
Ashland City Council

MINUTES FOR THE REGULAR SESSION OF COUNCIL
Tuesday, September 1, 2009 7:00 p.m.
Council Chambers

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/President:	Paul Wertz	Present

PLEDGE OF ALLEGIANCE

MINUTES:

- (a) Special Session 8/18/09
- (b) Executive Session 8/24/09

No corrections.

Move to accept the Minutes from Special Session 8/18/09 and Executive Session from 8/24/09 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

Legislation:

Ordinances:

Ord. No. Withdrawn (not ready yet)

Item (a) AN ORDINANCE CREATING ADDITIONAL APPROPRIATIONS AND TRANSFERS FOR THE FOLLOWING HEREINAFTER NAMED FUNDS FOR THE YEAR 2009 AND DECLARING THIS LEGISLATION TO BE AN EMERGENCY MEASURE NECESSARY TO MEET THE FINANCIAL NEEDS OF THE CITY OF ASHLAND, OHIO.

Mayor Stewart: It will be on for the September 15th meeting.

Ord. No. 67-09

Item (b) AN ORDINANCE AMENDING ORDINANCE NO. 66-07 RELATIVE TO THE NUMBERING OF THE CODIFIED ORDINANCE SECTION ENACTED THEREBY AND DECLARING AN EMERGENCY.

Move for non-reading in full by Robert M. Valentine W2, seconded by Ruth Detrow 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.

Richard P. Wolfe II, Law Director: It was brought to my attention that we already had an 03; there were two 03's, but we had two amendments to that Chapter; so there was an 03 and this one should have been 04. There is no change to the text; it is just the numbering.

Questions or discussion?

Move the Ordinance be passed on the first reading by Robert L. Valentine W1, 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 Ruth Detrow 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 that 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.

Ord. NO. 68-09

Item (c) AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A RENEWAL CONTRACT FOR PROPERTY INSURANCE COVERAGE; OBTAINING FORMAL ADVERTISING AND BIDDING; AND DECLARING AN EMERGENCY.

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

Mayor Stewart: This Ordinance allows us to renew a property insurance agreement. The contract is like less than \$100 dollars less than last year. So for all practical purposes it is the same. Last years policy had five items on it. This years has four. The actual 4th in the series of five was moved into the top line of the current of the new policy. Same coverage; it caused that line to go up a little bit. But the overall is down a bit.

Questions or discussion?

Move the Ordinance be passed on the first reading 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.

Move to suspend the rules, 3 separate meetings, 3 separate nights, 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: Stephen Stuart, Robert L. Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz.

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

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

Resolutions:

Res. No. 14-09

Item (a) A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO FILE AN APPLICATION TO THE OHIO DEPARTMENT OF COMMERCE, DIVISION OF LIQUOR CONTROL, FOR A D-1 ALCOHOLIC BEVERAGE PERMIT FOR BROOKSIDE GOLF COURSE 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 Resolution 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 is a Resolution that will allow the community; or the city to go forward with the application process to allow the sale of beer at the Brookside Golf Course. It could be a 12-14 process. Right Rick?

Richard P. Wolfe II: I don't know if it would be quite that long but I think they say, they estimate 8-10 weeks. I don't know how much of this years season. We will get the process going.

Mayor Stewart: This is one of the recommendations; if I am not mistaken that came out of the committee that studied the golf course and it put this in front of the body so whatever your pleasure is.

Questions or discussion?

Move the Resolution be passed on the first reading by Robert L. Valentine W1, 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 Stephen Stuart to invoke Section 113.01 of the Codified Ordinances as the distribution of this Resolution 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 that the Resolution 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

Richard P. Wolfe II: Just for your information, the application is ready to go pending this authorization and also there is no quota for public golf courses as far as that particular type of License. So with regards to some kind of licenses, there is always an issue whether there is one available; and that doesn't apply in this instance.

Res. No. 15-09

Item (b) A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR FY 2010 TRANSPORTATION GRANTS. THESE GRANTS MAY INCLUDE THE OHIO ELDERLY AND DISABLED TRANSIT FARE ASSISTANCE PROGRAM, AND THE DISCRETIONARY URBAN CAPITAL PROGRAM.

Move for non-reading in full by Robert L.. Valentine W1, seconded by Stephen Stuart to invoke Section 113.01 of the Codified Ordinances as the distribution of this Resolution 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.

Ellie Grubb: This Resolution is necessary to apply for Federal, State funds for running of the Ashland Public Transit system. The city's portion; the total grant operating cost for transit for next year is \$589,018.00. The city's portion that we have to guarantee is \$57,900.00. One of the helpful things is the fact that the Federal Government is again allowing for capitalized maintenance which is that stimulus money; and because that is such an expense for transit systems. The state tells me they have opted to do it again next year, so that is a significant help to our portion. Last year's portion was \$107, 000.00 which we had not had to pay yet but; and we will probably not use all of that up this year the way it is looking at the end of August. This also \$ 589,000 capital purchase which is to replace a modified van and that portion of the city's is 10% of the total cost, it will be about \$4,000.00 dollars. That is a part of the \$589,000 also. We do receive and have continued to receive \$26,000.00 from the state for elderly and disabled which helps subsidize the discounts that we give to that population. Are there any specific questions?

Robert L. Valentine W1: Just one question that I have. You mentioned the stimulus; now what part of this was the stimulus?

Ellie Grubb: Well, last year they came through; and that is revenue, so it is not an expense, it is a revenue. And it is \$39,250.00. Our amount is only for; I say capitalized maintenance, it means maintenance on capital purchases, which is on vehicles primarily. So that covers the cost for Jerry's; some of the cost for Jerry, it includes Jerry's labor, wages and benefits and it includes our overhead and it includes lube and fuel and parts and materials. I added all of that up and for 2010, it comes to \$ 111,000.00 dollars; however with the \$39,000.00 stimulus.

Robert L. Valentine W1: I haven't heard about Stimulus coming through, so I just thought.

Ellie Grubb: Well, that does remain to be seen; it is difficult to get your hands as far as to figure out where is this money, how is this going to come; it is going to come through the State. The one very significant thing; that stimulus money is Federal dollars. The State, as we all know has cut a lot of things. And one of the things that they are cutting is transportation. So I do not anticipate. They have always given last years amount from the State was \$64,000.00 and it is a formula that they use but if they don't have it, they don't have it. So they told me this year, in Columbus, not to anticipate it next year to be getting that much money from the state.

Robert L. Valentine W1: Well the Stimulus package I think is for two years; isn't that what it is? As far as I was to understand.

Mayor Stewart: No it is split up.

Robert L. Valentine W1: I am not talking about this specifically.

Mayor Stewart: Allocated over two years.

Stephen Stuart: How will we fund the city share of \$57,900.00?

Ellie Grubb: It actually comes out of the General Fund. But from last year, we had a carryover of \$80,000.00 dollars in transit. I just gave a carryover again this year. We received a Community Development Block money from the city; we also have revenues, contract revenues. We have to encumber that \$4500.00. That will probably be the max. That would be the city's portion, the 10%. I have to go and pull up the contract to see how much is still in cost. And then come up with the specs. Then you find out the total of the 10% of that is what the city. But it does come out of General Fund. Isn't that right? Yes.

Stephen Stuart: What account number in the General Fund?

Ellie Grubb: It has its own line; it would be 244 is the first three digits, and that is Transit account. But when you look at 1012901 in your; Bill has it in his book. I do not know the last five digits. But in General Fund it is 1012901.

Mayor Stewart: By formula for the year 2009; we were mandated \$107,000.00.

Ellie Grubb: We have guarantee or certify that we will have it available so we basically in our appropriations for 2009; we asked for that; however, to date, I checked on it and they have only drawn out \$49,000 dollars so far. So I am anticipating they are not going to be needing all of that. Because our revenues are up. Bill, did you find?

William E. Strine: Yes. 101-2901-58138. For this year we did appropriate \$107,669.00 dollars and we have spent \$53, 834.00. This is an updated report.

Mayor Stewart: Thank you Ellie, I appreciate that.

Questions or discussion?

Move the Resolution be passed on the first reading by Ruth Detrow, 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 to invoke Section 113.01 of the Codified Ordinances as the distribution of this Resolution 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 that the Resolution be passed 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

Res. No. 16-09

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

Move for non-reading in full by Ruth Detrow, seconded by Paul Wertz to invoke Section 113.01 of the Codified Ordinances as the distribution of this Resolution 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.

Shane Kremser: Let's have Larry Paxton explain some of this to you this evening; he was instrumental in putting this together.

Larry Paxton: Part of this application is the beginning process of the Ohio Public Works Commission application for us. The Wil Research Lift station was one of the applications that will be a replacement of that lift station with a new lift station suction pumps and back up generation power for that unit. The current unit pumps about 200 gals per minute and the new station will pump about 500 gals per minute. With the increase in development in that area, and there are some infiltration issues we have got going on out there, we needed to upgrade that lift station. The other one is the Luther Street Bridge. This is one of the

bridges that the city annually does inspect it. It has continuously dropped down in the rating scale; I believe it is rated as a five currently. It has some undermining of the water, the storm water flows through the bridge and it has undermined some of the foundation of the bridge. There are some cracks and seals we have to get taken care of. It is not a replacement, it is just a medical.

Shane Kremser: And we are going to need to address that part of the new ODOT requirements, the Federal requirements to continue getting funding for Federal projects. We have to do low reading for ODOT standards on our bridges if they are over 20 feet. We also have to check for scour issues which is what that is where it starts to scour and undermine the foundations. This is something that needs to be addressed so that we can pass those when they go out and do their inspections.

Larry Paxton: Another one of our applications is for you to put together a traffic signal replacement of the signals located at Miller Street and also at Claremont and Smith Road. We did this once before a couple of years ago. We put up a couple of traffic signals together designed it and got a little better price for the traffic signals for batching them together and creating a package deal.

Shane Kremser, City Engineer: And the Center Street Storm Sewer replacement project. And we coordinated with our street department and our storm sewer department and try to find; what are some issues with our storm sewer that needs the utmost priority and this one came to mind and it just so happens while we are out here assessing this; we had an issue with; if you go down on Center Street, right by Washington, you can see we have it barricaded; what is out there, about 300 feet, there is box culvert that was just out of masonry and pipes just flows into that; well that is starting to ; you know the mortar joints scour away over time. That is at least 75 years old or so. So it is starting to collapse and it is starting to wash away and the road is starting to get undermined so I think that is a priority. Thanks to Jerry Mack and everyone who has helped to prioritize that. We are going to have to replace about 400 feet all the way up to Washington. From tunnel 3 to Washington. Unfortunately it is going to require curb replacement; some utility coordination with electric some pavement replacement; some tree removal. I do not see any way around that.

Stephen Stuart: Do you have an estimated cost for each one of those?

Shane Kremser: We did come up with some preliminary numbers and Larry went around to the different directors and we actually talked about what our 20% share of having available funds.

Larry Paxton: The lift station with everything included; we estimated; and we have the previous study of this about \$460,000.00 dollars for that; it is a complete replacement. All the pumps, the back up power. The Luther Street, we have an Engineer's estimate of that a couple of years ago. We added some inflation factors into it for about \$160,000.00 dollars for that job. The traffic signal has been figured with the configuration of those two intersections very easily spend \$100,000.00 each on that.

Shane Kremser: I would say it is going to be around \$250,000.00 at least. We just measured it today; we have to do more detail.

Robert L. Valentine W1: Which one are you talking about now?

Shane Kremser: Center Street.

Mayor Stewart: Item 2.

Stephen Stuart: Are these Grants, or Loans or what are the conditions surrounding these things?

Larry Paxton: Usually about 80-85% Grant. The city has to match 20% of that. We prefer not to apply for loans. This is only the beginning process. We are not guaranteed by any way shape or form that all these projects are going to be funded. Shane still has to meet with the County Engineer or an able representative

for this County. We have to prioritize the projects. You may get one project, you may get two. Hopefully we will get more than that.

Robert L. Valentine W1: That is the question I was asking; I thought maybe it was semantics, like section 3 says, Maybe submitted; otherwise it just makes sense that you put at least four down; doesn't necessarily mean you are going to get them.

Paul Wertz: Isn't there 8 counties involved in this district for this?

Larry Paxton: District 16.

Ruth Detrow: These also are quite important; if they aren't funded though; we don't have the money to do it do we at this time?

Robert L. Valentine W1: Usually we have been getting what, ½ million?

Larry Paxton: Last year we were very fortunate we had three projects funded with a fourth one still working on the resources to get funding through the state. So we got at least three projects funded last year. We have a pretty good chance of getting one or two of these funded.

Robert L. Valentine W1: ½ million isn't that usually what we get?

Larry Paxton: It can depend because it is a priority the county gets first pick and then the city gets first pick. Vice versa each year.

Mayor Stewart: We are in that range though Bob. We are in that general range.

Robert L. Valentine W1: I remembered that tonight. I participated in that.

Questions or discussion?

Move the Resolution be passed on the first reading by Robert L. Valentine W1, 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 Ruth Detrow, seconded by Paul Wertz to invoke Section 113.01 of the Codified Ordinances as the distribution of this Resolution 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 that the Resolution be passed by Stephen Stuart seconded by Robert L. Valentine W1.

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

WARD REPORTS:

Councilman at Large
(a) No report.

Stephen Stuart

Ward 2

Robert M. Valentine

(a) I had a guy from Glenwood call me and I called Shane up and he took care of it. It worked out well.

Ward 1 Robert L. Valentine

- (a) I had a couple of calls; one on rubbish pick-up on Liberty, north Columbus Circle and Jerry is working with that. Had another call S. Countryside talk to the Mayor about that and he talked to Mr. Hunter. Appreciate it very much.

Ward 3 Ruth Detrow

- (a) No report

Ward 4/President Paul Wertz

- (a) The only thing I had, I talked to the Mayor, so he is taking care of that.

OLD BUSINESS:

None.

NEW BUSINESS:

(a)
Robert M. Valentine W2: I know we are getting ready to re-bid the Health Insurance and I talked to a gentleman; Milestone benefits, Kent Birmingham and he is the one that brokered the City Schools to get their insurance. I guess what I am concerned about is when you send these bids out; that all of the information on these request proposals get sent with the prospective bids because he told me that if all of this information doesn't go; if you just send a little bit of information; it will be like generic, or it will come back and all will be about the same. This information needs to go out with every one of the bids; the prospective bids.

Mayor Stewart: Mr. Valentine; I think we are going to step further than that in that the exact coverage that we have today, the terms of the coverage, the complete policy will be sent to the Buren Insurance Company, Ohio Mideastern Regional Education Service Agency, Wells Fargo Insurance; Milestone Benefits Agency; Ingram Insurance, Bob Enger Insurance as well as the current coverage and it will be in its entirety and will cover everything that is on there. I know that you have some contact and I would like to know and the fact of the matter is; my cover letter dated yesterday went to and I am going to read it: [The City of Ashland is currently beginning a process of reviewing Health Insurance providers to determine what is the best insurance we can provide for city employees at a cost effective rate. Ernie Ash, the city's independent Health Insurance Broker of record has been charged with this process. Mr. Ash has over 30 years of experience as a professional in the Health Insurance Industry. He has been instructed to use the city's current Health Care Plan in employees' census for securing quotes. Mr. Ash will bring the information to myself and other city officials for the final determination of what Health Insurance provider would best serve the city. The city's renewal date is January 1, 2010 and is our intention to have a decision made by mid October. That pretty much reflects the email that I sent out to Council and you specifically earlier Bob. I trust that it is well covered.](#)

Robert M. Valentine W2: I was just concerned because we need to, as you know; we need to look at every aspect to save the city money. The best plan, it might save some money, might save our employees some money. It doesn't look like a very good year so. Whether we can help each other, I think it would be a good thing.

Mayor Stewart: Well it is in all of our interests to try and get a good plan at a good cost.

Robert M. Valentine W2: Okay, that is all I am concerned about.

Robert L. Valentine W1: My question is, I understood what you were saying, but we were saying that when you send it out, it is going to be the plan that we have now?

Mayor Stewart: That is accurate. I don't know how else to bid an insurance plan to get everybody to bid the same thing if you are not very specific. And the plan that we have today, whether we take that plan or not, is what we need to quote to. And once it is quoted, if we want to pick and choose, I think that is appropriate, but I don't know how else to quote a package put together. I don't know how I could put together and evaluate when you start again. I don't know how I could evaluate proposals that weren't all based on exactly the same thing. Because the insurance industry is, I don't want to say it is Greek to me, but it could be. There is a lot of fine print in every policy. It is my intent to get us the best proposal as possible at the least cost and then I have no problem at all sitting down and saying we can no longer afford this. We are under an agreement with our Unions that we can change providers, but we can't change coverage without negotiations. Is that right Cherie?

Cherie Helterbride: Yes.

Robert L. Valentine W1: Their contract expires as of December 3, 2009.

Stephen Stuart: Question, it is not related to this topic. When we have been approved for any Stimulus Grants at all.

Mayor Stewart: Other than what Ellie spoke of for the transportation, no.

Ellie Grubb: Yes. The Neighborhood Stabilization program.

Mayor Stewart: It is to remove and make Green space out of any houses that have been uninhabited for at least 6 months.

Ellie Grubb: You know for buyers who cannot get a down payment, if you qualify, that is not for LMI that is for LMMI. So a single person who makes \$45,000.00 would qualify for this program. And again, they obviously have to have a job and they have to be able to handle the mortgage that is left but they could receive up to \$20,000.00 dollars from this stimulus money, this \$182,000.00 for a down payment and also up to \$20,000.00 for rehab.

Stephen Stuart: We had submitted other projects for consideration; have we heard the status on any or those?

Mayor Stewart: Yes we have. We have not been denied but we have not; how has the list been set up Larry? What we were doing for the buildings?

Larry Paxton: It is not denied but it is not accurate.

Mayor Stewart: For further consideration or something. In my opinion it is a nice way to say no. We did go after some Cops money and that was not approved either.

Ellie Grubb: Along with the Capitalized Maintenance program, though there is stimulus money for providing vehicle for transit. Which the Federal Government will pay 90% of that.

Mayor Stewart: That is the \$39,000.00 dollar one Ellie?

Stephen Stuart: Was there any explanation on the Cops?

Mayor Stewart: No. It was granted, the closest community that I am aware of was Bucyrus got one or two, Cleveland got a flock. There were several.

Jeff Swank: Mansfield got three Grants.

- (b) Great Lakes Fence Company: Wants to construct an 8-foot fence around perimeter of Lance Inc., Archway Bakery/with 3 strands of barbed wire atop.

Bruce Diamond, Great Lakes Fence: This is driven pretty much by one of their main Vendors, which is Walmart that now has to adhere to an International Baking Code. The Baking Code requires enhanced perimeter security. As you guys can probably smell they are making their Holiday Cookies now and they need approval as soon as possible from WalMart. WalMart is one of the companies that helped secure, that drives this whole economic, lets say restructuring of Archway Cookies. Some other factors is that there are food safety issues, if there is ever in the future any kind of a work stoppage; they have no perimeter security what-so-ever; and Lance has a company policy where they require enhanced security. The reason why the Barbed wire is the way it is to be able to show these Vendors and Users that they have complied with what is called the BRC, which is Baking Regulatory Code. That is above and beyond what the United States calls for. They need this pretty much to get this approved as soon as possible because their contracts are requiring that they provide this for their security and they are asking whatever Council and the City can do to expedite this would be greatly appreciated. If you have any questions? What we did, there is six foot tall Barbed Wife across the street at the Fairgrounds currently and what we have done for safety reasons; is an eight foot tall fence that won't interfere with if anybody is over six foot tall and is next to the fence, you know it is a hazard, so for safety, we have it up in the air high enough where it is not going to be a hazard to people and the other thing we are doing is we want to angle it out for security. It is an enhanced security issue and the other thing that they mentioned in our meetings was they had gotten some information from Homeland security and they are trying to adhere to the enhanced security issues of being a large food manufacturing company. This is why they brought us in because we got the job done very quickly and to fulfill the needs for Archway. Any questions, I would be happy to answer them.

Robert M. Valentine W2: We went through this with Aber's and didn't we make them tilt it inward?

Mayor Stewart: Yes. This is tilting outward.

Bruce Diamond: And that was also six foot tall, which is a safety issue.

Mayor Stewart: Well that is pretty common all around the country, six foot. And in Ashland, it is extremely common. A layer of fence has been allowed. Barbed wire is not allowed without a Resolution from Council.

Bruce Diamond: That is what we are trying to Apply for is the Resolution.

Robert M. Valentine W2: And that is the last two we had done Glen, has been inward. What does our Law Director say.

Richard P. Wolfe II: I would suggest to you that first of all barbed wire is the exception, not the rule. And there needs to be good reasons for it. This is a fairly extensive fencing. First of all there is nothing that prohibits them from having fencing, it is the barbed wire that is the issue. There are safety reasons. There needs to be good reason to have it. I would urge Council to look at it; go look at it; to go look at what we had previously approved. I think we should probably stay consistent to that unless there is some good reason to mediate from that. Their urgency doesn't mean we should not give this thorough consideration. I am not sure what the Baking Regulatory Code is. But it was just indicated apparently it is more stringent in Federal regulations; so I just think Council should come to a conclusion that if you wish to approve this, that there is good reason for it. Before the Barbed wire aspect.

Stephen Stuart: What are the pros and cons of facing out vs facing in?

Bruce Diamond: The pros are to enhance security; it is very difficult if somebody lays something over the barbed wire to crawl over. If it is facing in then put a piece of cardboard over it, crawl over the top and in. We are not trying to have a Prison here but any high security situation; barbed wire is always facing out. They are concerned about food safety. They have tanks of molasses and Sucrose that are pretty much

now; right now there is no security for these items and truthfully it is something they would have been happier with just a six foot tall fence but because of their relationship and wanting to please WalMart; this is all pretty much driven by their security demands.

Robert M. Valentine W2: I don't think WalMart is going to matter if the fence goes like this or goes like this (in or out).

Bruce Diamond: They do have security requirements that another company is putting in turn styles, putting in power-operated gates; they are restricting the flow into the factory and they are having security at all entrances. It is not just a fence. It is a whole high security.

Paul Wertz: Could you share that with Council what theirs is?

Ruth Detrow: I would like to see it in writing. I would like to see what they are requiring and what the penalty is if they don't. They will probably just say, well we won't sell your cookies.

Bruce Diamond: Well it is something they can buy; Walmart is a pretty big player these days. They can buy cookies from anybody they want. Archway to secure the contract with them made commitments. Now they didn't say the Barbed wire has to be in or out. But they did let them know that they want enhanced security, which in the fence it means a little bit taller; it is not a critical whether it faces in or it faces out. But it is not really a safety issue; it is not low enough where it would do injury. They would rather have; see they are doing this in all their plants all over the country and this something that they made a commitment to Walmart that they would get this done as quickly as possible so they could continue being a Vendor for WalMart. It is really driving the whole economic structure of what is happening at Archway to be able to have a customer like them that could; they just can't have one factory, let's say in Minnesota that has the security and this factory not. They have to have all. They could make crackers there one day and they could make Christmas Cookies there another day. So they have to be able to all to be on the same page.

Ruth Detrow: So you have a list of what has to be?

Bruce Diamond: I did not get a list; what I got was a directive from the people.

Ruth Detrow: I would like to see a list of what they are supposed to do in order to get this contract. And I understand it would be a huge contract. I don't want them to miss the chance.

Paul Wertz: As important as this is, why is not a corporate person here? I know you are representing them but, send somebody from Corporation. Lance be here to explain this to us.

Bruce Diamond: Okay, I will let them know they can come to the next meeting and you need more information. I know he had some conversations with the Mayor and we are trying to start the whole ball rolling.

Mayor Stewart: Let me share this with you. The local manager, Jeremy Boland, contacted me and asked me about a fence with barbed wire. I told him that a six-foot fence without barbed wire was not a problem. A six-foot fence with barbed wire required the actions of Council and if he wanted to have a six-foot fence put in; as far as I was concerned he could start putting it in. That barbed wire just sets on the top of the posts. There is no detriment if council would turn it down, they would still have a fence. An eight foot fence or nine foot overall was never mentioned to me. It is brand new.

Richard P. Wolfe II: I cannot tell from the diagram but is any portion of this intended to be on the property line?

Bruce Diamond: It is well within the property line. The property lines are illustrated on the perimeter of that drawing and where in many cases where 25 feet away from the property line.

Richard P. Wolfe II: It looks like in a couple of places where it is going right along the property line; I just want to know. Up front at KMM properties, there are two sides there and by Mowry it looks like a side there. If it is at any place along the property line and facing out or facing in is an issue because it would extend over the property.

Bruce Diamond: That is why we stayed more than one foot off of the property. And Mowry directed us where to put the fence. They went and marked exactly where they wanted us and we worked with neighbors on both sides. We are also removing and replacing the very old and rusty six-foot tall fence that runs along the property between us and the other side. I don't have a copy of it. But it is the other side of it. It is where there is currently a truck and financial.

Richard P. Wolfe II: On the north side or south side?

Mayor Stewart: On KMM properties.

Bruce Diamond: KMM properties. That is right along the property line. There is currently six foot tall plus barb there. So there we would just be replacing the existing; pretty much dilapidated and overgrown with weeds, six-foot tall fence plus barbed wire.

Mayor Stewart: Have you started any of this installation?

Bruce Diamond: Just the fence, not the barbed wire.

Mayor Stewart: I thought I saw a lot of post holes dug.

Bruce Diamond: We have the barb arms on now facing out without barbed wire on them. So if anybody wants to see what; how much it moves off the property line or what it would look like with the barbed wire on it; we could turn those around or we can eliminate it.

Stephen Stuart: Well, you have installed; started the installation process of eight-foot fence right now?

Bruce Diamond: Yes.

Paul Wertz: My concern is; once we passed it, we always had the fence inward.

Robert M. Valentine W2: Barbed wire.

Paul Wertz: Yes the Barbed wire inward. Why would we want to.....

Bruce Diamond: It is like in the city of Cleveland if you have barbed wire on a fence; it has to be over six foot tall. Because it is a hazard and a lot of times you don't want to transfer the hazard to the people on the outside but that is why we went to the eight foot tall so it wouldn't be a hazard to anyone.

Richard P. Wolfe II: I don't have the material in front of me but I think there is an issue about an eight-foot fence too.

Robert M. Valentine W2: Six foot is what is allowed, right?

Mayor Stewart: There is eight foot allowed at a junkyard. I have to share my thoughts on this Ladies and Gentlemen and Council people. I had a telephone conversation with Mr. Boland and he is a very upright and I would give him my last nickel but we never talked about an eight-foot fence. We talked about six foot fence and he could go ahead and start it anytime he chose to but he couldn't put barbed wire on that six foot fence without coming to Council. And I don't know the issue about eight-foot fence whether it is permitted or isn't permitted. There is not an action of Council for a six-foot fence, I am confident of that.

Stephen Stuart: Well I thought maybe a compromise to expedite their enhanced security need would be for us to authorize an eight foot fence without barbed wire now and study the barbed wire issue subsequently but I am not real excited about doing that when they already started the eight foot fence.

Mayor Stewart: Mr. Stuart, they probably started because I had told them that six-foot fence is not a problem but I never talked about an eight-foot fence.

Ruth Detrow: You know, it makes sense to me that an eight foot fence, if they are going to put barbed wire on top; it would better to have an eight foot fence so it is out of reach rather than a six foot fence which a tall person could reach up on. That makes sense. But I hate to think of more barbed wire in our community anyhow.

Bruce Diamond: There are no residents. There are factories.

Mayor Stewart: Well there will be 14 or 15 thousand people there across the street at fair time.

Bruce Diamond: Some of that at the fair is five foot tall plus barbed wire.

Paul Wertz: What does everyone want to do? Come back in two weeks?

Stephen Stuart: They are in the process of installation right now.

Bruce Diamond: Jeremy did not stipulate and it might have been an oversight on his part but he told us; we can put up fence, we don't need a permit for the fence, we do need to go to Council and get barbed wire approved. So start tomorrow.

Mayor Stewart: And when he talked to me, he wanted it. He said he had to have it done in 11 days. I said, it takes Council action on the barbed wire.

Richard P. Wolfe II: I suggest to Council, to take the opportunity between now and the next meeting to look at it; give us a chance to review the height regulations; I can have a Resolution ready for the next meeting if you choose to entertain it and then lets go from there. If somebody else, as Mrs. Detrow asked; if you are able to provide some additional information that helps persuade Council in the meantime, that is fine. Council can consider that and then we will go from there. There is no legislation before you; you couldn't act on it right now anyway.

Paul Wertz: Once you have legislation ready for us the next meeting; we will look at it and see.

Richard P. Wolfe II: We will double-check the height regulation and procedures. When this matter came up, my recommendation was as the gentleman has done this evening to provide Council with the map and explanation of what they want to do and to be present here tonight. So he is doing that. So Council can be informed on this matter.

Comments or questions?

MAYOR'S COMMENTS:

(a) I had down here to cover Health Insurance, but I think we have done that. I would like, before we adjourn, I have a request.

Comments or Questions from the Audience: (Only items pertaining to the Agenda; and that opportunity will be given following the reading of the Ordinance).

Mark Miller, Representative for Firefighters Local 1386: I would like to apologize for being in casual mode here; but I came from a coaching obligation, forgive my dress.

I wanted to possibly see if you could clarify some of the insurance information; what exactly will you be sending to perspective companies that are bidding this? What we had asked for or requested and it was a combination of all of the Unions, who have represented us here tonight, asked me as well as to Police bargaining units, a detailed examination of not just our current policy but what we could use for the number of employees that we have, maybe less of a generic proposal than what it sounded like so I wanted to possibly see if you could tell us what the proposal would include that we send out. I understand your comments that we have to start somewhere to shop for these policies or plans but the information we requested was specific to what benefits we would be able to have with the number of members that we currently have in the unions. That it would be a detailed examination of our current usage and things like that. But it would provide us with that information. Not necessarily generic quote, but a detailed plan based on our utilization.

Mayor Stewart: Detailed by member?

Mark Miller: I think the record request to authorize an agent to look at our claims.

Mayor Stewart: I respectfully decline to change the agent of record. I think that is a management right Mark and I am going to stay there unless our Director of Law tells us different. The information I misinterpreted what the letter asked for. I thought that the letter asked for more flexibility in the plan and to look at the plan and I don't know how the quota plan that we can't define and I felt and I continue to feel that the plan that we have today, that covers everybody in the city that wants to be covered is specific in itself and in other words, if you go to a physician, you know what is going to be covered and what won't be covered. That is my interpretation. It may be wrong.

Mark Miller: And none of our members are insurance specialists. We had sought counsel from someone who is an insurance specialist. The one of record doesn't have the same I guess scariness to us that it might to others.

Mayor Stewart: Well you used it in the letter. The last page of the letter asked that Milestone be made the appointed agent of record.

Mark Miller: And only to examine the records. Not to have....

Mayor Stewart: I will have to get some legal advise as to whether we want to take that risk because it is my understanding we can only have one agent of record. I am not trying to pay hardball; I am trying to get the business done and I understand. I am of the opinion there are some that want to change to Milestone and they are going to get an opportunity to quote just like everybody else on the same football field.

Cherie Helterbride: The one thing I want to say is, when you take insurance out to bid, it has to be based on the census on the Health, amount of physicians, cost of claims. Every group that receives information will be given the very same information that has to do with the health, illness and the numbers of our existing group. In other words, no one could quote without information about how sick or how healthy or how many dependents. That is not generic, that is specific to the group.

Mark Miller: I was under the impression that this was an industry standard that something that commonly occurs between agencies quoting each other.

Cherie Helterbride: Mr. Ash has been in all respects of health insurance for over 30 years so he certainly knows the process and will provide everyone ample information to do the quote.

Mark Miller: If it satisfies the Council, then I would be satisfied as well. I wanted to see what you meant by sending out the same proposal.

Paul Wertz: Basically it is the same thing that Bob just brought up.

Robert M. Valentine W2: I had talked earlier. I just want to make sure all of this information that what I had is all on it.

Mayor Stewart: I have a copy of that and I am confident that it is there I will review it again.

Mark Miller: So the only question is agent of record. If they release that information to everyone.. (inaudible).

Mayor Stewart: They have too. No one can quote it without that information.

Richard P. Wolfe II: Bob Valentine covered that before you got here.

Robert M. Valentine W2: What I was making sure of was that everything on these sheets would go out to all of them. I don't care who gets the insurance; I am just trying to save money.

Mayor Stewart: You know; I want to save money too. And I can tell you that the city when we went from being our own insurance, if you will, we had stop losses. The following year, Cherie, about 1 million dollars?

Cherie Helterbride: Well, the last year with our self insurance we came to 3.2 million by the time it was all over, but even leading up to that we were estimating our costs at over 2 million. This last year, the city put 1.4 million; city share was 1.4 million to health insurance and that is 3-4 years out. That other was back in 2005. So we are still running a million or more under where we were three years ago and when we look at numbers that is good, however to take it out and get it costed out and to get everyone who wants. We kept track of every single group that contacted my office. We sent or are sending the same letter and same in depth information to every single group plus others, I mean there are other people who could bid. It depends on the amount of discount to know how much discount and who can purchase medical for and based on the network so how much network we have in this area. Places like SUMA that is excellent in the Akron area, but not good here or Allcare that is excellent in Stark county area but not good here and so it is like, there are lots of things to consider and that is why professionals are being hired to do that. Not hired, excuse, he is not getting paid for it, he is being asked to do that.

Mark Miller: I just wanted to clarify what exactly is going out so that we can update, because I have questions. I just wanted to make sure I understood what the Mayor said and I didn't.

Robert L. Valentine W1: Cherie, if it is less than what we spent last year, right? This year?

Cherie Helterbride: I didn't say this year was less than last year; I said in 2005, 2006 we spent 3.2 million dollars in claims. This year, 2008, the city's share was 1.4 million and this year it is projected at, worse case scenario was 1.9 and it is projected at 1.5.

Robert L. Valentine W1: I don't know why I heard figures like we saved so much money but maybe I heard wrong.

Mayor Stewart: Well you heard exactly Bob. From 2005 and 2006 when we were self insured, it was costing the city and employees 3 million dollars.

Robert L. Valentine W1: Of Course that happened to everyone's insurance.

Mayor Stewart: No we went from being self-insured. I mean I look at a million dollars, it is pretty significant.

Robert L. Valentine W1: If we are saving that, and we allocate how much? What do we allocate to spend? You know how much we are going to get in, right? If there is a difference, then we have a saving? Or am I wrong?

Mayor Stewart: No Bob.

Cherie Helterbride: That savings has all gone back into the General Fund Mr. Valentine and anything that, you know I think there has been; there is \$170,000.00 dollars worth of savings on the HRA last year alone.

Robert L. Valentine W1: That went back into the General Fund?

Cherie Helterbride: Yes, \$170,000.00 dollars a year prior to that and the first year \$90,000.00 dollars. So what we have to decide, like you say, this year it could be right setting on 2million dollars and the city's share and the employees share, there again, the only flexibility is, is how much of that HRA is used and right now we are tracking it at like 35%. So there is a good possibility that there will be money left at the end of the year going back in. The worst it could be is 1.9 for the city and the potential is 1.5; 1 million 5 vs what 4 years ago at 3.2.

Mayor Stewart: One of the reasons for having, requesting that the proposals be back by mid October; we will know what we need to budget for 2010 and it is allocated out by department, not by claims by the department but by allocation of cost per head. Is that true Cherie?

Cherie Helterbride: Yes.

Mayor Stewart: And then, the amount an employee pays is determined by which, what he chooses as far as family status goes.

Dennis Kitchen, AFSCME #2313: I have paperwork here I would like you to look at to maybe open your eyes and look at things in a different perspective as to what Shane and Mr. Paxton were talking about. I think this is appropriate; I am not trying to negotiate anything. This is a waterline project we just recently done; these are the figures. This is what it cost to do this project, without benefits and a few other things that the Mayor and I discussed before. You can see the difference in between the two. Basically we pooled together all the city engineering department and got help from the Sewer Department and Water Department and everybody pulled together to do these projects, this project that was going to be possibly contracted out, this is what I am getting to. I heard it mentioned something about a tree that needs removed on this Storm sewer project on West Washington Street. We have an arborist for that. Storm Sewer, we have a crew for that and another crew to pull together to possibly work and maybe save money doing it that way as opposed to paying a contractor. Just things to look at, that projects in the future that come before you; if you guys could think or keep us in mind as far as the city employees that you have working for you to get some of it done at a lot lesser cost to the city.

Mayor Stewart: I would like to make a comment and Dennis has talked to me about this and I think I have probably seen the same numbers. The estimates come in as we all know the Engineering estimates in today's standards and this is not throwing a stone a Engineering. We've got one and it just came in and it was about 50% of what our Engineering estimate was and the other area I want you to be aware of is that our Divisions are maintenance divisions, not construction and when I say construction; we many times can't afford to have people tied up on a construction project at a critical stage and have a maintenance situation that is at critical stages too. I am not in favor of the city getting into the construction business. I highly favor and continue to favor the city being in sewer, water, storm sewer maintenance and minor construction. That is just a comment.

Dennis Kitchen: I believe that would be minor construction. That is my opinion.

Mayor Stewart: I appreciate that Dennis. I just made a comment that's why we have so many lawyers employed around here, what is minor! I mean that frivolously.

Comments or questions?

Mayor Stewart: *I request that this Council consider moving to executive session to consider the appointment of a public official, the employment of a public employee and prepare for collective bargaining strategy seconded by Stephen Stuart.*

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

Moved to Executive Session at 8:09 p.m.

Move to return to Regular session 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.

Move to Adjourn Regular Session by Ruth Detrow, seconded by Stephen Stuart.

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

ADJOURNMENT AT 8:50 P.M.

Submitted by
Valarie F. Bishoff
Clerk of Council