
Ashland City Council

MINUTES FOR THE REGULAR SESSION OF COUNCIL May 5, 2009

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

ROLL CALL

Ward 3:	Ruth Detrow	Present
Ward 4/President:	Paul Wertz	Present
At-large:	Stephen Stuart	Present
Ward 1:	Robert L. Valentine	Present
Ward 2:	Robert M. Valentine	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: 4/21/09 Regular Session

There are corrections to the minutes on page 3 and page 10. They have been corrected and new copies sent out.

Mayor Stewart: I would ask if two corrections have been made or not. One was on page 3, Larry Paxton, acting City Engineer; that is Acting Director of Engineering. Significant difference because of issues that come up with that title.

Stephen Stuart: That has been changed.

Paul Wertz: So has the other correction, it has been made also.

*Moved by Robert L. Valentine W1 and seconded by Stephen Stuart to accept corrections to the Minutes.
Ayes: Ruth Detrow, Paul Wertz, Stephen Stuart, Robert L. Valentine, Robert M. Valentine*

LEGISLATION:

Ordinances:

Ord. No. 35-09

Item (a) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT FOR THE PURCHASE OF EQUIPMENT FOR THE DIVISION OF FIRE OF THE CITY OF ASHLAND, OHIO; OBVIATING FORMAL ADVERTISING AND BIDDING; AND DECLARING AN EMERGENCY.

Moved for non-reading in full by Ruth Detrow, 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: Ruth Detrow, Paul Wertz, Steve Stuart, Robert L. Valentine W1, Robert M. Valentine W2

Mark Burgess, Fire Chief: This Ordinance will allow us to purchase life pack 12 monitors. We currently have 4 that are over 9 years old. We want to replace 2 of them to help bring us up into technology. Several things will happen with the new monitors. One of them is that we will be able to send telemetry to the hospital and that is important for STEMI alerts; That is an ST elevated MI. Heart attack Studies have shown that if we can introduce clot busters into the blood stream, you save the myocardium and reduce the injury and it has better outcomes with patients. The studies have shown that if we can do that and limit the time and keep it under 90 minutes, the outcomes are better. The new monitors have a better technology that allows trending that we can see fractions of mm of change in ST segment elevation and we work with the hospital closely that we can make that happen. Also Capnography is part of it which is part of when we intubate a patient, put a tube into the patient's lung to breathe for them, capnography helps us allow or to determine that it is correctly positioned. We listen for breath sounds now and this is another way to make sure that we have a patent airway. It has external pacing and it also has pulse oximetry with it. As I said, it allows for telemetry and it is part of what we need to do to improve patient's outcomes. It is on State bid and our goal is to replace these two this year and then next year replace the other two.

Mayor Stewart: Do you want to speak to the funding?

Mark Burgess: The funding comes out of the 222 account. This is a new account that was established this year. Previously our capital money or capital expenditures would come out of the 405 account and then we had a little bit of it in our operations account. This was a change that we made to help the General fund. The 222 money is the contract money from the townships. It is part of our vehicle replacement program and capital line. We have the program worked out so that we can continue to fund the capital equipment. This particular line item can continue to purchase our vehicles and reduce our debt and keep that cycle going. It is a little off track right now due to funding issues but it is pretty much a good program. It started in 1994 with Council's approval and we hope to continue it. We are marching it out now until, I think our next big purchase is 2016. And we have it marched out even beyond that so to work out our debt. So it is all part of a package that we have.

Robert L. Valentine W1: You said that it saves us money, otherwise in the past then if we would purchase something like this; it would come out of the General fund, is that what you are saying?

Mark Burgess: It would come out of the 405 account. I would come before Council and we would ask that it comes out of the Capital improvement fund.

Robert L. Valentine W1: Now it comes out of, what?

Mark Burgess: The 222 account which is the Fire Dept's contract money.

Mark Burgess: It had just been used for vehicle replacement.

Ruth Detrow: I was really kind of shocked when I looked at the amount but it sounds as though this is something that we have so many uses and wouldn't you probably be using it once or twice a week, at least?

Mark Burgess: We perform cardiac monitoring between 750 and 800 times/year.

Ruth Detrow: So it is a couple of times a day on an average?

Mark Burgess: Yes.

Ruth Detrow: Which is good because if it isn't, they are expensive pieces of equipment.

Mark Burgess: They are expensive. This is really a good price. Physio control, Medtronic ran into some problems with the FDA last year and as part of their pennants, they had to make their State Bid Price a lot better. Usually they are around \$20,000 dollars apiece and State Bid price is down to \$16,000.

Robert L. Valentine W1: I am glad to see something is down.

Mayor Stewart: Chief, I want to give you the opportunity to share with council and others the survival rates that some of your people have shared with you.

Mark Burgess: I would be glad to. We have been working diligently to help people learn CPR in the community. It makes a safer community and last year we trained over 750 people in CPR. Our CPR's that we go out on, we had 52% of them had bystander CPR there and that is just phenomenal across the country. That is way above average. The survival rate for CPR's nationally is 11% and right now ours is running 13%. That is part technology, part training. It is part of a team effort working together with the community, the hospital and everybody that we can have good success rate and patient outcomes.

Mayor Stewart: Thank you Mark.

Stephen Stuart: I think you can be commended on this recommendation. It is very important to anyone who is provided this service and you did a nice job this last week on the Radio program too.

Questions or comments?

Motion to pass Ordinance on the first Reading by Paul Wertz, moved by Robert M. Valentine W2, seconded Robert L. Valentine W1.

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

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

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

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

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

Ord. No. 36-09

Item (b) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT FOR THE PURCHASE OF EQUIPMENT FOR THE CITY SERVICES DIVISION OF ASHLAND, OHIO, OBTAINING FORMAL ADVERTISING AND BIDDING; AND DECLARING AN EMERGENCY.

Moved for non-reading in full by Ruth Detrow, 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: Ruth Detrow, Paul Wertz, Steve Stuart, Robert L. Valentine W1, Robert M. Valentine W2.

Jerry Mack, City Services: This Ordinance if passed will allow the City Services division to purchase a new International Cab and Chassis to be equipped with Salt and plow equipment. I passed out a couple of sheets before the meeting. One is on plow replacement schedule. When you figure 15 years and then we need to start looking into replacement off of a truck. After 10, we normally move it to a back up situation. Normally when we are salting, we use 6 trucks. The city is divided into 6 sections and we run 6 trucks then when we plow, we add 2 more trucks to it. The trucks when they come out of the main line go into a plowing service and if we need a back up we have plow back up salt equipment. Some of the trucks, I have got a 1990, 1994, 1992; those trucks are still operating. Are they junk? They are getting pretty rusty. Especially the 1990; it is Hydraulic brake truck. When we are using Hydraulic brakes, you are always taking that chance of going out and goes to the floor because of rust, the fittings gone. Sometimes it looks like we have a pretty good size fleet but 8 trucks is what it takes to do an adequate plowing job in the city. We could use more even in that. But we get along fairly well with two crews of four with remaining plowing and then 6 are used for salting. One thing with the first 4 trucks, it says SS. In 2001 we bought our first truck with a stainless steel bed. This is going to help. We may be able to look at extending the life of the trucks a little bit more. Normally during the course of the life of the truck, it is a regular steel bed. You won't have to put a bed on it. They won't go with the salt that whole time. The 2001, the stainless looks pretty darn good on it. It is not really rusty. It does have steal components that we have replaced on the spreader section but the bed and frame, when they stop of the day, do a good job of cleaning. We may be able to see, maybe spread this out for four years before we look at replacing the truck. That will give me a real good 5 stainless steal trucks setting in a real good fleet of equipment. Where do we get the red out? It is a toss up. I got several trucks as you can see; I have got a 2002 still running in my main plate. That one will definitely move to a back up role. When you are looking at out in the middle of Winter salting and plowing, whatever, if you don't have a back up truck you can really be in trouble. And we do have, you can see the oldest one in the fleet is an 83 Ford. The truck is pretty good because it was taken good care of and we made it into a dump truck. But it has no salt equipment on it. We just plow with it. But that makes an excellent vehicle when we need, say one of them has a problem, and it does happen, we can blow an air line, a brake line. We just jump in that and keep going. But it is not bad to have a truck as back up. And this fleet in the summer time is not only used by the city services, if somebody else needs a truck, well they have trucks to use. As a matter of fact I believe the water department is using one right now. Once we get the truck, then the bed and equipment is also under state bid. I don't have a firm price on that. It looks like possibly around \$60,000 state bid to equipment with a bed, stainless steal, stainless steal spreader; stainless steel plow and hydraulics. That also includes a spreader control which turns on and shuts off automatically when you pull up to a stop. It is not the most elaborate, but it does a good job. If passed, we will sure try and get some good service out of the new truck. And the Ordinance says 2009 by the time it is sent, it might be a 2010. But the price will be the same.

Stephen Stuart: I was going to ask a question. The chassis has not been built yet?

Jerry Mack: No.

Stephen Stuart: Well that gives you some time to go through then and have another ordinance for the body and the equipment.

Jerry Mack: We have a pretty good justification that we have stayed with that works fairly well. It goes right in line with ODOT. This truck is an ODOT Spec Truck. Safe, they have done the legwork for us. Proper size tires so there are no issues.

Stephen Stuart: What is the issue with the transmission on the 1990?

Jerry Mack: That truck years ago back in 1999 was ordered as seven speed Spicer, and that is not real conducive to operations for snowing and plowing. You have enough to do with running the bed, running the salt spreader and everything else without shifting gears. All of our trucks are automatic now. I had quite a time for a while. Truck drivers don't think they are truck drivers unless they push a clutch. When we went to automatics, there was a lot of screaming and hollering, but once they drove them, they don't want anything else now.

Robert L. Valentine W1: Jerry, what account is this? This is 20210155002.

Jerry Mack: Yes that is the Street Division or the City Services Division account for new equipment.

Paul Wertz: Anymore questions or discussion?

Motion to pass Ordinance on the first Reading by Robert L. Valentine W1, seconded by Robert M. Valentine W2.

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

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

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

Move the Ordinance be passed by Paul Wertz, seconded by Stephen Stuart.

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

Ord. No. 37-09

Item (c) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT WITH LANCE, INC., ESTABLISHING A FINANCIAL INCENTIVE PROGRAM.

Moved 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: Ruth Detrow, Paul Wertz, Steve Stuart, Robert L. Valentine W1, Robert M. Valentine W2

Mayor Stewart: This is an Ordinance that based on the State employment incentive tax credit to Lance based on employment, the State has given them a credit every year. We are not very familiar with this in that many of the tax credits that come from the state and we are obligated to participate in come from an infrastructure improvement or something that we have done to bring a new firm or relocating firm back into the city. In the case of the Lance situation, they basically and this is terribly oversimplified but they had to open the door and go back into business. So there were no infrastructure requirements or whatever. The state requires that the city's that where these companies reside participate up to 20% to what they are going to give the company back each year in a tax credit. This is based on 300 employees would be the maximum amount. That employee census is at the last business day of the year. So if Lance for instance in 2010 would have 300 employees in the last business day of the year, the state would write them a check for about \$75,000. Evan, between 72,000 and 75,000?

Evan Scurti: Yes.

Mayor Stewart: Then we would write them a check for 14,166.00 dollars as our participation in the employment credits that has been worked out. Now if they only have 150 people on the rolls, then that number is going to come down about half. It is a requirement that we are not terribly familiar with but it is one of the costs to the city that, to be very honest, it caught me by surprise but it is because we have not encountered that in my short term as Mayor. Evan, have I missed anything in this?

Paul Wertz: It is only for 6 years, right?

Mayor Stewart: Yes.

Robert L. Valentine W1: So, does this mean Mayor, that we are just receiving less, that's all? Is that what we are saying?

Mayor Stewart: No we will be writing them a check.

Robert L. Valentine W1: Well for money that we have received, right?

Mayor Stewart: Well, no. The money they get, they get a credit from the state.

Robert M. Valentine W2: We are matching 20%.

Mayor Stewart: We are matching 20% of what the state is giving them. It is a line item in the budget. It may not or probably won't hit that 14,000.00 dollars; I hope it does quite frankly. There are 300 people working out there.

Robert L. Valentine W1: Do we have any idea, or maybe we don't. Do we have any idea of how many employees we have now?

Mayor Stewart: Yes, they are right at 130. They had identified 16 former employees and some others that they were talking to a couple of weeks ago and I think at that point they were at less than 120. So they are pushing 1/3 here. I would want that number verified with them but that is my estimate, where I am at on it.

Questions or discussion?

Ruth Detrow: Yes, I need a little more clarification. I am looking again at section 2 of the Ordinance. It says that the local match won't exceed 14,166.00 dollars per year. So we won't pay more than that any separate year?

Mayor Stewart: In any given year, if they would go to 400, that's why our agreement with them, and with the state was written to max out at 14,166.00.

Evan Scurti: Right. The state tax credits don't max out. It is a performance-based incentive. As they keep creating employees, if they go up to 1,000 employees, the state will still crunch numbers in their system and give them tax credits that comes out of the 1,000 employees. In my discussion with the state, we hope they grow with 1,000 employees, but we needed to cap ours and they have committed to creating 300 jobs in this tax credit agreement with the State. So I said well then we will cap our contribution at 300. But if they don't bring them back, as the Mayor explained it, if they have 200 employees next year, we provide 20% match for those tax credits. As he was explaining, historically, this program was very easily, not easy, but a lot easier for communities to comply with because they did it through tax abatement. We have projects like this al-

ways involved typically in to new construction facilities; for instance the Barbasol plant. We are going through the final stages of this same tax credit. We talked to the State, wrote them a letter, talked to one of them about the Tax abatement approval that you all passed and that satisfies the local. The abatement far exceeds the local requirement. The Lance project, there was no construction and in the past, we could have abated the ovens and the other personal property that they buying through the negotiated tax abatement on personal property. Personal property is no longer taxed. So we are stuck in this situation. Personally I think you are going to see a lot of communities having these in future situations like this. As the Mayor said it is money incentive to them. The goal would be in my mind to expanding the bakery; you could possibly negotiate incentive to tax abatement on that. So it is not cash out of the city budget.

Robert L. Valentine W1: Evan, I understand, the maximum we would pay was the figure that Ruth talked about, is that if they had 300 employees?

Evan Scurti: Right.

Robert L. Valentine W1: Since they have 130, it is a percentage of that?

Evan Scurti: Right. They won't give it a first time tax credit until; the first report to the state is due March 2010, so this Ordinance says the Mayor and city shall meet with Lance prior to May 1, 2010. If the employees' census at the end of 2009 is on for the present employees then your local match will probably be 6,000. We left it open and the city will need to do it. An incentive can be a training grant, infrastructure, sidewalk program those types of things.

Stephen Stuart: So Evan there would be nothing in fiscal year 2009?

Mayor Stewart: Correct.

Questions or discussion?

Move to pass Ordinance on the first Reading by Ruth Detrow, seconded by Robert L. Valentine W1.

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

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

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

Move the Ordinance be passed by Stephen Stuart, seconded by Robert M. Valentine W2.

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

Mayor Stewart: I want to make one more comment. I think this is a tremendous investment for the city of Ashland with 130 jobs approximately already out there. This is a tremendous investment that we have made with the state and I don't like spending money but in this case it is money well spent.

Ord. No. 38-09

Item (d) AN ORDINANCE ACCEPTING THE REPLAT OF LOTS AND PARCELS IN SOUTH ASH LAND, IN THE CITY OF ASHLAND, OHIO, AS SHOWN ON THE ATTACHED PLAT; AND DECLARING AN EMERGENCY.

Moved for non-reading in full by Ruth Detrow, 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: Ruth Detrow, Paul Wertz, Steve Stuart, Robert L. Valentine W1, Robert M. Valentine W2

Rick Ewing, Representing Ashland University: What you have before you is a replat of a parcel of land that Ashland University currently owns. Over the past however many years we purchased roughly 24 different parcels that make up the site and out of really a convenience and bookkeeping issue we have taken this to the Planning Commission and it be divided, replatted into one parcel so any sort of legal description as to the properties, we will not begin identifying 24 individual parcels. I will note that our original request to the city Planning Commission was to put the entire property into one parcel; they had requested due to some variable zonings and so forth and some concerns from the neighborhood that we actually could do it in two separate parcels, what you have before you and again this was approved by the City Planning Commission and I believe for your approval as well. I would be happy to answer any questions on it.

Robert M. Valentine W2: I haven't had any calls lately. I had a lot before where people were concerned and I went up and walked the property with a few of them.

Rick Ewing: We have been working hard to communicate with the neighbors. I have met multiple times with the residents adjacent to the property to explain what we are doing. We have made some adjustments through the City Planning Commission to alleviate some concerns.

Robert L. Valentine W1: The question I have; I have read the paper with the article that was in it. I was trying to figure out the parking. I noticed also with the ball games, the possibility of closing Broad Street.

Rick Ewing: Simply restricting parking.

Robert L. Valentine W1: You were talking about maybe 1500 parking places.

Rick Ewing: Well basically with the occupancy of the stadium, which is about 5100 seats. Our average attendance at a game for the past three years have been around 3300 and due to the zoning in Ashland, it requires for Churches, places of assembly, theaters, athletic events, a 6-1 ratio a number of fans or seats in a facility to parking spaces. At 3300 that equates about 550 parking spaces we would need for the facility. We have adjacent to the facility on Broad Street a combination of several existing lots and a new lot we are developing 543 spaces to accommodate that anticipated attendance to the game. In addition to that we have lots across campus which theoretically we have over 1 thousand empty spaces on a Saturday. That would provide parking for a full capacity crowd if we would need to get to that level.

Robert L. Valentine W1: Samaritan, how many are in that big parking lot?

Rick Ewing: 629 spaces in Samaritan Lot.

Robert L. Valentine W1: Have they ever thought about bussing?

Rick Ewing: Basically what we intend to do on game days, the parking lots I mentioned on Broad Street typically there are students that live on those dorms that have parking permits for those areas. We did surveys and at any given Saturday in the fall we are looking at about 220 actual vehicles in all those lots. On Saturday, our procedure will be to relocate those vehicles basically forces students to relocate their vehicles to the Samaritan lot where we have plenty of ample room provide that parking adjacent to the facility. Again

full capacity we need to utilize most of the parking on campus and that will be all the way across the campus but our intent is to provide most of the parking, if not all the parking for an average game attendance right adjacent to the property.

Robert L. Valentine W1: I notice a lot of times on Saturdays off of Claremont, 75-90% of the cars that are parked there are gone.

Rick Ewing: That is the survey. We have surveyed all the lots on Saturday, determined how many vacant spaces there are and that has kind of given us the benchmark to determine how many we have available for a Saturday game. Yet a component in this is obviously a large number of those fans will be students who are already on campus who already have their cars somewhere so they are not bringing additional cars to the game.

Questions or discussion?

Move to pass Ordinance on the first Reading by Robert M. Valentine W2, seconded by Robert L. Valentine W1.

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

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

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

Move the Ordinance be passed by Stephen Stuart, seconded by Robert L. Valentine W1.

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

Resolutions:

Res. No. 8-09

Item (a) A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO FILE AN APPLICATION FOR AND ENTER INTO AN AGREEMENT WITH THE OFFICE OF THE OHIO ATTORNEY GENERAL, FOR THE PURPOSE OF ACQUIRING FUNDS THROUGH THE "SPECIAL OHIO DRUG USE PREVENTION GRANT" PROGRAM; AND DECLARING AN EMERGENCY.

Valarie Bishoff: Read Resolution in full.

Bill Miracle, Police Chief: First of all I have to apologize to Council for not getting this Resolution in earlier. It was an oversight on my part, it was prepared in plenty of time but not submitted in time. We have to vote on this tonight because there is a deadline for this submission of this Resolution. That is the reason she had to read this tonight. We were notified three or four weeks ago from Ohio Attorney General's Office that they have 2.2 million dollars sitting in a fund down there that they use to give their grants out on an early basis which we have obtained over several years. They want to distribute that 2.2 million throughout the state to programs and to agency's that are at risk through budget shortfalls, their D.A.R.E. program drug prevention efforts may be at risk. This will not only cover 50% of D.A.R.E officer's salary but also a portion of the resource officer's salary when he performs the duties as outlined in this Resolution. I misspoke to the Irv and the TG the other day. I told him around 24,000 dollars, that was the full amount of the salaries. So we can fund about 50% of that. So we are talking about 12-13,000 potentially we can receive through this grant. It will be used for salaries to offset some of it if we receive this grant. Any questions?

Questions or discussion?

Move to pass the Resolution on the first Reading by Robert M. Valentine W2, seconded by Robert L. Valentine W1.

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

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

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

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

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

WARD REPORTS:

At-Large: Stephen Stuart
No report

Ward 2: Robert M. Valentine

- (a) I had a couple of e-mails where two gentlemen were concerned about the recycling program.
- (b) I received a letter from a lady on Ridge Road today. She stated she was writing in response to the cut back in recycling. She is very concerned it is a step backwards for our environment. Will this not increase landfill fees? Are there any other cities near us that we could take our recycling to or join together with other communities for this earth saving project? And she says thanks for your time and consideration.

That seems to be the main theme because they want us to keep the fiber going but as far as I am concerned the fiber doesn't pay much.

Mayor Stewart: Let me, if I may, I would like to address that. The intent of the city of Ashland right now is to continue through this month with curb recycling as it is today. That is through the end of this month. The recycling center is committed to taking the recycled material, is that correct? Through the end of this month. Jerry has been in touch with other processes, not necessarily processors, but looking at processes that will allow the city of Ashland to continue recycling. One of the obstacles that we have run into and that the recycling center has run into; no one wants glass of any kind. They do not want to process glass. The recycling center has had trouble. They have traveled extensively with a load of glass only to find out that there was some "Contamination" in it and they couldn't dispose of it. Glass may be a problem for us. I am not ready to bow down on that. But we as a city don't want to give up the years of training and the training that is going on in the schools with our students. They naturally recycle today. A five or six year old after they have gone through kindergarten or school of any sort, they are learning to recycle. I don't know how we are going to handle it for sure. We were notified mid week last week that the recycling center was changing what they could handle because of costs. Let it be said we are going to continue through this month and hopefully have a resolution that will let us continue with some reasonable curbside recycling. I know that the recycling center said they want to take the fiber which is newspaper, cardboard and that sort of thing. We have not had any specific discussion with the recycling center on how we may go forward after this month ends. I think I copied for all of you the letter that I received from the recycling center. That is as much as we know right now. I don't disagree with your letter. I have had other letters sent to me and emails sent to me. I will also say that there are constituents out there that feel recycling costs more, fuel and other costs than it's worth. I am not the judge of that. There is such a history in the last few years that recycling I think; we will go forward with it if it is feasible for us without breaking the bank. There is cost to recycling.

Robert L. Valentine W1: That is one question I was going to ask. I have some comments to from my Ward. But that would cut our costs right? If we didn't recycle?

Mayor Stewart: No because then it goes to the landfill and we pay for it by the ton at the landfill.

Robert L. Valentine W1: Otherwise there will be no cost savings if this would happen?

Mayor Stewart: Today we pay the recycling center \$2400.00 dollars per month and you saw in the letter that there was an offer to reduce that. I don't know if we were to quit running our recycling trucks and how many do we have out there a day Jerry:

Jerry Mack: I run two trucks a day, 5 days a week for recycling.

Mayor Stewart: If those didn't run and we put everything in the landfill, I haven't costed that out. I really don't want to put it in a landfill.

Robert L. Valentine W1: I don't either. As a matter of fact I got a letter and I have had a lot of people and Paul probably has too and the situation we are in a couple of days a week, people commenting. It seems most of them I talked to did recycle and the comment I got was well we are just going to dump it in the trash. We aren't going to do it anymore. That is probably a reaction that takes place right away and that concerns because I think and I have mentioned this before and I think we have got a tremendous recycling program here and I hate to see it go by the wayside. I appreciate Jerry, you and any of those involved to try and see what we can do to save this program because I think it is a great program.

Ward 1: Robert L. Valentine
(a) See above

Ward 3: Ruth Detrow
(a) I need a word definition. What exactly is a buy-back system? We got a list.
(b) I have several concerns but haven't gone far enough to make an actual Ward report.

Valarie Bishoff: I made that list up for you as Council. A buy-back is for like Aluminum where you would get 30-35 cents per lb. Where other companies won't.

Ward 4/President: Paul Wertz
No report

OLD BUSINESS:

Robert L. Valentine W1: We got that list for sidewalk waivers and we have that. Are we kind of on a hold pattern now or what?

Mayor Stewart: I do not know of sidewalk waivers that have expired that haven't been addressed. If there are, we have not taken a position of automatically renewing an expired waiver. The process is that the person if they choose not to put the sidewalk in, they need to come back to this Council and ask for an extension or renewal of the waiver or put the sidewalk in.

Robert L. Valentine W1: What about the people that are under the Ordinance that was passed as new developments come that they were supposed to put their sidewalks in and haven't done it.

Mayor Stewart: I don't know specifically whom you are speaking of. The area that I live in is fully sidewalked now. Foxborough came before that or Fox area Lane over there. Stoney Creek, they have sidewalks.

Robert L. Valentine W1: Well I am thinking businesses , Buehlers, Jakes.

Mayor Stewart: We need to look at the Waiver situation there. I know that some of the newer offices built out there, some put sidewalks in and then there is a gap and then there are more sidewalks. When I gave you the waivers to see if waivers had been granted or if they were granted and expired or if no action was taken by anyone and they just haven't put them in.

Robert L. Valentine W1: Well you want to get specifics, I try to generalize. The point is the area there seems to be an area where in some places that have not put them in and my understanding was when Jim was alive, letters were sent. Nothing ever happened.

Mayor Stewart: I will ask the Acting Director of Engineering to look into the history of letters sent, responses and where we are at on that.

Robert L. Valentine W1: I appreciate that. Thank you.

Larry Paxton: Mayor, I am sorry, I am a little confused. At the couple of Council meetings ago, you talked about sidewalks when Mr. Keefer's came up, the waiver we are going to go back on in the near future. I did ask Valarie to provide us with a list which she did that. Is there something else you would like us to do with that?

Mayor Stewart: There were letters sent out from the Engineering Department for some of the business area out on Sugarbush, it was sporadic input installation of sidewalks. I am of the opinion that Mr. Cooper; his office sent some letters out.

Robert M. Valentine W2: Olde Parsonage is what you are thinking of. We sent them letters telling them they had to put it in. And they just disregarded that and didn't put it in. I haven't seen it yet.

Valarie Bishoff: When I got that request for the sidewalk waivers, the history of it, when I handed it to Roger Gordon and Ann Hawley, I said would you be able to give me a list back of who you already contacted and who is taking care of it and I have not gotten that back yet.

Mayor Stewart: We will address that.

NEW BUSINESS:

(a) Sidewalk Waiver Request: Calvin Keefer, Corner Sunset & Southview. (Tabled from 4/7/09 RS)

Calvin Keefer: I would like to comment on the Waiver program. Because a lot of the waivers are probably ones I sent in. I have probably sent 12 in, in the last 7 or 8 years. Really because of the non-response has a lot to do with the kind of problem I am having with putting in a sidewalk now on Southview. I built two at Ellis, I built the last one on Edgehill last year. I put sidewalk waivers in and if Roger and Ann can remember the comment I had this spring when I got the waiver to the one I am building right now on Southview; I said whatever happened with them waivers. I never heard anything. They said well, they put them away. Roger came out and established a grade on this house. He established the grade going off of Sunset and that was a low lot if anybody is familiar with that lot. It is flooded all the time. So we established a 14-inch height on my floor. About 14 inches of fill in and built the house. Under the understanding that I wasn't going to worry about having to build a sidewalk to specs on that south side which would allow me no fall. Right now I have about 8 to 9 inches of fall from my house out to Southview and that is the side I think you guys are stating we should put a sidewalk on. If I do it to specs, I would have no fall from my house to the sidewalk because to be honest with you, we just assumed that we didn't hear back from the waivers we were just going to not worry about it. And then one of the other issues is that sidewalk that you see out there was built with a 60 foot right-of-way in mind. My house has a 50-foot right-of-way so there will be a five foot offset in the sidewalk because of the you know you cant build a sidewalk on my property, it has to be on the right-of-way, so there will be a five foot jog in that sidewalk and the other third issue that probably and that is why the whole intention was to get

Larry Paxton out there but, the first meeting I wasn't informed and I just happened to be at the house today and Roger and Ann was doing drywall inspection and I said hey what's up with the sidewalk thing, because I poured my driveway yesterday and they said well you are on the meeting tonight. Well it was my full intention to get him out there to go over some of these Engineering issues but the third issue is when then put the gas main back to that new development, it will be right under the sidewalk if I have to put a sidewalk in, with the five foot offset. I don't know if that would be a good thing if the gas company would like that or not. Have their main underneath the sidewalk but.

Mayor Stewart: That is not uncommon.

Calvin Keefer: With the lack of me not getting a response, me and Roger to be honest we met the grade from Sunset out. I have eight inches of fall now. It actually gets worse as you go west back towards that sidewalk. If you go out there and look the sidewalk is actually higher than their floor on that apartment, that first apartment. And that is what it would look like if I had to put a sidewalk to spec out there on that side. I kind of drew some things up here. A lot of people wouldn't understand what I drew up. I guess that is why I wanted to meet with him out there and go over it, some of the Engineering problems, but I didn't know about it until noon today.

Ruth Detrow: Would you clear up a couple of things for me Are you saying you and Roger just decided that you were going to ignore our Ordinance not saying you have to have a sidewalk?

Calvin Keefer: I am not saying that. I am saying I hadn't heard anything for the last three houses that I built. And I have asked. I have asked various times what is up with the sidewalk stuff. To be honest with you, I am not going to come in and beg you for me to put a sidewalk in. I already put a lot of money into fill to get that lot up to grade. And you can ask Ann what the lot is. She did the Sewer inspection last week and by the time she got there, I had five foot of water in the sewer ditch. By putting the sidewalk in, it is not going to be good for all the water on the footers and it there is just going to be a lot of things that could be a problem down the road. Most of my houses are on old lots. There is always something in the way. Like in front of Sunset, the fire hydrant was right where the sidewalk would be so the city would have to move this hydrant and then with the new grade, my neighbor's driveway is built with the old street. So my sidewalk would go out and drop seven inches into their driveway, you know at the property line. It would be just a drop. So, I mean there are some things, when you are building in an old neighborhood with the new specs; there are always a lot of engineering problems.

Mayor Stewart: Cal, I was of the opinion when this came up two weeks ago that the waiver was for the Sunset side and you were going to put the sidewalk in.

Calvin Keefer: It was for the whole lot.

Mayor Stewart: That is not the way it came across. I don't know about the Council.

Calvin Keefer: Well it says on there, what is the address of the house? I think I wrote in, there wasn't an address, but it does say corner lot, doesn't it? I had them look over it and said is this enough information? Because I filled that out in their office.

Robert L. Valentine W1: But with adjustments, the sidewalk could still be put in.

Calvin Keefer: Well, yes. If you would lower that sidewalk down to meet the grade of the road now, it could still be put in.

Robert L. Valentine W1: What kind of complications does that create though?

Calvin Keefer: Probably not too many other than, I don't know what they would do with the, there is a five foot offset. You are going to have a five-foot offset somewhere.

Paul Wertz: There are no curbs at all on Southview except in the new development correct?

Calvin Keefer: There will be a slope up, to be honest with you I didn't have it figured in the footer. About 12.00 dollars a foot. About 1200.00 – 1300.00 dollars to put that in.

Larry Paxton: I believe Mr. Keefer and my department may not have communicated completely as they should have. I was under the impression that you had been notified of the waiver. May I recommend that we put this on hold for a Council meeting so Mr. Keefer and I can meet and discuss the sidewalk situation and how we can best remedy that so that we can move forward?

Calvin Keefer: I have one request. If we can meet soon and maybe whatever your recommendation is, I am ready, two weeks I am going to have people in there. I would be willing to do whatever it is; the recommendation is, as long as you would agree to that.

Paul Wertz: Basically the way it is right now, we all agree that there should be sidewalks on the Southview side, not Sunset side.

Larry Paxton: That was my recommendation as well. That may be contrary to our Sidewalk program but it is an old neighborhood blending into a new neighborhood and the recommendation of a sidewalk on Southview was a compromise to get a new sidewalk in that area but not incorporate that into an older neighborhood that would have been exempted from Sidewalks initially, so. Yes, I would be more than happy to meet with Mr. Keefer and try to resolve that, per email send a letter back to you of our findings what we can come up with.

Calvin Keefer: So whatever he decides, I can go ahead and proceed?

Mayor Stewart: No, I don't think so.

Larry Paxton: My recommendation will go back to the Council.

Paul Wertz: It will be two weeks.

Calvin Keefer: And they will notify me? I would have been more prepared to be honest with you.

Mayor Stewart: That will be in two weeks, the 20th is that when it is? Two weeks from today.

Calvin Keefer: When Mr. Cooper was here, I met quite a few times on almost every property and went over the guide wires that were in telephone poles. I have property on the North end of town that is going to be a problem too. I will probably have to meet with you out there too.

Paul Wertz: We need a motion to Table this until May 19, 2009 meeting.

Motion to Table Sidewalk Waiver for Calvin Keefer until May 19th by Paul Wertz, moved by Robert M. Valentine W2, seconded by Stephen Stuart.

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

Mayor Stewart: I have another sidewalk waiver request that came in and it is being passed down. There should be several copies of it. This is relative to: The Planning Commission met last night and this issue of sidewalk and no sidewalk on Berry came up. Through cause, it is a decision, the point is, there will be or there won't be a sidewalk on Berry. That needs to come before Council. The other decision that were made relative to the sidewalk where it is a curb or not came before the Planning Commission last night. So this is just reaching your eyes tonight and the request is to have no sidewalk installation on Berry. In other words from Broad the sidewalk that goes up Broad up to Berry would terminate there and not go down Berry. That is the request, am I saying that correctly? That is how I read the request there.

Paul Wertz: That part of Berry doesn't have sidewalks anyway does it?

Rick Ewing: No. In fact most of Broad Street does not have sidewalks. We will be installing sidewalks all the way along Broad Street. Our request is a waiver for the sidewalk on Berry.

Robert M. Valentine W2: There shouldn't be anyone walking back there anyway.

Rick Ewing: Well, we would actually prefer to discourage there is no access to the site from that end of the site. We prefer to discourage that to get up into the residential area.

Robert L. Valentine W1: I don't want to get technical. This doesn't tie in with the Ordinance that we have passed.

Mayor Stewart: This is pre-existing to the 1987 or 1988. This Berry is far older than that.

Robert M. Valentine W2: So you do not need to put it in. If they are not there, then you do not need to put it in right?

Mayor Stewart: Well this is new construction and it would be intricate with the sidewalks that come up Broad. It would be similar to what Mr. Keefer just brought up. He is abutting a new. To keep it clean and get a confirmed direction. The University is asking for a, not a waiver, but to waive putting in sidewalks on Berry.

Robert M. Valentine W2: And did you talk to the people on Berry?

Rick Ewing: Yes, I mentioned we would want to do this and in fact there is a fence, we are fencing in the entire site for security.

Robert M. Valentine W2: Right, and they wanted to know what kind.

Rick Ewing: We could actually move that fence far back off of Berry back into existing trees and landscape so it doesn't look like an Army Base with the fence right along the street. So we are trying to maintain green space.

Robert M. Valentine W2: There will still be some trees?

Rick Ewing: Oh yes.

Mayor Stewart: I am sorry. I have to share with you something that I was just made aware of. Actually that is not pre-1988. It was replatted tonight. So it falls under post 1988. It is a new plat. We just replatted it half an hour ago. Now it does fall under and you need to act on it in that manner.

Larry Paxton: My recommendation was to grant the Waiver. It is a new plat. Waiver is for one year. If I am not mistaken that is the way it reads. It will give the University an opportunity to build this complex and then we can revisit it in that time frame to see whether sidewalks should be installed on not. But it does fall under.

Mayor Stewart: There are several actions available here. Request denied, complete waiver, sidewalk not required, temporary extension, sidewalk must be installed by, modify construction requirements, define requirements. There is nothing on this request that identifies a time frame. I don't know what, without a time frame, my presumption, I shouldn't be presuming.

Robert M. Valentine W2: Temporary extension.

Paul Wertz: On the other side of Berry, there are no sidewalks either, right?

Robert M. Valentine W2: No. It is not contiguous to the neighborhood, so why would you need it?

Robert L. Valentine W1: I guess the only question I would have is; it makes sense what this says. But does this create some type of situation in the future? That would be my only concern. Rick, does it?

Richard P. Wolfe II, Law Director: Every circumstance is unique. So I would not worry about that.

Ruth Detrow; Mr. Ewing, where along here is the entrance to the Athletic Complex?

Rick Ewing: There is only one entrance and that is the Broad Street, directly across from the parking lot or the upper Convocation.

Ruth Detrow: So on this, it would be where?

Rick Ewing: Down here at the end (pointing to it on the map). There is one main entrance into the entire complex. The rest of the complex is fenced with access gates for maintenance and so forth.

Ruth Detrow: Like across from Jefferson Street?

Rick Ewing: Yes, roughly across from Jefferson.

Ruth Detrow: The thing is, if I were going to a game, especially if I was a little bit late, I would buzz down there and I would park on Berry and I would tramp through the grass.

Rick Ewing: We have a fence to prohibit that. The entire site is fenced with one access point.

Ruth Detrow: I would walk out to Broad and I would go down your sidewalk but what I am trying to say, is it isn't going to be like it was when there were just homes along there. It is going to be people taking advantage of parking along that street and walking down to Broad and down to the entrance.

Rick Ewing: We are actually trying to discourage parking along that street. If there is; one of the things we talked about at the Planning Commission is during game days; there is posted parking permitted along Broad Street currently. We would bag those signs and prevent parking on Broad Street. If there is no parking on Berry, I would suggest an offer that we would do the same on Berry because again, we do not want to encourage parking or pedestrian access into that Residential area.

Anthony Watson, 1025 Elmarna: I have the same concerns as the Council on the parking. Are you saying there is going to be enough parking on campus for the activities towards this new complex?

Rick Ewing: Yes that is what we talked about last night.

Anthony Watson: Like Ruth, she is saying side streets are going to be off limits for parking? I live on Elmarna, we have Westfield straight up to Berry, and you have Laurel and you have Elmarna. So when you have all of these activities going, are you going to have enough parking to meet the needs of the people on campus for parking without using the side streets?

Rick Ewing: Yes, we have not considered side street parking or Broad Street parking in any of our meetings.

Anthony Watson: That is my concern. There are a lot of kids in that neighborhood that play in that neighborhood. I think it is a safety thing.

Rick Ewing: Yes, and that is what we are trying to do is to discourage access in parking in the area. It is my opinion, that putting in a sidewalk would encourage that.

Bill Miracle: If I could insert something in this conversation. The University does not have parking regulations within the city. The City has a set of Ordinances. On Street parking unless it is prohibited by signs or something else is a public situation and anybody can park anywhere where it is permitted to be parked. So it makes no difference unless the Council or we decide through looking at the situation to either bag those or post that no parking for that particular time period on those game days, then parking is allowed anywhere on any city street where it is not prohibited. Myself, I understand what you are saying, but that doesn't necessarily stop people who want to park off campus to go out in the neighborhood and park somewhere whether it is Elmarna or whether it is on Westview or anyplace in that neighborhood up there. So I don't think it is going to be a situation quite frankly that we are going to post every street for two blocks around the stadium, no parking on game days. I just don't think that is going to happen. It is going to be a situation and I know that is probably not what you want to hear. I don't know whether it is a safety issue or not. I am not prepared to say whether it is or isn't. But people park on the street and have parked in the street safely for a number of years. Now I agree there may be some parking; the traffic situation is going to change greatly up there on game days and I am not so sure we have an indication at this point in time what it may look like.

Paul Wertz: It may come to the point where we have to put no parking signs on Berry itself.

Bill Miracle: It may or may not. I am just saying we don't have a good idea of how it is going to work. But right now, I don't think it is going to be the situation of the Police Department of the City; that we are going to go throughout the neighborhood, it is for two or three blocks around the stadium, post everything no parking on the street. I don't think that is going to happen. It may change at some point in time. It is a dynamic situation; we are going to have to wait and see how it works out.

Mayor Stewart: I would put my two cents worth in here. I am personally not excited about a complete waiver, no sidewalk required; I would rather see an extension of at least one athletic season; whatever that may be; if you want to call it one calendar year from this fall or whatever and then come back and revisit the sidewalk need; it may prove not to; it would be a complete waste or it may prove that to keep people from parking up in the lawns, you might want a sidewalk.

Stephen Stuart: I think that is what Larry's recommendation was.

Paul Wertz: Do you want to make a motion?

Motion to recommend Waver for sidewalk on Berry for one (1) yea rand to review it at the 1st meeting in May, 2010 by Paul Wertz, moved by Stephen Stuart, seconded by Paul Wertz.

Nevin Bowers: You waive it for one year, are you talking about Broad Street and Berry?

Mayor Stewart: No. Specifically Berry.

Robert M. Valentine W2: That is what they asked for was Berry from Broad Street down.

Nevin Bowers: The plan is, as we understand it that sidewalks will be on Broad Street?

Rick Ewing: That is correct.

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

Mayor Stewart: We have another here under New Business. Mr. Paxton you requested to speak on the CDBG Block Grant?

Larry Paxton: At our last meeting, we had a Public Hearing on the Block Grant applications. We did receive some applications from non-profit organizations within our Community that service our low to moderate income citizens and in doing that unfortunately by the next Public Hearing, before we do that we have to advertise part of the CDBG

Block Grant program that we have to advertise in the newspaper what we are going to spend money on. To do that I need some input from you folks by Thursday of these nonprofit organizations down below that on the second page of which projects you may wish to fund. We can fund two projects out of these nonprofits. The proposal for the Block Grant goes at the top of the front page. We are going to replace and rehab another high service pump at the Water Treatment Plant. We will do some fair housing funding as well as some administration of the grant funding for 2009 Block grant program. So that will leave us about 13,000 dollars I believe that we can use for these nonprofit programs. So with that please look those over; these applications were due yesterday. We took them as of today even to get them ready for this evening's program. Please contact us by Thursday to see what we might want to fund.

Robert L. Valentine W1: Larry, you said 13,000, but it says on the first page 11,600.

Larry Paxton: That number changed, I am sorry. That number is \$11,600 dollars. I put this together real quick at 5:00 p.m. That number had changed. It could be all 11,600 of any one of the projects or it could be 10,000 of one organization and 1600.00 for another one.

Robert L. Valentine W1: You could pick or choose.

Larry Paxton: There are two additional projects requiring that.

Mayor Stewart: I am going to refer to my guy that keeps me out of Jail, most of the time, so far so good. A decision of this nature needs to be by vote and it is probably going to require a Special Meeting.

Larry Paxton: If you wish to proceed that way.

Mayor Stewart: I wish to proceed by the way I am directed by the Law Director and he suggests that it needs to be a vote in a Special Meeting to concur with the Thursday deadline.

Larry Paxton: The purpose for the Thursday deadline is we advertise what we are going to spend the money on before the Public Hearing and there is a 10-day deadline before that.

Stephen Stuart: Is there any reason why we cannot address it this evening?

Richard P. Wolfe II: No there is not.

Ellie Grubb: Larry, I wasn't aware that this was going to happen tonight and transit usually, we have gotten CDBG money.

Larry Paxton: In times past, you have, yes.

Ellie Grubb: I would like to get an application so that we can be included in the request. I didn't know.

Mayor Stewart: Well it was announced at the Hearing.

Robert M. Valentine W2: Wasn't it last year we gave the Dental Clinic money for landscaping?

Larry Paxton: Two years ago the Block Grant money went to the Dental Clinic; last year it went to the Council on Aging.

Paul Wertz: Do you want to set the meeting or do you want to try to do it tonight?

Mayor Stewart: You heard Ellie's request for the transit.

Paul Wertz: So we need the meeting on Thursday, May 7th at 3:30 p.m. in Council Chambers.

Mayor Stewart: If we have that Special Meeting on Thursday at 3:30, there will be a Resolution presented at the same time to except a generation fee proposal for FirstEnergy and I will explain it to and it has to be in on the 13th and so that will kill two birds with one stone. That is poor language to use Irv. I am not killing any birds. We will address two matters at the same time. Thank you Rick.

Paul Wertz: Special Meeting 3:30 on May 7th in Council Chambers for CDBG Block Grant and Resolution on First Energy.

Mayor Stewart: Number (d) Release of Easements; a request for the release of Easements on the plat that we just accepted and these easements amount to releasing the Easements on two Streets and a vacated alley. The Streets are vacated, the Alley has been vacated. Mr. Paxton, I have asked that the Engineering Department confirm that there are no utilities in the Vacated Alley or the two Streets that are functional and that there will be no future use, no need for future use there. Are you prepared to do that?

Larry Paxton: We did check our maps this afternoon. There is only a storm sewer that was on the vacated alley and it shows no record of where it went. It did not enter our systems. So, at this point, there are no waterlines or sewer lines in these right-of ways.

Mayor Stewart: There are?

Larry Paxton: There are not.

Mayor Stewart: And how about, is there any active gas, telephone or anything else in there?

Larry Paxton: At this point, from what we have confirmed with the construction on that site, there is no active gas or electric lines in those right-of ways.

Mayor Stewart: Did Rick Ewing leave?

Larry Paxton: Yes.

Mayor Stewart: I am going to read the letter that was sent to me.

- See letter from Patrick Ewing, AU

Mayor Stewart: I asked for the independent confirmation of that to our Engineering Department. I think you just heard that position on that. These letters actually came in on the 28th of April. I made the presumption, terribly, that they were Planning Commission issues of the release of the easements was not nor was the sidewalk on Berry so that is why they are being read tonight.

Richard P. Wolfe II, Law Director; You will need Legislation. You do that by Legislation. I already had a discussion with engineering this afternoon about it. If that is Council's desire, then we can have Legislation to accomplish that.

Mayor Stewart: Will you move forward with that Rick? So you are all aware, it will be coming out. Is that something we will want to be doing on Thursday also?

Richard P. Wolfe II: No. There are a lot of descriptions involved.

Stephen Stuart: Do we give Larry our preferences on this CDBG projects before Thursday?

Mayor Stewart: Fine with me. I think there may be another one added to it.

Paul Wertz: Transit. Ellie is going to put one in.

Mayors Comments:

(a) I want to share with all of you that; I have another document here; Our Income Tax figures for the year are down 10.4% from one (1) year ago. Now we did not budget for Income Tax to be at a level of last year. We actually budgeted for about 10% less than last year in that range. The trend that I see and that we see in the first four months is a pretty unhealthy trend to the point that I am concerned that we will actually meet or collect the \$7,500,000.00 at this point. The first three months we were on a trend that it was felt that if we were to average what was collected last year in the last nine months, less 10% we would be okay. But we are running very tight on that and to date we are 10.4% less than last year which is very close to what we budgeted but that does not generate any carryover so that is just a matter of information I share with you. We all know it is tight and we have to deal with it. As a matter of fact, the dollar change from a year ago from withholding is down 44,000 from business is down 67,000 and individuals is down 1,000. So that is for the month of April. For the dollar change for the year to date withholding is down 284, business is down 64 and individuals are up 6,000.

Robert L. Valentine W1: I have a figure. What did we collect last year in April, do you know?

Mayor Stewart: Yes we collected last year in April \$1,160,683.00.

Robert L. Valentine W1: This year we collected \$1, 050,000.00 so you are \$100,000.00 short. Of course that equals always is high simply because that is April 15th. Right?

Mayor Stewart: It is filing day, yes.

Robert L. Valentine W1: So we are 100,000 dollars less than what we were last year for this month?

Mayor Stewart: Yes. We are 100,000 dollars less. I had initially thought we were on a trend to be similar to last year but the final numbers I got today. It is dated 4/30/09. That is all I have.

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

None.

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

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

ADJOURNMENT AT 8:30 P.M.

Submitted by
Valarie Bishoff
Clerk of Council