
Ashland City Council

MINUTES FOR THE REGULAR SESSION OF COUNCIL

Tuesday, March 17, 2009

7:00 p.m. 3rd floor

206 Claremont Avenue, Municipal Building

Council President Paul Wertz called the meeting to order at 7:00 p.m.

ROLL CALL

At-large:	Stephen Stuart	Present
Ward 1:	Robert L. Valentine	Present
Ward 2:	Robert M. Valentine	Present
Ward 3:	Ruth Detrow	Present
Ward 4:	Paul Wertz	Present

Note: Throughout the minutes, Robert L. Valentine and Robert M. Valentine are designated as to their Ward representation, W1 and W2.

PLEDGE OF ALLEGIANCE

PRESENTATION OF MINUTES

Regular Session: March 3, 2009

No Corrections or Comments;

Motion to accept the Minutes by Paul Wertz, moved by Ruth Detrow, seconded by Robert L. Valentine W1.

Ayes: Robert L Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz.

Abstain: Stephen Stuart.

Paul Wertz: We have a presentation at 7:10 p.m. by Cheryl Staron. It is actually 7:00 p.m. right now so we will start our first Ordinance.

LEGISLATION

Ord. No. 25-09

Item (a) **AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF ASHLAND, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2009; AND DECLARING AN EMERGENCY.**

Moved for non-reading in full by Robert M. Valentine W2 and seconded by Robert L. Valentine W1 to invoke Section 113.01 of the Codified Ordinances as the distribution of this Ordinance has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

Ayes: Stephen Stuart, Robert L Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz.

Comments or questions?

Ruth Detrow: Just for the record; Mrs. Musson, you and I talked about this earlier but there was nobody there so I want this on the record please. I asked you about the budget for travel to meetings, travel vouchers. I want for the record, your answer.

Anna Musson: You gave a Public Request and through your Public Request you asked for the travel line item in the Finance Budget and we gave you a detailed trial balance of that and we copied every check out of that line item for you. Also you asked about fuel cost and the pool cars used for the Finance Department as well as other departments. We provided to you a detailed Audit trail for all of the gasoline usage, air filters. Everything that is related to the pool car. And these Audit trail reports you requested was from January 1, 2008 through January 2009.

Ruth Detrow: Okay. And then I additionally asked as a Councilman for extra information such as registration for seminars and cost of seminars.

Anna Musson: The Finance's Department budget for travel was about 310.00 dollars and so the majority of the conferences and expenses for myself are not Public Records since they are paid by private organizations.

Ruth Detrow: What is that Organization?

Anna Musson: There are several, so that is not Public Record because no tax dollars are being used to pay for Hotels or expenses such as that.

Ruth Detrow: I realize there was no way.

Anna Musson: But we gave you everything that was used for Public funds.

Ruth Detrow: But I am asking as a Councilman; what are those organizations? And you are refusing to tell me because those organizations, you aren't required to, so you are not going to do it.

Anna Musson: I would be happy to. I am the Vice President and will be sworn in as President for the Ohio Association of Public Treasurers of Ohio. I am a national committee member, nationally recognized speaker for fraud, cash handling, and disaster preparedness and wrote a manual for the United States and Canada and United States Public Association Treasury. They have requested me to speak from time to time and they pay for those expenditures.

Ruth Detrow: Okay, and since you are now generous enough to tell me that information could you give me a list of how much time you took out of your city time to do that?

Anna Musson: Basically, I have done above and beyond my public servant time to do that. I am available 24/7 and it is an honor and a privilege to serve the city as well as to teach and educate fellow treasurers and Finance Directors across the United States and Canada.

Ruth Detrow: Well, that is all I have to say.

Comments or questions?

Robert L. Valentine W1: No, I am pretty satisfied with the questions I had asked before and they were answered. I checked into some that the question I would ask here on the floor, if it wasn't answered; I checked into it and found out what the situation was and it was answered.

Move the Ordinance be passed on the 1st reading by Robert L. Valentine W1 and seconded by Stephen Stuart to invoke Section 113.01 of the Codified Ordinances as the distribution of this Ordinance has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

Ayes: Stephen Stuart, Robert L Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz

Move to suspend the rules, 3 separate meetings, 3 separate nights by Ruth Detrow, seconded by Robert L. Valentine W1.

Ayes: Stephen Stuart, Robert L Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz

Move the Ordinance be passed by Paul Wertz, Seconded by Robert L. Valentine W1

Ayes: Stephen Stuart, Robert L Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz

Paul Wertz: We need a motion to go into Presentation with Cheryl Staron of Fair Housing.

Move to go into the Presentation by Robert L. Valentine W1, seconded by Robert M. Valentine W2.

Ayes: Stephen Stuart, Robert L Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz

[Presentation with Cheryl Staron, Fair Housing 7:10 p.m.](#)

Cheryl Staron: Mr. Mayor, Council. My name is Cheryl Staron and I am the Director of Fair Housing Services with Ohio Regional Development Corporation. Our office has a contractual agreement with the City of Ashland in order to provide Fair Housing education, outreach and services to the residents. This is sort of our annual visit. Part of the grant agreement when the city applies for Community Development Block Grant funding; is that they will make themselves available for a very brief fair housing training session. I am here this evening in order to meet that requirement. I just want to remind you that our office is available should someone feel they have been treated differently in a housing matter because they are a member of one of the seven protected classes as recognized under federal law. Those seven federally recognized classes are: race, religion, color, national origin, sex, familial status and disability. As of March 24th 2008, the state of Ohio added an additional protected class in the state of Ohio and that particular class is Military status. So if someone finds themselves on active duty or finds themselves in Reserves or the Guard, in a situation where they could be called to active duty, it is illegal for a housing provider to treat them differently with regard to a housing matter. I have a very general fair housing brochure that is available throughout the city of Ashland. I would like to leave these with the clerk this evening. And this just breaks down some very basic fair housing information. The important thing is that it does have a local contact number which is the city's Engineers office as required by state law and it also then includes our toll free 800 number and anyone can call our toll free 800 number and request additional fair housing information. We also sort of refer tenant landlord calls although I am not an attorney, so I don't advise Council or represent anyone in a situation such as that. But I do have an extensive library and I do help direct folks to where they may find the answer to the question that they have. Are there any questions from Council this evening?

Robert L. Valentine W1: Where are your headquarters?

Cheryl Staron: Coshocton.

Robert L. Valentine W1: So this is KNO HO CO?

Cheryl Staron: No. We are not KNO HO CO. We are a separate, non-profit agency and we work with cities, counties, communities to develop, write, acquire and administer grant funding.

Robert L. Valentine W1: Did it used to be KNO HO CO at one time?

Cheryl Staron: I have been there over 10 years. And no I don't believe it did.

Questions or comments? None.

Motion to move back into Regular Session by Paul Wertz, moved by Robert M. Valentine W2, seconded by Robert L. Valentine W1.

Ayes: Stephen Stuart, Robert L Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz

[Moved back to Regular Session at 7:15 p.m.](#)

Ord. No. 26-09

Item (b) AN ORDINANCE AMENDING ORDINANCE NO. 24-09, RELATIVE TO THE NAME OF THE PURCHASING ENTITY; AND DECLARING AN EMERGENCY.

Moved for non-reading in full by Robert M. Valentine W2 and seconded by Robert L. Valentine W1 to invoke Section 113.01 of the Codified Ordinances as the distribution of this Ordinance has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

Ayes: Stephen Stuart, Robert L Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz

Mayor Stewart: This Ordinance is necessary due to the fact that the original Ordinance relative to the purchasing of this property was done under the name of TJM, LLC. When TJM, LLC applied to the state for their paperwork they have to through, they found that that name was not available. Consequently they have come back to us and it is now Barbasol Land, LLC. And because the paperwork was passed with the name that can't be assigned, that is the purpose of this Ordinance that nothing else is changed other than the name of the entity that will be purchasing the land from the city or actually from CIC. Along with that Paul, if you want me to share that with you; I also have an amendment to the Enterprise Zone, it is an amendment to the Enterprise Zone Agreement that has to go through the same process because it was also an agreement with TJM, LLC and now it is Barbasol Land. So possibly after you complete your voting on this Ordinance, it will be appropriate to agree with the amendment to the Enterprise Zone agreement for the same reason.

Questions or comments?

Move the Ordinance be passed on the 1st reading by Ruth Detrow and seconded by Stephen Stuart to invoke Section 113.01 of the Codified Ordinances as the distribution of this Ordinance has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

Ayes: Stephen Stuart, Robert L Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz

Move to suspend the rules, 3 separate meetings, 3 separate nights by Paul Wertz, seconded by Robert L. Valentine W1.

Ayes: Stephen Stuart, Robert L Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz

Move the Ordinance be passed by Paul Wertz, Seconded by Robert L. Valentine W1

Ayes: Stephen Stuart, Robert L Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz

Paul Wertz: Do we need a verbal agreement? We will have Glen read it then we will vote on it okay?

Robert L. Valentine W1: I don't know if you can do that, otherwise if you are amending this.

Mayor Stewart: It was prepared by the Law Director.

Stephen Stuart: The Amendment is strictly a name change.

Robert L. Valentine W1: I understand what it is, but we are not amending this are we. We are just amending something separate from this?

Mayor Stewart: Actually I have a copy of this. This is the original, it is a multi page. We are putting an attachment to that multi page agreement.

Robert L. Valentine W1: It is not that I disagree with what we are doing. It is just I want to make sure we are doing it right.

Mayor Stewart: It would have been more convenient if they had the name right to begin with. Everyone makes a mistake.

Robert L. Valentine W1: Isn't that true. So otherwise I assume that what you are telling me is that the Law Director prepared this so I am sure he wanted it done tonight?

Mayor Stewart: Yes. He signed it.

Robert L. Valentine W1: I would assume he did that, then what we did is correct. I wanted to make sure.

Mayor Stewart: Do you want me to read it?

Paul Wertz: Go ahead and read it Glen.

Mayor Stewart: Amendment to the Enterprise Zone agreement between the City of Ashland, Ashland County and Perio Inc., TJM, LLC whereas the business name of TJM, LLC was not available and the name Barbasol Land, LLC was chosen instead and whereas the Perio management team business philosophy on hiring schedule has remained the same and therefore it is hereby agreed as follows. The Enterprise Zone agreement entered into by and between the City of Ashland, Ashland County and Perio Inc., and TJM, LLC shall continue to be transferred to Perio Inc. and Barbasol Land LLC in witness whereof the City of Ashland, Ohio by Mayor Glen Stewart in pursuant to Ordinance number which is the Ordinance we just passed has caused this instrument to be executed on this date and Ashland Ohio by Kim Edwards as Commission president and pursuant to Resolution has caused this instrument to be executed again on this date and Barbasol Land, LLC by Tom Murray as President, this _____ day in 2009 and Perio Inc., by Don Buckingham Executive Vice President has caused this instrument to be executed on this day and then the signatures that are appropriate at the bottom.

Move to approve the Amendment to the Enterprise Zone Agreement by Stephen Stuart, seconded by Robert L. Valentine W1.

Ayes: Stephen Stuart, Robert L Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz

Ord. No. 27-09

Item (c) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ENTER INTO A CONTRACT FOR CONSULTING ENGINEERING SERVICES FOR PROFESSIONAL SERVICES RELATED TO THE BIDDING AND INSPECTION OF THE U.S. RT 250 SANITARY SEWER IMPROVEMENT PROJECT-PHASE I, IN THE CITY OF ASHLAND, OHIO; AND DECLARING AN EMERGENCY.

Moved for non-reading in full by Robert M. Valentine W2 and seconded by Robert L. Valentine W1 to invoke Section 113.01 of the Codified Ordinances as the distribution of this Ordinance has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

Ayes: Stephen Stuart, Robert L Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz

Comments:

Larry Paxton: This is an Ordinance authorizing the contract to enter into an Engineering agreement with Arcadis Engineering out of Akron, Ohio. Originally when this project was conceived, Mr. Cooper negotiated the Engineering bidding, the contract negotiation and the inspection of this job. Since the first of the year, we re-negotiated with Arcadis and lowered that because some of that work will be done in-house rather than done out of house. The contract will be for \$18,600.00 dollars. It is a savings off the original contract \$27,200.00 dollars by the Engineering department doing that work in-house.

Questions or comments?

Stephen Stuart: Question. This is Engineering for the next Ordinance we are asking to approve bidding on that project.

Larry Paxton: That is correct.

Stephen Stuart: Is the Engineering already done?

Larry Paxton: Yes. This here is for the bidding of the job, some of the contract administration but not all of it, there is some inspection because we want this project done correctly. It is a deep trench that is being installed between the W.I.L.'s Lab Research Pumping Station and Jamison Creek Pumping Station. The line out here was installed and was added onto. It does not have the resource to really get the sanitary flow down from one lift station to another as it should. In this new line with the relief line, we are leaving the existing line in place with all the laterals attached to it. But there is a tremendous amount of sanitation that flows from one lift station to another and this will alleviate some of those problems.

Stephen Stuart: Thank you Larry.

Comments or questions?

Move the Ordinance be passed on the 1st reading by Ruth Detrow and seconded by Robert L. Valentine W1 to invoke Section 113.01 of the Codified Ordinances as the distribution of this Ordinance has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

Ayes: Stephen Stuart, Robert L Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz

Move to suspend the rules, 3 separate meetings, 3 separate nights by Paul Wertz, seconded by Ruth Detrow.

Ayes: Stephen Stuart, Robert L Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz

Move the Ordinance be passed by Robert L. Valentine, seconded by Stephen Stuart.

Ayes: Stephen Stuart, Robert L Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz

Ord. No. 28-09

Item (d) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ADVERTISE FOR BIDS AND TO ENTER INTO A CONTRACT FOR THE U.S. RT. 250 SANITARY SEWER IMPROVEMENT PROJECT- PHASE I, IN THE CITY OF ASHLAND, OHIO; AND DECLARING AN EMERGENCY.

Moved for non-reading in full by Robert M. Valentine W2, seconded by Stephen Stuart to invoke Section 113.01 of the Codified Ordinances as the distribution of this Ordinance has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

Ayes: Stephen Stuart, Robert L Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz

Larry Paxton: This is the project that I was just referring to. The only thing that I would like to add to those comments are one the Engineering department will perform that work in house. We are also working in conjunction with Mike Hunter with Water/Waste Water Divisions to review all projects to see what projects can be done in-house by city staff rather than contracting it out. The problem with this line is it is a deep trench and it is something that requires some various risks involved and a little more expertise than what we want to do at this time. So this project we need to take it out for bids.

Ruth Detrow: So the risk is because the trench is so deep and there is always the possibility the site could collapse?

Larry Paxton: There is that possibility yes.

Mayor Stewart: An outside contractor has the necessary equipment to keep that trench open. What do you call that?

Mike Hunter: Well it is trenching and shoring, but also it involves the capability of our equipment in the depth which we can stand.

Ruth Detrow: So it is a safety thing.

Robert L. Valentine W1: It is an Issue II Project right Larry?

Larry Paxton: I was just going to say that it is an Issue II project originally we were to receive a grant for \$272,000.00 dollars for this project. The estimated cost of the project, the Engineers estimate was \$336,000.00 dollars.

Questions or Comments:

Robert L. Valentine W1: What were those figures again please?

Larry Paxton: The Engineers estimate will be \$336,000.00 and the grant was for \$272,000.00.

Robert L. Valentine W1: This says \$251,000.00. Am I wrong?

Larry Paxton: Well there are two different funds. An Issue II fund and the other one is the cost of the project that would be paid for out of the Sanitation.

Robert L. Valentine W1: That is the \$84,000.00. Thank you.

Comments:

Move the Ordinance be passed on the 1st reading by Robert L. Valentine W1 and seconded by Robert M. Valentine W2 to invoke Section 113.01 of the Codified Ordinances as the distribution of this Ordinance has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

Ayes: Stephen Stuart, Robert L Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz

Move to suspend the rules, 3 separate meetings, 3 separate nights by Paul Wertz, seconded by Robert L. Valentine W1.

Ayes: Stephen Stuart, Robert L Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz

Move the Ordinance be passed by Stephen Stuart, seconded by Ruth Detrow.

Ayes: Stephen Stuart, Robert L Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz

Ord. No. 29-09

Item (e) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, TO ADVERTISE FOR BIDS AND TO ENTER INTO A CONTRACT FOR THE FORD ROAD SANITARY SEWER LINE PROJECT- PHASE I, WITHIN THE CITY OF ASHLAND, OHIO; AND DECLARING AN EMERGENCY.

Move for non-reading in full by Robert M. Valentine W2, seconded by Robert L. Valentine W1 to invoke Section 113.01 of the Codified Ordinances as the distribution of this Ordinance has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

Ayes: Stephen Stuart, Robert L Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz

Comments:

Larry Paxton: This project is an installation of a sanitary sewer line on the Ford Drive Extension that was completed last year. I am happy to announce that this was designed to complete the Engineering part. We had no other Engineering expense other than in-house cost for this. We will be utilizing the money from the original department of development grant that we received several years ago for the Industrial Park. The Engineers estimate at this point is \$76,900.00 dollars, for the exact amount that the grant will pay for. We hope to have in play or in the ground by August if everything goes well. Again this project will also be a review of the Sewer department to see if they could do this work in house before it is bid.

Questions or comments.

Move the Ordinance be passed on the 1st reading by Robert L. Valentine W1 and seconded by Stephen Stuart to invoke Section 113.01 of the Codified Ordinances as the distribution of this Ordinance has satisfied the requirements of said Section and that a further reading be dispensed with at this time.

Ayes: Stephen Stuart, Robert L Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz

Move to suspend the rules, 3 separate meetings, 3 separate nights by Ruth Detrow, seconded by Stephen Stuart.

Ayes: Stephen Stuart, Robert L Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz

Move the Ordinance be passed by Ruth Detrow, seconded by Robert L. Valentine W1.

Ayes: Stephen Stuart, Robert L Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz

Paul Wertz: That is all of the Legislation that we have. No Resolutions.

WARD REPORTS

Councilman-At-Large: Stephen Stuart

- (a) I do not have a Ward report but I would like to ask Anna a couple of questions, if I may. Anna, first of all I wish you the very best in your new position. Question, do you consider the Director of Finance position here in Ashland a full time position?

Anna Musson: Basically, the Finance Director position for the city of Ashland is by Charter, and I follow those rules and laws.

Stephen Stuart: Do you consider it a full-time position?

Anna Musson: It requires many hours, yes.

Stephen Stuart: Is the position that you are assuming in Macedonia a full time position?

Anna Musson: Yes.

Stephen Stuart: Your letter of resignation indicated that you were going to be starting there at least your letter didn't indicate that, your employment there in Macedonia. I believe you begin March 30, is that accurate?

Anna Musson: Yes.

Stephen Stuart: And your letter of resignation to, indicated that it would be possible, a tentative date would be June 1 depending upon when the audit was submitted to the State, is that accurate?

Anna Musson: And the reason being for that is because the city of Ashland, it will give the Council plenty of notice to find a capable replacement because this is a very critical position for the City of Ashland and also we are in the middle of an audit and I have already talked to the Auditors on the gap side which basically is compiling the cash financial statements so we can complete the Cafr. I have been in discussion this morning with the actual auditors who

will be performing the audit, so my last official act in this office will be completing the 2008 audit. So we are working on a timetable. If the audit is done and completed before that, that will be my date of resignation.

Stephen Stuart: But whatever that period of time is whether it is one month or six weeks or two months, you will be doing two full-time positions?

Anna Musson: Yes that is correct.

Stephen Stuart: How do you do that?

Anna Musson: I have it all scheduled and planned.

Stephen Stuart: In other words we can count on you being here in that time at least a 40-hour week?

Anna Musson: I will be following the City of Ashland's law and the State of Ohio laws in the amount of time required for this position.

Stephen Stuart: Now what does that mean? What does that mean for you.

Anna Musson: Elected officials are not required to be in the office 40 hours a week.

Stephen Stuart: Okay, in other words, we might not have your services?

Anna Musson: I will be available 24/7 to all members of Council and to every member of the public.

Stephen Stuart: Who is going to be doing the day-to-day work of the Finance Director?

Anna Musson: I will be overseeing it just how I have overseen it by vacation, or out of the office time. And I will be working evenings and weekends and multiple hours, yes.

Stephen Stuart: That is interesting that you can assume two full-time positions concurrently.

Paul Wertz: Is that all you have Steve?

Ward 2: Bob Valentine

- (a) Tuesday I called Engineering Department. Somebody called me about the Mifflin Ave. and Rt 42 light. And I called and talked to Laura and I think she called Jerry. The next day the guy said it was fixed. And the guy called me back and I wanted to thank him very much. Appreciate it how fast you guys acted.

Ward1: Bob Valentine:

- (a) No report.

Ward 3 Ruth Detrow

- (a) The only thing is, Monday I took my trash out and I didn't expect to see everybody else have there's out and be all ready for this new schedule, and they were. How has it gone?

Jerry Mack: Fairly well. I can't tell you how many calls we tried to keep track of them today. But I'll bet you at least 300 calls yesterday.

Ruth Detrow: For people that trash was left?

Jerry Mack: A lot of people claim they never got the letter.

Mayor Stewart: But they go a Water bill didn't they?

Jerry Mack: Well this was a separate letter. I don't know where we went wrong, but.

Ruth Detrow: Well in my neighborhood it went like clock work.

Jerry Mack: We had a very good day. I don't think we had the trash that we have been because a lot of people still don't know. I feel we got probably a good month of getting this going. But once it gets going, I think it is going to work great. And we are working Commercial things. When everybody gets this letter, it will get better. You must have got your letter.

Ruth Detrow: Oh yes, I got it. I did and everybody I talked to did.

Robert M. Valentine W2: I brought mine with me.

Jerry Mack: It might be a case of landlord issues where maybe they aren't getting distributed.

Ruth Detrow: I think everybody on Jacob Street where I put mine out did.

Robert L. Valentine W1: How is the recycling going Jerry?

Jerry Mack: Fine.

Robert L. Valentine W1: I didn't notice anyone but one person on our street putting it out. I kind of like it myself

Mayor Stewart: There may have been an inordinate amount of recycling taken out to the containers that Hawkins area out there. I was out there yesterday, and it was a disaster. I called Dan Scott and in a couple of hours it was all cleaned up but all of the hoppers were full. As you drive in from Mifflin Avenue there are four hoppers and they were all chucked full, it was a mess all over the grounds. I don't know if people decided they weren't going to get recycling picked up or what. I just have not seen it like that before. But they took care of it immediately.

Robert L. Valentine W1: They have been having some trouble out there with that thing anyway.

Mayor Stewart: They took care of that laying on the ground and there was a lot of it.

Robert L. Valentine W1: I thought maybe it was garbage instead of recycling.

Ruth Detrow: It was a good day to start spring-cleaning too. That is all I have.

Ward 4/President: Paul Wertz

(a) No report.

Old Business:

Robert L. Valentine W1:

- (a) I don't know if it is Old Business but I was going to talk about trash pick-up but you had answered that Jerry.
- (b) Morgan Ave., I appreciate the signs that every one posted. You can't miss it and I think that is very good because if we forget you can see all those signs everywhere you go. A lot of people are using Samaritan. I appreciate what you did and I think that was plenty of notice for the people of Ashland to see. It is like everything else, we are creatures of habit, and I don't think we realized how much Morgan was used. It is just busy all the time.

Larry Paxton: Thank you. I would like to thank Mr. Mack and his department for putting most of the signs out there.

Robert M. Valentine W2: Larry did the pretty maps.

New Business:

Jerry Mack: We had a Cobrahead light in C-Lot go bad and it took all the electric and everything out of it. We got everything fixed up but I had an offer from a company to try an LED light and we did stick one up. The Cobrahead is fixable but they had a 60 day offer for this LED light and if you get an opportunity go down to C-Lot and there is a Cobrahead on this side and a new LAD and see what you think of it. Those are 250-WATT lights and that light pulls, I believe it is 107 WATTS. So it is about a 60% savings. The light is white light rather than yellow. It is not as bright on the ground but it seems to illuminate out a little bit more. But if you get an opportunity, C-Lot is down between 2nd and 3rd right off of Union Street, but it is so nice because there is a Cobrahead on one side and LED on the other. We have a 60-day free trial on it.

Robert M. Valentine W2: Nothing is free Jerry, nothing is free.

Jerry Mack: It is just something to look at. LED 's are kind of the wave of the future and it is quite a cost saver. We use a lot of them in traffic lights. Just take a look.

Anna Musson: To the citizens of Ashland Ohio, I would like to give recognition. The City of Ashland has received its first ever Certificate of Achievement of Excellence of Financial Reporting from the National Association from the Government Finance Officers Association out of Chicago Illinois. When I first came to the City of Ashland in November 2001, when Nancy Boyd hired me, basically to be Assistant, it could be an impossible task. From a lot of training and conferences and hard work and dedications from the Employees of the Finance Staff, we took this task head on in 2006 and also with the assistance of Ashland University and their interns, we have now accomplished in the most prestigious award in the United States. And on another note, I want to let the citizens of Ashland know that it has been a great honor and a privilege to serve you. Thank you.

Mayor Stewart: Thank you Anna, I appreciate that very much. That is a very distinguished honor as I understand it.

Mayors Comments:

- (a) I feel it appropriate that to read the Letter of Resignation that I and all of you and the Law Director received for Mrs. Musson. It is addressed to the honorable citizens of Ashland Ohio, 206 Claremont Avenue, Ashland, Ohio 44805. RE: Resignation of Anna M. Musson, effective at the completion of the 2008 Annual Audit, approximate date of June 1, 2009. It is with complete regret that I must inform you that I am officially tendering my resignation as the elected Finance Director and Public Record for the City of Ashland Ohio. My Resignation is effective upon the completion of the 2008 annual audit and its submission to the State of Ohio, Auditor's office, anticipated date is June 1, 2009. I have been deeply honored to be a Public servant of the City of Ashland since November of 2001. I would like to recognize Mrs. Nancy Boyd for I will always treasure the opportunity she provided for me at the City of Ashland. I have truly enjoyed serving the citizens of Ashland. If I can be of any assistance during this transition, I will make myself available. Respectfully Anna Marie Musson, Finance Director. Written below that and I have copied it. The above resignation has been received and accepted by the Mayor Glen Stewart, March 16, 2009 and witnessed by the Stephen L. Stuart, same date. I felt it appropriate to read that and whatever action Council may choose to take, so be it.

Move to accept the Resignation of Anna Musson by Robert L. Valentine W1, seconded by Ruth Detrow.

Ayes: Stephen Stuart, Robert L Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz

Mayor Stewart: After we get through and prior to adjournment, I have another statement to make.

Comments of questions from the Audience: Items that are not included on the Agenda.

Mary Pheneger, Family Pools and Spas: This question is in regard to the Ordinance that was adopted on 11/18/2008. Ordinance number 68-08. We have had correspondence with the Law Director and some questions. We were not involved in any of the Council meetings that were involved 6/18/ and 9/25/2008. We are familiar with Ordinances on fencing requirements because of having a store in Wooster involving Wayne County, Richland County. So we are familiar with dealing with fencing regulations. Though we feel there is some questions and maybe some definitions in the Ordinance that have been adopted unbeknownst to us. We heard about it on the radio.

Paul Wertz: Rick is not available tonight. He is out of town. But he said this basically is the same thing Wooster has.

Mary Pheneger: He said also to us that it involved in ground pools only. I have a list of some questions regarding each of the sections which I can leave with you and you can look over them and then get them back to us.

Stephen Stuart: Yes it is in ground.

Mary Pheneger: The first section says wading pools and the interpretation of that to us would be an above ground pool. And we just need to know that for future sales, obviously in an economy where we have to have customers know.

Paul Wertz: The key to it is three feet. If you read into it. If they are three feet deep or more, then they have to have fences.

Mary Pheneger: The deep as in going from ground level down or are you talking about up?

Robert M. Valentine W2: The water itself.

Paul Wertz: The depth of the water itself.

Mary Pheneger: So somebody who buys an above ground pool from us, I need to tell them they need to have a fence around their pools?

Stephen Stuart: No. It is for in ground swimming pools.

Mary Pheneger: But the word "Wading Pool" is a misrepresentation because that would be an above ground.

Robert M. Valentine W2: You are reading something else into it.

Paul Wertz: Section A.

Roger Gordon: It is pretty specific as to the fact that it is in ground. I have had the same conversation with Rick and he re-confirmed that me that it is in ground. Wading pool actually could be an in ground.

Stephen Stuart: If the Wading Pool were capable; if it were in ground and capable of containing three feet or more of water depth.

Mary Pheneger: We just needed to be sure obviously when we are having customers coming wanting to buy a pool.

Roger Gordon: I would be glad to take their questions and enter into a conversation with Rick.

Paul Wertz: If the words need changed we can change it.

Mary Pheneger: There are other things that we have involving other safety. I brought a brochure on to show consideration; Richland County accepts that as safe protection for pool and fence; Wayne County does not. There are just some different things that we were wanting to be clarified by people coming again to us looking for a pool.

Paul Wertz: The best thing would be to give the questions to Roger and let him show Rick.

Mary Pheneger: That would be fine. Because Rick, in his comments said Council made the decisions being that we weren't involved we just want to make sure we are in interpretation correctly.

Paul Wertz: The main thing is safety. The reason we passed it was for safety.

Steve Uhler: What about the May 1st deadline? Here we are end of March and this is not resolved at this point.

Stephen Stuart: Well it is resolved.

Paul Wertz: It is an Ordinance.

Ruth Detrow: It is just the understanding by you

Steve Uhler: A three foot vessel of water, what about fishponds in the back yard? If a fishpond is three-foot deep holding water, does that fall into the same classification?

Paul Wertz: Swimming Pool, fences. That is the category.

Steve Uhler: Wooster and Wayne County both have fencing ordinances. Medina has fencing Ordinances. They all have countywide zoning and building permits that we have to take permits out to put a pool in those areas. Is the City of Ashland going to make a permit that we have to have to put a pool in so they can track these installations and so forth? Or how is this going to be enforced?

Mayor Stewart: Roger, does a pool require a building permit?

Roger Gordon: No. Rick and I discussed that and that was one of the things that they didn't want to include in this Ordinance and I actually have checked with some of the surrounding areas, some of them do. Norwalk goes so far as they require three permits for just a pool. That was not the intent of this Ordinance. The intent was the fencing was the safety issue and that is really what Council is looking for.

Steve Uhler: Well Montgomery Township requires a Building permit.

Robert M. Valentine W2: We are not trying to up the cost of stuff.

Steve Uhler: Well, you know you say it is a safety issue, but I checked with Samaritan; they have had one drowning in 2005, going back ten years. I talked with Chief Burgess, and the Chief told me he went back ten years and they have not had a squad run for either a drowning or near drowning or even a diving board or slide incident inside the city.

Paul Wertz: But would you feel comfortable with a swimming pool in your backyard with no fence around it?

Mary Pheneger: We take a stand for a fence. We don't have a problem with a fence. We feel there are some specifics that need to be worked out regarding it. We are celebrating our 34th anniversary this season. We are not opposed to a fencing Ordinance by any means. There are just certain things in it that we just need to be sure.

Paul Wertz: The best thing to do is to give the questions that you have to Roger and if he cannot answer them, have Rick and him get together and back with us.

Robert M. Valentine W2: On the fence deal, Steve, facts are facts; if one person drowns, it is too many. I have granddaughters running around.

Steve Uhler: So teaching the kids too.

Stephen Stuart: Sure, and you would recommend to someone who you would sell a pool to, an in ground pool.

Steve Uhler: But the other question is on the fence; does the entire backyard have to be fenced in? Or does the fence have to be on four sides of the pool to limit access from higher pool if you are using one side of the house for a barricade to the pool, it is not stipulated in this Ordinance. Does it have to have a fence around four sides of the pool limiting total access or is the house as a barricade enough?

Robert M. Valentine W2: Yes, I would say the house is a barricade.

Roger Gordon: I think Rick will address that. It needs, your entry to the house itself is a total entry, so if a guest or someone invited to the house, the potential is not to disallow them entry to the pool. So if the homeowner feels that is an adequate situation, then where Rick stands, that is accurate. If you guys have the time and Council doesn't mind I will just entertain these people and we will have a discussion.

Comments or questions?

Mayor Stewart: I am going to request that the Council Adjourn to an Executive Session to consider the employment and/or dismissal of a Public Employee.

Move to Executive Session by Robert L. Valentine, seconded by Robert M. Valentine W2

Ayes: Stephen Stuart, Robert L. Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz.

There will be no action taken.

Adjourned to Executive Session at 7:50 p.m.

Move to return to Regular Session by Ruth Detrow, seconded by Robert M. Valentine W2.

Ayes: Stephen Stuart, Robert L. Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz.

Motion to adjourn meeting by Paul Wertz, moved by Robert M. Valentine W2, seconded by Robert L. Valentine W1.

Ayes: Stephen Stuart, Robert L. Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz.

ADJOURNMENT AT 9:00 P.M.

Submitted by
Valarie Bishoff
Clerk of Council