

**Amended**  
**MINUTES FOR THE REGULAR SESSION OF COUNCIL**  
**Tuesday, September 15, 2015 at 7:00 p.m.**  
**Council Chambers**

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Council President Stephen Stuart called the meeting to order at 7:00 p.m.

**ROLL CALL**

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|-------------------------------|---------------------|---------|
| 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**

**PRESENTATION OF MINUTES**

**Moved** by Mrs. Tunnell and seconded by Mr. Valentine that the minutes of the **Regular Session** of City Council held Tuesday, September 1, 2015 be accepted as submitted.

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

**LEGISLATION**

**Ordinances: 73-15**

**Ordinance No.**

**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.

Finance Director, Larry Paxton provided testimony.

Mayor Stewart questioned why we would pay for half of the alignment for Terry Hamilton's cruiser.

Mr. Paxton stated that he could not recall the City ever paying for vehicle maintenance in the past.

Mr. Paxton stated that he did not have an explanation beyond these were the invoices provided by the County.

Mrs. Detrow questioned whether the City should wait for an explanation to pay the charge.

Mr. Paxton suggested that Council consider not paying the alignment charge.

Mr. Paxton stated that the other charges appeared to be in line with previous invoices.

There were no additional comments.

**Moved** by Fishpaw and seconded by Mrs. Detrow that the Ordinance be passed on the first reading as amended to exclude the alignment invoice.

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

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

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

### **Ordinance No. 74-15**

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

City Finance Director, Larry Paxton gave provided testimony.

Mr. Paxton stated that the funds are being appropriated for the new Verizon phone system voted on at the September 1, 2015 Council meeting and for new accounting software.

Mr. Paxton stated that Council passed Ordinance in 2010 to approve the purchase of new accounting software, but circumstances at the time prevented the completion of the purchase.

Mr. Paxton stated that the accounting software has been the same for 25 years.

Mr. Paxton stated that the new software update will provide new technology and better information to utilize.

Mr. Paxton stated that this software will have a dash board accessible to Directors and decision makers which will update information in real time.

Mrs. Tunnell questioned if this amount was from the previously approved amount for the Verizon purchase or if was additional.

Mr. Paxton confirmed that it was part of the previously approved amount.

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 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. Detrow that the Ordinance be passed.

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

**Ordinance No. 75-15**

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

Finance Director, Larry Paxton, provided testimony.

Mr. Paxton stated that this Ordinance will provide budget lines for a new credit card machine to be added in the Water Billing office.

Mr. Paxton stated that this account tracks a 3% fee charged by credit card companies which is then passed onto the customer and so paid back to the City.

Mr. Paxton stated that this account allows for that process for the new machine and the other existing machines in Income Tax and Finance.

Mr. Paxton stated that it will not cost the City money.

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. Tunnel, Dr. Stuart.

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

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

**Ordinance No. 76-15**

**Item d)**

**AN ORDINANCE AUTHORIZING THE ISSUING OF A "THEN AND NOW" CERTIFICATE FOR THE FOLLOWING ATTACHED EXPENDITURE 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. Tunnell, Dr. Stuart, Mr. Fishpaw, Mr. Valentine.

Finance Director, Larry Paxton, provided testimony.

Mr. Paxton stated that these invoices exceed his authority to approve.

Mr. Paxton stated that they require Council's approval.

Mr. Paxton stated that there was a time lapse and the bills arrived before the Purchase Orders were completed.

Mrs. Detrow stated that since the City cannot pave it is sealing cracks instead.

Mr. Paxton stated that this was for labor to utilize extra sealing product that the City had purchased and referred Mrs. Detrow to Mr. Kremser for additional information.

Mayor Stewart stated that crack sealing extends the life of all asphalt, old and new.

Mr. Valentine, Mr. Fishpaw and Mr. Kremser concurred.

Mayor Stewart stated that even new paving requires crack sealing.

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.

#### **Resolutions:**

##### **Resolution No. 20-15**

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

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

**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.

City Engineer, Shane Kremser, provided testimony.

Mr. Kremser stated that this is a required process to file application to receive free funding from the State.

Mr. Kremser stated that this is the process that the City has been using to upgrade its traffic signals.

Dr. Stuart questioned if there is a specific project or intersection in mind if the application is approved.

Mr. Kremser stated that signal upgrade at the intersection of Claremont, King, and College are the project for this application.

Mr. Kremser stated that this would include: mast arms, signals, video detectors and preemption for law enforcement.

Mayor Stewart questioned that the video detection was for traffic and not for speed.

Mr. Kremser confirmed that the video detector only triggers the light changes, it is more accurate than the previously used magnetic field sensors.

Dr. Stuart questioned when the City would find out if the application is approved.

Mr. Kremser stated that the City would be informed by the end of November.

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

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

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

## **Resolution No. 21-15**

### **Item b)**

**A RESOLUTION AUTHORIZING THE SUBMITTAL OF THE AUGUST, 2015 UPDATE PROPOSAL WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR GRANTS THROUGH THE US DOT FEDERAL TRANSIT ADMINISTRATION (FTA) AS AUTHORIZED UNDER FEDERAL TRANSIT LAWS, AS CODIFIED, 49 USC SECTION 5311, FINANCIAL ASSISTANCE FOR OTHER THAN URBANIZED AREAS AND FUNDS AVAILABLE FROM THE OHIO PUBLIC TRANSPORTATION GRANT PROGRAM AND EXECUTING AN UPDATED BUDGET WITH THE OHIO DEPARTMENT OF TRANSPORTATION**

**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.

Mayor Stewart provided testimony.

Mayor Stewart stated that this is an update to the existing budget submitted to ODOT.

Mayor Stewart stated that the lower gas prices and less tires needing replaced than planned, equated to a drop in the budget of over \$16,000.

Mayor Stewart stated that money allocated for transit lines must be spent only on the assigned lines.

There were no additional comments.

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

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

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

## **Resolution No. 22-15**

### **Item c)**

**A RESOLUTION AUTHORIZING THE SUBMITTAL OF THE 2016-2019 CAPITAL PLAN PROPOSAL WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE GRANTS THROUGH THE U.S. DOT FEDERAL TRANSIT ADMINISTRATION (FTA), AS AUTHORIZED UNDER FEDERAL TRANSIT LAWS, AS CODIFIED, 49 USC Section 5311, FINANCIAL ASSISTANCE FOR OTHER THAN URBANIZED AREAS AND FUNDS AVAILABLE FROM THE OHIO PUBLIC TRANSPORTATION GRANT PROGRAM AND EXECUTING A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION UPON GRANT PROPOSAL ACCEPTANCE**

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

Mayor Stewart provided testimony.

Mayor Stewart stated that this application is required annually to maintain funding through ODOT.

Mayor Stewart stated that this Capital Plan covers the years of 2016 – 2019.

Mayor Stewart stated that the Plan must be submitted and then will either be approved or returned with changes that need to be made.

Mayor Stewart stated that it is a normal process.

Mr. Paxton concurred and stated that it is a normal process to be able to purchase capital expenditures like vehicles or improvements to the system.

There were no additional comments.

**Moved** by Mrs. Tunnell and seconded by Mr. Valentine that the Resolution 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 Resolution be passed on the second and third readings.

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

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

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

**Resolution No. 23-15**

**Item d)**

**A RESOLUTION AUTHORIZING THE SUBMITTAL OF THE 2016 PROPOSAL WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR GRANTS THROUGH THE US DOT FEDERAL TRANSIT ADMINISTRATION (FTA), AS AUTHORIZED UNDER FEDERAL TRANSIT LAWS, AS CODIFIED, 49 USC SECTION 5311, FINANCIAL ASSISTANCE FOR OTHER THAN URBANIZED AREAS AND FUNDS AVAILABLE FROM THE OHIO PUBLIC TRANSPORTATION GRANT PROGRAM AND EXECUTING A CONTRCT WITH THE OHIO DEPARTMENT OF TRANSPORTATION UPON GRANT PROPOSAL ACCEPTANCE**

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

Finance Director, Larry Paxton, provided testimony.

Mr. Paxton stated that this is the Grant Program that provides the majority of the funding for the Transit program.

Mr. Paxton stated that the funds are provided by the State and Federal governments equating in approximately \$250,000 in funds to help support our Transit program.

There were no additional comments.

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

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

**Resolution No. 24-15**

**Item e)**

**A RESOLUTION AUTHORIZING THE TEMPORARY SALE OF BEER AT BROOKSIDE PARK AND BROOKSIDE WEST.**

**Read** in full by Interim Clerk of Council, Elizabeth A. McClurg, as follow:

**A RESOLUTION AUTHORIZING THE TEMPORARY SALE OF BEER AT BROOKSIDE PARK AND BROOKSIDE WEST.**

Whereas, the City of Ashland, at its Brookside Park and Brookside West softball facilities will be hosting the 2015 North Central Ohio All Star Clash, scheduled October 3, 2015; and

Whereas, a request has been made of the City to permit the sale, possession and consumption of beer at specified locations during said tournament; now therefore,

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

Section 1. That, notwithstanding the provisions of Codified Ordinance Section 941.07(c), permission is hereby granted to the North Central Ohio All Star Clash, Travis Plank to sell beer during the North Central Ohio All Star Clash, on October 3, 2015, and such make-up dates as may be necessary, at specified locations at Brookside Park and Brookside West softball facilities and that the provisions of Codified Ordinance § 941.07 are, likewise, suspended for the possession and consumption of beer sold pursuant to this authorization. This temporary permission is conditioned upon the North Central Ohio All Star Clash obtaining a permit for such sale from the Ohio Department of Commerce, Division of Liquor Control, and that the possession and consumption of beer occur only within the areas specified by the City through the Mayor and Chief of Police, in accordance with all such guidelines as the Mayor and Chief of Police shall determine to be necessary and appropriate.

Section 2. That Codified Ordinance § 941.07(c) shall continue in full force and effect in all areas outside of the designated permitted locations, during the periods of authorization, and subsequent to the expiration of the temporary permission granted hereby.

Section 3. That this Resolution shall take effect and be in force from and after the earliest period allowed by law.

There were no comments.

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

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

Nays: Dr. Stuart

**PUBLIC HEARING ITEMS:** None

**OLD BUSINESS:** None

**NEW BUSINESS:** None

**COUNCIL COMMENTS:**

- Mr. Fishpaw stated that he has received complaints regarding traffic increase around Reagan Elementary, mainly at the Hilcrest, Morgan and Center intersection

Mr. Fishpaw questioned if there is a possible timing problem with the signal.

Mr. Kremser stated that it is caused by the crosswalk button.

Mayor Stewart questioned if the timer on the light was adjustable.

Mr. Kremser stated that it is.

Mr. Fishpaw stated that it is a problem because hospital employees are going to and from work at the same time as parents trying to get to Reagan Elementary.

Mayor Stewart questioned if there is a set time on how long the green light lasts.

Mr. Kremser stated that there is a minimum green time and when the crosswalk button is pressed, the light will still remain green for the minimum time.

Mr. Valentine stated that is the problem.

Mayor Stewart questioned if the minimum green time be extended and the change possibly limited to during the high traffic times.

Mr. Kremser stated that the minimum can be changed but he would have to look into the new software regarding specific times of day.

Mayor Stewart stated that when the crosswalk is lit, the pedestrians have extensive time to cross.

Chief Marcelli stated that he had not seen the back up as bad as suggested, but if motorists would use alternative routes it would improve the flow.

Mayor Stewart stated that he would like to the feasibility of changing the signal settings.

- Mrs. Detrow stated that she has had a few concerns brought to her attention.

Mrs. Detrow stated that her first concern is the state of the trees on Highland Blvd., she has presented the Mayor with a petition to trim the trees as they have multiple dead spots and large branches are falling.

Mayor Stewart stated that he has spoken to City Services Director, Jerry Mack, and it is on his list of projects to complete.

Mrs. Detrow stated that her second concern is the signage around Reagan Elementary and members of the community were present to speak on the matter.

Mrs. Detrow stated that the residents feel that the signage is inadequate and needs addressed.

Mrs. Detrow questioned whether to have the residents speak or wait form audience comments.

Dr. Stuart stated that they should wait for audience comments to speak.

- Dr. Stuart publicly commended the Golf Superintendent, Billy Christian, for his hard work and improvements to Brookside Golf Course.

Dr. Stuart stated that while playing with three gentlemen who have played there consistently for fifteen years, they stated that the course was in the best shape it has ever been for this time of year.

Mayor Stewart stated that Dr. Stuart's commendation would be conveyed to Mr. Christian.

Mayor Stewart stated that earlier in the day he had spoken to the individual who had surveyed the course last year, and that gentleman said that the improvement is “phenomenal.”

Mayor Stewart stated that both praises will be conveyed.

Mr. Valentine stated that he was also at the course and it looks terrific, and concurred with Dr. Stuart.

There were additional comments regarding the golf course.

**MAYOR’S COMMENTS:**

- Mayor Stewart stated that he has the petition presented by Mrs. Detrow and he has given it to Jerry Mack.
- Mayor Stewart stated that he has been advised by Green Valley Growers to stop watering the downtown flower baskets on September 21<sup>st</sup>.

Mayor Stewart stated that they will follow his suggestion.

Mayor Stewart stated that the plants will fade quickly as they are very root-bound and will be taken down after the 21<sup>st</sup>.

Mayor Stewart stated that the planters will be saved for future use.

- Mayor Stewart stated the City had closed on the sale of the Stiener building on Friday, September 11<sup>th</sup>.

Mayor Stewart stated that the City has thirty days to remove all City property from the location.

- Mayor Stewart requested Chief Marcelli to speak to the Marijuana amendment on the November ballot.

Chief Marcelli stated that the City is requesting Council to pass a Resolution against the amendment.

Chief Marcelli stated that the amendment is not for medicinal marijuana but for profit.

Chief Marcelli stated that as an example, Colorado had over a half of a billion dollars in sales in 2014 from marijuana, with half the population of Ohio.

Chief Marcelli stated that Ohio could possibly see over a billion dollars not being put to positive uses.

Chief Marcelli stated that this is for the profit of a group investors, who do not care about the people of Ohio, only the money to be made.

Chief Marcelli stated that there is a path to medical marijuana and this is not it.

Chief Marcelli again requested Council to author and pass a Resolution speaking out against the amendment.

Dr. Stuart questioned if a Resolution to that affect could be prepared for the next regular Council meeting.

Mayor Stewart confirmed it could.

Mayor Stewart stated that this amendment will change the Constitution of Ohio, and that if it passes, there will be nothing to do to change it.

Mayor Stewart stated that he felt this was wrong and based on making certain people a great deal of money at our residents expense.

Mr. Yanchunas, city resident, stated that it is to benefit inmates, letting the people who make the money write the legislation is a problem.

Chief Marcelli stated that a large problem with the amendment is that it will allow anyone to possess nine ounces of marijuana which is currently a felony charge in Ohio.

Chief Marcelli stated that it will also allow 1100 retail outlets for the sale of marijuana, which is approximately 300 more than the total number of McDonalds in the state.

Mayor Stewart stated that it would be similar to the Gambling Amendment that was passed.

Mayor Stewart stated that since the City of Ashland is less than 51,000 people, we are not entitled to any money received from gambling proceeds.

Mayor Stewart stated that Ashland County qualifies but is not required to share any of the money received with the City.

**FINANCE DIRECTOR:** None

**COMMENTS FROM THE AUDIENCE:**

Joe Lyons, City resident on Luray Drive, stated that his concern is the new 20 mph speed limit is not being followed.

Mr. Lyons stated that the only day the speed was observed was when an officer was present.

Mr. Lyons stated that driveways are being blocked.

Mr. Lyons questioned that since the State would not allow the area to be made a school zone, could the speed limit of the streets be changed to 25 mph.

Mayor Stewart stated additionally four-way stops.

Mr. Lyons concurred but stated that the stop sign is a problem for regular residents, as it has only been in place two weeks.

Gary Gerwig, City resident on Luray Drive, stated that he is happy the school is there but the traffic is very bad.

Mr. Gerwig stated that his daughter could not get through the intersection and he had to stop traffic for her to be able to cross and get to the driveway.

Mr. Gerwig questioned if something could be done to alleviate the situation either by the City or the School District.

Nancy Brown, City resident on Luray Drive, stated that the people are running the stop sign and she has concerns that there will be an accident.

Ms. Brown stated that a pedestrian with a stroller and small children was walking and not given any concern.

Ms. Brown stated that her husband had to ask drivers to move so he could get into their driveway and they have posted signs.

Ms. Brown stated that it has made no difference and there is also excessive speeding by parents and teachers.

Mr. Lyons stated that he has not seen a case where the City enforced a neighborhood to install sidewalks and pay for it.

Mr. Lyons questioned why the residents should be responsible when the taxes keep being raised.

Mr. Lyons stated that the properties in areas where major road construction has been done, the sidewalks were installed at no cost to the homeowner.

Mr. Lyons stated that he is on a fixed income and felt it unfair for the City to impose such a cost.

- Mr. Lyons stated that he fully agreed with the City's stance to vote against the marijuana amendment.

Mr. Lyons stated that we should not have voted in the gambling amendment which was to support schools and has not, so we as a community should come together to prevent it from happening again.

Mayor Stewart questioned Mr. Kremser if there were funding options available through the Safe Routes to School program for sidewalks in the Reagan area.

Mr. Kremser stated that some residents do not want sidewalks even if they were paid for.

Mayor Stewart questioned if the sidewalks were in the Safe Routes plan.

Mr. Kremser stated that they were but have not been decided on.

Dr. Stuart questioned if the cost would come back on the resident if it were approved on the Safe Routes to School plan.

Mr. Kremser confirmed that it would not.

Mayor Stewart stated that there is a City Ordinance that states that if the City requires sidewalks, they must be installed, and the resident is responsible for the cost.

Mr. Lyons stated that was his issue, that on a fixed income, many residents cannot afford the cost of new sidewalks.

Chief Marcelli stated that he is dismayed that the State has stepped in and not allowed the City to set the area as school zones.

Chief Marcelli stated that they will seek to set the speed limit in the area to 25 mph.

Chief Marcelli stated that the immediate problem is that tickets cannot be written for a 30 day period after the speed limit is changed.

Chief Marcelli asked residents for patience during the transition period and to call the Police Department with any concerns or complaints.

Mr. Lyons questioned if crosswalks would be put in.

Chief Marcelli stated that the City was not informed of the traffic patterns ahead of time and they may still change.

Chief Marcelli stated the area will be addressed as the City is able.

Mr. Lyons questioned whom he could call at the State level to find out why the school zone was disallowed.

Mayor Stewart stated that Sen. Hall and Rep. Obhoff are our local State representatives.

Mayor Stewart stated that the local ODOT office would not allow the school zone.

Mr. Kremser stated that when the Safe Routes to School plan was initially submitted, ODOT informed the City and the School District that the school zone was not allowed.

- Karen Emery, City resident, stated that regarding the sidewalks, her neighborhood was required to install sidewalks.

Ms. Emery stated that other new construction was not being required to install sidewalks and that it should be required throughout the City.

Mayor Stewart stated that there is a clause in all new construction, that if sidewalks are later put in, the homeowner must install sidewalks on their property as well.

- Ms. Emery questioned if there was a possibility of adding a traffic light at George Rd and US 250 East to alleviate traffic back up on George Road.

- Ms. Emery questioned if when the Council met in the office, if they were in compliance with Sunshine Laws.

Mayor Stewart stated that he did not hold meetings prior to Council meetings.

Ms. Emery stated that she was referring to when Council member met in there office prior to the meeting.

Dr. Stuart stated that there is no business conducted at that time.

Mr. Valentine stated that Council members were only waiting for the meeting to start.

Ms. Emery questioned that if a certain number of elected officials were in the same location, did that not constitute a meeting and thereby qualify under Sunshine Laws.

Mrs. Tunnell stated that if they were gathered for a meeting it would.

Mr. Valentine stated the requirement was three or more, gathered for a meeting.

Mrs. Tunnell stated that all the Council members attended a groundbreaking, but that did not qualify it as a public meeting or apply to Sunshine Laws.

Ms. Emery stated that she only wanted to find out if it qualified or not.

- Ms. Emery read a prepared letter to Council, which is recorded in full and saved. Her statements are summarized below:

Ms. Emery stated that she had complained regarding benches with advertising.

Ms. Emery stated that she was unable to contact Council members or the Mayor so she contacted the Law Director.

Ms. Emery stated that she is disappointed with the appearance of many properties, both residential and commercial.

Ms. Emery stated that she felt that all residents who come to Council meetings should be shown respect and their concerns addressed.

Ms. Emery stated that Mrs. Detrow stated that she was “stirring things up” after a previous Council meeting in which she had commented on WARCOG.

Ms. Emery concluded that she will continue to have questions and hopes that communication will be better and more concern shown in the future.

Mayor Stewart stated that the Planning Commission had voted and the benches have been disallowed, the applications were received and are to be removed by the owners.

Mayor Stewart stated the collection boxes that Ms. Emery had complained about have also been removed.

Ms. Emery stated that the problem was communicating with officials.

Mayor Stewart stated that he was not aware if he was included in that, but that he has responded to a number of her complaints.

Mayor Stewart agreed with Ms. Emery that there are homes and businesses that need repairs and upgrades.

Mayor Stewart stated that the City does not have the funds to front the cost since the return of payment is unknown.

Mayor Stewart stated that someone would have to front the money, since contractors are not going to do the work without payment.

Ms. Emery stated that she did not know the Ordinances pertaining to the condition of properties.

Mayor Stewart stated that there are Ordinances regarding junk and high grass, but again, the service must be paid for by someone.

Mayor Stewart stated that as Mr. Lyons stated that he does not want to pay more taxes and neither does he.

Mayor Stewart stated that the City is doing the best with what they have to work with.

Mayor Stewart stated that he is always willing to listen and that he hears Ms. Emery's complaints as does the five Council members.

Dr. Stuart stated in regards to contacting Council members, that all their contact information is public record and regularly posted in the newspaper.

Dr. Stuart stated that due to two clerks resigning there has been an interim period for the Clerk's office.

Mr. Fishpaw stated that he has always responded to Ms. Emery's concerns and complaints.

Ms. Emery stated that she has no complaint with Mr. Fishpaw, but she had to contact him through social media.

Ms. Emery stated that she followed proper channels and could not contact anyone and that was the reason she contacted the Law Director.

Mrs. Detrow stated that she does not remember speaking to Ms. Emery the way she was accused of, but that didn't mean it did not happen; only that it seemed very out of character for her.

Mrs. Detrow stated that she continually invests time to her constituents to resolve issues, and Ms. Emery was welcome to ask others she has helped.

Mrs. Detrow stated that she takes offense to being portrayed as a person who does not care.

Mrs. Detrow stated that maybe she had, but she did not remember saying the statement to Ms. Emery.

Mrs. Detrow stated again that she resents being accused of not caring.

Ms. Emery stated that she would not have brought it to Council's attention if it had not happened.

Ms. Emery stated that she had lived in Mrs. Detrow's district for 26 years and had no issue during that time with Mrs. Detrow, but the incident had in fact occurred.

- Ron Turner, City Resident, stated that he has lived in the same place 38 years.

Mr. Turner stated that it had been recently brought to his attention that there was a zoning change in 1986 that he was not informed of.

Mr. Turner stated that there had always been a store there and it was good for the neighborhood.

Mr. Turner questioned why he was not notified and what could be done about it.

Mr. Turner stated that he does not want a catering company there, and that they have a large dumpster in front of the building that looks bad.

Mr. Turner stated that he has 687 pictures of trash going on in town that no one does anything about.

Mr. Turner stated that he has contacted Mr. Kremser and the Times-Gazette to address the trash.

Mr. Turner stated that he does not want people pulling things over on him to make a profit.

Mr. Turner stated that he does not want their trash there.

Mr. Fishpaw questioned what Mr. Turner was referring to as trash.

Mr. Turner stated that the people are trash.

Mr. Fishpaw questioned what he was considering trash.

Mr. Turner stated he would discuss it with him but not at the Council meeting.

Dr. Stuart questioned when the rezoning was passed.

Mr. Turner stated 1986 and questioned if something could be done about it.

Mayor Stewart stated that all rezonings are published prior to the hearings for them and if Mr. Turner would like to look back in the publications, he was sure he would find it in the Times-Gazette.

Mr. Turner questioned why he wasn't informed.

Mayor Stewart stated that he did not know.

Mr. Turner restated that he wanted an answer.

Dr. Stuart called for some sensibility in questioning a matter decided in 1986.

- Dr. Stuart stated that Council would now enter a Work Session, to be directly followed by Executive Session.

Mayor Stewart stated that the City had received the new ~~three-year~~ **four year, four month** operating permit for the Waste Water Sewage Plant effective September 10<sup>th</sup>.

Mayor Stewart stated that with the new permit is a condition to be put in effect before the next one will be issued in ~~2019~~ **2/1/2020**.

Mayor Stewart stated that the EPA will require a compliance demand that the phosphorus level be lowered to between a 1 milligram per liter to a 1.5 milligram per liter.

Mayor Stewart stated that we are at approximately 2 milligrams per liter currently.

Mr. Kremser confirmed.

Mayor Stewart stated that this is a demand from the State and we have 36 months to comply.

Mr. Kremser is sending out a request for qualifications from multiple engineering firms to find out how they can help us with a plan to comply.

Mayor Stewart stated that it could be quite expensive but at this time we don't know exact numbers until we pick an engineering firm and receive a preliminary design from them.

Mayor Stewart stated that he had just received the permit and qualifications the previous week.

- Mayor Stewart stated that Council needs to consider an elevated water storage tank for the business park area.

Mayor Stewart stated that the area has higher elevation and the water must be pumped out.

Mayor Stewart stated that we have a good business park and it will be expanding, and we need to provide reliable service.

- Mayor Stewart stated that the City street paving needs will have to be addressed.
- Mayor Stewart stated that another future matter will be possibly providing City Utilities east of I-71, on the north and south side of US 250.

Mayor Stewart stated that this has been under consideration for a couple of years.

Mayor Stewart stated that there is a need, and the City is working on a possible solution to reach that area.

Mayor Stewart stated that at some point in time, as the demands on the sewage system east of Davis Road increases, an additional sewage trunk will need to be added around the Commerce Drive area.

Mayor Stewart stated that he is not requesting money, only that Council and the public keep in mind the improvements and investments that will be needed.

- Dr. Stuart questioned the changes in regulations for the phosphorus levels.

Mr. Kremser stated that at the time that the last permit was issued we were in compliance.

Dr. Stuart stated that this was, then a new regulation.

Mr. Kremser confirmed.

Mayor Stewart stated that past City Utilities Director, Michael Hunter, suspected that the regulation would be changed.

Mayor Stewart stated that there was a law suit pending regarding phosphorus in Southern Ohio which had now been decided.

Mayor Stewart stated the permit had been held up until the decision was released and based on the outcome of that law suit the new regulations have been put in place.

Mr. Fishpaw questioned the location of the new trunk.

Mayor Stewart stated possibly back behind Holiday Inn.

Mayor Stewart confirmed off of Commerce Drive.

**ADJOURNMENT FROM REGULAR SESSSION TO EXECUTIVE SESSION: 8:28 p.m.**

**Moved** by Dr. Stuart and seconded by Mrs. Detrow to adjourn to executive session for the discussion of the sale of City property and no action would be taken.

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

**ADJOURNMENT FROM EXECUTIVE SESSSION TO REGULAR SESSION: 9:07 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: 9:08 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