
Ashland City Council

MINUTES FOR THE REGULAR SESSION OF COUNCIL Tuesday, November 3, 2009

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

ROLL CALL

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

PLEDGE OF ALLEGIANCE

PRESENTATION OF MINUTES

- (a) Regular Session 10/20/09
- (b) Special Session/Executive Session 10/29/09

Move to accept the minutes from 10/20/09 by Robert L. Valentine W1, seconded by Stephen Stuart to approve the minutes as received.

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

Move to accept the minutes from 10/29/09 by Robert M. Valentine W2, seconded by Robert L. Valentine W1 to approve the minutes as received.

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

Abstain: Paul E. Wertz

No corrections or additions.

LEGISLATION

Ordinances:

Ord. No. 77-09

Item (a) AN ORDINANCE ESTABLISHING CERTAIN FUNDS TO DEPOSIT AND EXPEND MONES FOR THE PURPOSES SPECIFIED; AND DECLARING AN EMERGENCY.

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

Comments:

Larry Paxton: This Ordinance establishes a Department of Justice Assistance Fund. It is a Grant that the Police Department has applied for to receive \$5800.00 dollars. That is the first fund that we are asking to be established. The second is a Brookside Nature Preserve, Fund 451. That allows the city to complete the Sandusky Hollow Preserve Grant through the Ohio Public Works Commission. It is a requirement of that program to establish a fund for

that. The Public Works Program will fund about \$286,000.00 dollars, I believe of that program and the rest is incoming from the city. We have to allocate those funds for this. The third fund is a Sewer Capital Improvement Fund. Last year, this body issued \$600,000.00 dollars in Capital Improvement Notes for the Sewer Department. During the evaluation of the notes for this year; bond counsel as well as Mr. Strine and I discussed where those proceeds have been deposited. They have been deposited into the 611 Sewer Capital, the Sewer operation Fund rather than into a separate Capital Improvements Fund. We are asking that this fund be established at this time but we are not allocating any monies to that because the Sewer Fund has already paid for some Capital purchases that it borrowed the money for out of this money that is in their Operating Fund. So at sometime once we obtain what actually is remaining of that Note money, we will ask you to appropriate the money into that Fund at that time.

Stephen Stuart: How are the Notes retired for that?

Larry Paxton: That is an annual rollover and it has a principal interest payment; I believe at the time of the discussion of borrowing that money that it would be set up on a five-year pay back. In other words, the Sewer Department had to pay that back over a short period of time.

Mayor Stewart: Steve there was a lot of discussion about the appropriateness of borrowing money last year and when the sewer rate adjustments were put into place; the requirement, not written but as we all concurred, that that \$600,000.00 had to be paid off in five years.

Discussion or comments?

Moved by Ruth Detrow, seconded by Stephen Stuart that the Ordinance be passed on the first reading 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: Paul Wertz, Stephen Stuart, Robert L. Valentine W1, Robert M. Valentine W2, Ruth Detrow.

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

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

Move the Ordinance be passed by Robert L. Valentine W1, seconded by Robert M. Valentine W2

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

Ord No. 78-09

Item (b) AN ORDINANCE CREATING ADDITIONAL APPROPRIATIONS FOR THE FOLLOWING HEREIN-AFTER 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.

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

COMMENTS:

Larry Paxton: This Ordinance, we are requesting additional appropriations as well as transfers within the spending bill from 2009. The first is the Parks Department, an additional \$35,000.00. That is for the benefits of the park director and the foreman. During the appropriation process, those were inadvertently left out. They were newly created lines after we had created them; the Mayor had submitted the appropriation. In doing that it has created a shortage in the pension funds; the Medicare, the hospitalization and the HRA lines. We may have missed another one. But that is what we are asking for that particular line. The next two are Fire pension and Police pension

lines. In the previous practice, the General Fund, the pension lines; those monies were transferred to the; these are property tax funds, 236 and 238. The General fund money was transferred to these funds. Then the pension funds will be paid out of those. Since June, that has been discontinued. We will now pay for the Police and Fire pension funds; the property tax will pay its share and once that fund is depleted, then the General fund will pick up the rest of the remainder of the liabilities for the pension funds. The fourth item was a fire and rescue equipment fund. At the beginning of February, the pumper tanker that the fire department purchased last year; that was refinanced. When we prepared the appropriations, we anticipated one refinance rather than two. Recently when the various purpose notes were issued or re-issued, that tanker was rolled into that various purpose note to allow the city to gain a better interest percentage on that money. In doing that, we have to appropriate; we are asking that you appropriate another \$200,000.00 dollars to show the refinancing of that truck. That money came in and then it went back out on the note. We still owe \$200,000.00 on that truck. The next item is the D.A.R.E. fund. When the appropriation was prepared, we did not appropriate all of the anticipated revenue of that fund. Since that program is not operational at this time, we are asking that the remainder of that be appropriated so that we can reimburse back to the General Fund expenses of the D.A.R.E. program. The next item is the Justice Assistant Grant that you just created a fund for. The next item is the Water Softener Capital Improvements Fund. There was an additional need. There was some revenue that was brought into that fund and not appropriated. We anticipated and appropriated this year. That is \$56,373.00. The next item is the Brookside Nature Preserve and that is where the money from the fund you just created, that is where we are appropriating that money to complete the purchase of that property as well as we also have to show you the incoming contribution.

Robert L. Valentine W1: What percentage do we have to pay?

Larry Paxton: We only have to pay the 280 or 258, whatever that number was that I mentioned.

Robert L. Valentine W1: 258.

Larry Paxton: 258, yes.

Robert L. Valentine W1: Thousand?

Larry Paxton: Yes. But that is paid through the Ohio Public Works Commission. That is not something where the city is going to pay it. It is going to come through in a Grant program. The other item is the Pool. It had some conditional operational expenses and we are appropriating and we are asking you to appropriate additional monies to cover that. The next item is the Reservoir improvement fund. Unfortunately, this fund had over 1 million dollars in it but we didn't appropriate the exact change; and that is 60 cents. That is something we are asking you to appropriate. In order to clean the books up we have to have that 60 cents. The next item is the Health Care Insurance Fund. Initially, we thought that this fund was going to be depleted and abolished out of the appropriation. You can't do that because that is where the HRA that the city pays toward the Health Insurance. That is where that is paid. So we are asking for an additional \$178,000.00 dollars to be put into that as well as at the bottom of the transfer line, we need to shift that \$140,000.00 out of the transfer line item and bring that back up into the HRA line. The total on that is about \$319,000.00 dollars. But at this point, why that is going to be very close to what we spend. We may be a little short on that. That is all of the additional appropriations. The court system has asked that we transfer \$12,000.00 from their operational up into a personal service line. That is an attempt by the court system to offset and save some general fund.

Questions or comments?

Moved by Ruth Detrow, seconded by Robert L. Valentine W1 that the Ordinance be passed on the first reading 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: Paul Wertz, Stephen Stuart, Robert L. Valentine W1, Robert M. Valentine W2, Ruth Detrow.

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

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

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

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

WARD REPORTS:

At-Large: Stephen Stuart

No report.

Ward 2: Robert M. Valentine

(a) Jerry is not here. I have some things for Jerry. I will call him in the morning.

Ward 1: Robert L. Valentine

(a) I had a couple of calls. One, it dealt with an area not too far from where the Mayor resides. Across 42, Mifflin Avenue, go east, Creekview Court, Deer Trail and Twin Leaf Court. I didn't know those were right there. A person called me and I got in touch with Shane about this. He explained to me what the situation was. I guess there is a problem with all three of those. What had happened when they constructed those; they only went so far as the first house. Then when they put the Cul-de-sac in, and the other, so there is an area right in between. And there was a concern by the people or the one person up there about that and I appreciate it. I sat down with Shane and he explained what the situation is and he is talking about remedying it in the future. I don't know if you want to add anything onto what I said. I just appreciated talking to you. I called them back. I did not get a call back.

Ruth Detrow: What area is it?

Mayor Stewart: It is where I live Ruth; In front of my house. I live on Twin Leaf Court. I am very familiar with it. The Engineering Department has put an inordinate amount of time in it as well as the Street Division trying to figure out how to remedy it. The actual situation is that when Phase I of each of these streets was put in, the pavement stopped. When they went with another few lots, they extended the pavement. The sub-base in that area where they picked up and went with additional, maybe four feet, it is mush. We have already been up there, cored it and pulled the asphalt out and putting new asphalt in. It is like putting it on wet sand. It has got to be stabilized.

Robert M. Valentine W2: You are going to have to undercut it.

Mayor Stewart: I am surprised that they called you because we have probably had five calls, several of them from the same party. I personally answered that party while I was on vacation. That's okay I don't mind that.

Robert L. Valentine W1: Well I called them back and explained that I had talked to Shane and also I had mentioned you.

Mayor Stewart: It is a real mess.

Robert L. Valentine W1: Well, in future expansions and things like that, we have a remedy.

Robert M. Valentine W2: We learn from our mistakes.

Mayor Stewart: You learn from it. You learn that you need to have inspection on site when it's done. And have it done in a more consistent manner. You can pick out every joint line in that subdivision up there.

Robert L. Valentine W1: Of course, you know when I drove up center Lane; I hit one right by you. It is right there too. It was a little bumpy, well they were complaining about being bumpy. It was no bumpier when I drove there.

Ward 1 (cont'd) Robert L. Valentine

(b) Area on Edgewood Drive and it dealt with a trailer and I got in touch with Rick on that and I wanted to thank him. He didn't make it tonight but he resolved it.

Mayor Stewart: Bob, if it is appropriate in your Ward; Redwood Drive has street light problems. Those are the decorative streetlights. It goes down in front of the condos on one side, the hospital on the other side. We are attempting; we accepted that street and the street lights came with it. But we don't know where the wiring is, it is all underground. There has been discussion and when they planted the trees, some of that wiring was cut and repaired. Jerry Mack has had a commitment from one of the developers or contractor to get that wiring diagram as built so we can go in and work on it. But I have had some calls and I suspect you may have. We are working on that, if you get a call. There are several lights out up there.

Ward 3 Ruth Detrow

No report.

Ward 4/President Paul Wertz

No report

Old Business:

Robert L. Valentine: Well, I was going to ask some questions but Jerry is not here. So we can move on.

Mayor Stewart: He is on vacation; he will be back Thursday morning.

New Business:

(a) Re-appointment of Ev DeVaul as Board Representative for the city on the AACED Board. The term he will be serving includes 2009 & 2010.

Paul Wertz: This is kind of an oversight on our part. We should have done this earlier, instead of now.

Motion to re-appoint Ev DeVaul as Board Representative for the city on the AACED Board Paul Wertz, moved by Stephen Stuart, seconded by Robert L. Valentine W1.

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

(b) Ashland Planning Commission recommends: Request for Establishment of Zoning (Buechele), "R-L" (single family dwelling) residential District, Milton Township, Buecheles Revocable Trust, southwest quarter of Section 13, Township 24-N, range 17-W. This is to set a hearing.

Paul Wertz: Second meeting in December. December 15, 2009. At 7:10 p.m.

(c) Ashland Planning Commission recommends: Request for establishment of Zoning (Steve Cellar), "R-A" (Multiple family dwelling) residential District, Montgomery Township, southwest quarter of Section No. 5, Twp 22 N, range 16 west and being the land owned by Steven W. & Sheryl J. Cellar.

Paul Wertz- Second meeting in December, December 15, 2009 at 7:20 p.m. It has to be 30 days.

(d) Ashland Planning Commission recommends: Request for proposed re-zoning, (Martin House) “R-A” (Multiple family dwelling) Residential District to “R-S” (all uses permitted) in Residential districts, Montgomery Twp, southwest quarter of section no. 17, Twp 22-N, range 16 west.

Paul Wertz – December 15, 2009 at 7:30 p.m.

MAYOR’S COMMENTS:

Mayor Stewart: The city of Ashland has a lot of front page this morning. But the more important front page was the Chief of Police is retiring. He just told me; this is going to be his last meeting here. So, congratulations chief. I want to compliment the Chief publicly on his ability to manage the Police Division. He has done, in my opinion, a remarkable job for a long time. He has done it with less funds and fewer people than any of us would like to operate with, but very professional. I wish him the best in his future. If he can get out of here and head south for a few weeks this coming winter, well, more power to him. Enjoy the retirement. Don’t do like I did. Don’t sign up again. I enjoy what I do. But whatever you do, enjoy it. It is very important.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: (Items not appearing on the Agenda)

None.

Motion to move to adjournment by Robert M. Valentine W2, seconded by Robert L Valentine W1.

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

ADJOURNMENT

Meeting Adjourned at 7:23 p.m.

Submitted by
Valarie Bishoff
Clerk of Council