings.

Mr. Paxton stated that after the lease term we own the equipment and it appears to be a good deal compared to what we have.

Frontier Representative, Brad Beal, states that all of the pricing is bid and set at the state level negotiated rates.

Mr. Beal stated that after the initial set up, the City will see immediate savings on monthly costs.

Mr. Beal stated that the savings over the first two years covers the cost of financing.

Mr. Beal stated that the benefit of the contract with financing allows the savings without the large initial investment.

Mrs. Detrow questioned what a 60 month dollar buyout lease is.

Mr. Beal stated that at the end of the 60 month lease the City can purchase all the equipment for one dollar.

Mr. Valentine stated that it was a good deal.

Dr. Stuart questioned what if the City decided not to finance, what the purchase price would be.

Mr. Beal stated that on the distributed handout, the cash price was highlighted at the top, \$49,391.45.

Mr. Beal stated that he is not a financial advisor, he is simply provided options, and the costs are set up at the approved state bidding prices.

Mr. Wolfe stated that the bidding issues and prices were part of the initial problem with the contract, and that he was not sure this ordinance properly addressed it.

Mr. Wolfe stated that knowing the prices were at the state bidding prices was very important as to the City's ability not to bid a contract this size, and should have been mentioned in the Ordinance.

Mr. Beal stated that any contract presented to a municipality is priced at the state bidding prices.

Mr. Beal stated that Frontier is trying to offset the City's costs by the cost of the technology.

Mr. Beal stated that all the government contracts are priced at the stated bidding rates and the City is entitled to that.

Mr. Wolfe questioned whether the Frontier met the rate or if they had competed in bidding and won the bid.

Mr. Beal stated that the manufacture, Avaya, has presented prices and been approved by the state for government agencies.

Mr. Wolfe stated that there are two issues for Council and if we find a way to save money it is beneficial.

Mr. Wolfe stated that one issue is identifying a reason for obviating formal bidding and the second is to decide whether the City wants to finance or buy outright.

Dr. Stuart questioned Mr. Paxton what we could earn over a five year period with the amount that would be used for financing if it were invested at the rate we currently receive.

Mr. Paxton stated that we would not make that much money at our current rates.

Dr. Stuart questioned the benefit of financing.

Mr. Paxton stated that we don't have to, Council could decide to purchase outright.

Dr. Stuart questioned if it would be out of Capital funds.

Mr. Paxton confirmed that the Capital Improvement fund has acquired approximately \$200,000 this year so the money is there to make the purchase.

Mr. Tunnell questioned if the Ordinance could be amended to adjust to purchase without financing.

Mr. Valentine questioned if the cost of service stays the same if we purchase the equipment outright.

Mr. Beal stated that either way the City will save money, the decision just needs to be made as to which option we prefer.

Mr. Wolfe stated that with the outright purchase there would be no lease period and questioned where the price reduction would be and if it came off of the \$49,000 cost.

Mr. Beal stated that the savings are not on the equipment, but on the service costs.

Mr. Beal stated that with either option there is the same monthly savings on service because of the new technology that will be installed allows better pricing.

Mr. Wolfe questioned if there are any differences in the type of service or coverage if the City leases or buys.

Mr. Beal stated that there is no difference; the maintenance, products and service remain the same.

Mr. Wolfe stated that if Council decides to amend the Ordinance and move forward with a purchase instead of financing he recommends: changing the 6 to a 5 in Section 2, last line.

Mrs. Tunnell questioned if the title should be changed regarding bidding.

Mr. Wolfe stated that he would not recommend changing it if we are not financing.

Dr. Stuart questioned the "over a five year period" line in Section 2.

Mr. Wolfe concurred stating that it should be removed.

Mr. Fishpaw questioned how long the system that is going to be installed has been on the market.

Mr. Beal stated that Avaya is the number one brand phone system in the world and the technology is IP and they are currently using is a hybrid system.

Mr. Fishpaw questioned if it will last for years.

Mr. Beal stated that this technology is rated at a 20 year service.

There were no additional comments.

**Moved** by Mrs. Detrow and seconded by Mrs. Tunnell that the Ordinance be amended as follows: to not exceed \$50,000 and remove the five year lease period.

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

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

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

**Resolutions:**

**Resolution No. 18-15**

**Item a)**

**A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR**

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

Finance Director, Larry Paxton, provided testimony.

Mr. Paxton stated that at the completion of the 2015 Tax Budget, the numbers were submitted to the County.

Mr. Paxton stated that the County Budget Commission reviewed the budget and submitted the resolution back to the City for acceptance so they can apply it to the mileage in 2016.

There were no additional comments.

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

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

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

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

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

### **Resolution No. 19-15**

#### **Item b)**

**A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE RESURFACING OF APPROXIMATELY 0.66 MILES OF US ROUTE 250 EAST LYING WITHIN THE CITY CORPORATION LIMITS; TO BE FUNDED BY ACCOUNT NO. 204, 206 & 208 WITH AN ESTIMATED COST OF \$146,600.00; 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 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, Mrs. Tunnell, Dr. Stuart.

Dr. Stuart questioned what the account numbers would be.

Mr. Paxton stated that they would be 204, 206 and 208; which are two permissive tax and a state highway funds.

Engineering Director, Shane Kremser, provided testimony.

Mr. Kremser stated that this is the preliminary Resolution for consent agreement, which is the first step.

Mr. Kremser stated that under Home Rule, municipalities are responsible for paving State Routes inside City limits.

Mr. Kremser stated that the City would be responsible for 20% and the State would cover 80%.

Mr. Kremser stated that ODOT has informed the City that US 250 East of Sugarbush needs to be repaved.

Mr. Fishpaw questioned if this paving would meet the new paving being done for the US 250/St. Rte. 42 intersection project.

Mr. Kremser stated that he has not seen the plans but he would assume that it would.

Dr. Stuart stated that his concern is that this will take about half of the money we appropriate in a year to improve our City streets, and that the section of US 250 is in much better shape than many of our streets.

Mr. Kremser agreed but stated that it is an 80/20 agreement and that the Rule makes us responsible for it.

Dr. Stuart questioned what would be done if we didn't agree to pay for it.

Mr. Kremser stated that he was not sure, but if we did not pay the 20% we would then be responsible for 100%.

Mr. Kremser stated that he did not know if any municipality had ever refused an 80/20 offer.

Mr. Valentine stated that it is a good deal for what will be done.

Mr. Kremser stated that all the lanes of approximately .66 miles of road will be replaced.

Mr. Fishpaw questioned if the State decided the road was at a point that it must be repaved and did it themselves if Ashland would be charged and have to pay the full amount.

Mr. Kremser confirmed.

There were no additional comments.

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

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

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

Nays: Dr. Stuart

#### **OLD BUSINESS: None**

#### **NEW BUSINESS:**

##### **- Fence Permit (Thiel's Replacement Systems)**

Mr. Kremser stated that this permit is for barbed wire and must be approved by Council.

Mr. Kremser stated that there is currently barbed wire at the property and this is so they can extend the fencing as shown on the attached permit.

**Moved** by Mrs. Tunnell and seconded by Mr. Fishpaw to allow the fence permit.

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

#### **COUNCIL COMMENTS:**

- Mr. Fishpaw stated that there had been an ongoing water leak problem on Chestnut Street that had been fixed and he wanted to thank the crews who worked on it.

- Mrs. Detrow stated that she has had many residents call her concerned about street signage in the Reagan Elementary School area.

Mrs. Detrow stated that she was happy to be able to tell them that Mr. Kremser has a detailed drawing of the completed sign placement.

Mrs. Detrow questioned if all the signs are all installed.

City Services Director, Jerry Mack, stated that approximately half of the signs had been installed.

Mrs. Detrow stated that she felt it is good that people in the community are taking ownership and showing concern; then being able to answer them.

Mr. Fishpaw questioned if a stop sign had been installed at Jackson and E Bank.

Mr. Mack confirmed that it had been installed two weeks prior to allow time to adjust to the new traffic pattern.

City Resident, Katherine Emery, stated that she has a concern about buses exiting on Luray.

Ms. Emery stated that the visibility is restricted.

Mr. Kremser stated that the buses will be using the East Main Street Entrance.

Mr. Kremser stated that parents will be using Jackson and Luray.

Mr. Fishpaw questioned if the parent loop will be one way or if there will be two.

Mr. Kremser stated that it was never designed to be one way.

Mr. Kremser stated we will find out and then adjust to the issues.

Mrs. Emery stated that the way the lot looks, most will enter Jackson and exit Luray which will still be an issue for visibility.

- Times Gazette Reporter, Dylan Sams, confirms the amendments to Ordinance 72-15 will be \$50,000 and eliminating the lease period.

Dr. Stuart confirmed.

Mr. Fishpaw stated that the agreement will not exceed \$50,000.

- Assistant Law Director, Andrew Bush, requested Council adjourn to Executive Session to discuss two matters of pending or eminent litigation.

**MAYOR'S COMMENTS:** None

**FINANCE DIRECTOR:** None

**COMMENTS FROM THE AUDIENCE:**

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

**Moved** by Dr. Stuart and seconded by Mrs. Tunnell to adjourn to executive session for the discussion of pending or eminent litigation and no action would be taken.

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

**ADJOURNMENT FROM EXECUTIVE SESSSION TO REGULAR SESSION: 8:29 p.m.**

**Moved** by Mrs. Tunnell and seconded by Mr. Valentine to adjourn to regular session.

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

**ADJOURNMENT FROM REGULAR: 8:33 p.m.**

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

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

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

(word-Mins 9-1-15 RS.doc)